

STAFF REPORT  
January 27, 2009

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**No. 08VE023 - Vacation of Utility and Minor Drainage Easement**

**ITEM**

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GENERAL INFORMATION:

APPLICANT	Larry P. and Terry Silver Wetch
AGENT	Ron Davis for Davis Engineering, Inc.
PROPERTY OWNER	Larry P. and Terry Silver Wetch
REQUEST	<b>No. 08VE023 - Vacation of Utility and Minor Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lot A of Tract C of C.D. Round Subdivision, located in the SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.07 acres
LOCATION	3401 Sturgis Road
EXISTING ZONING	General Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	Low Density Residential District (Planned Development Designation)
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	8/18/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

Staff recommends that the revised Vacation of Utility and Minor Drainage Easement exhibit vacating the easements along the north, east and west property boundaries be approved.

GENERAL COMMENTS: The property is located at 3213 Sturgis Road. The property is currently zoned General Commercial District. The adjacent properties to the north, south and east are currently zoned General Commercial District. The adjacent properties to the west are also currently zoned Low Density Residential District with a Planned Residential Development. The applicant is requesting to vacate an 8 foot Utility and Minor Drainage Easement along north, east, and west lot lines of the property. The applicant has indicated that the vacation of a Utility and Minor Drainage Easement is being requested because a retaining wall and a six inch portion of storage building erroneously encroach into the easement.

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On June 10, 2008 staff approved a Final Plat (File #08PL08) for the property.

STAFF REVIEW: Staff has reviewed the Vacation of Utility and Minor Drainage Easement and noted the following considerations:

Site Plan: On November 25, 2008 the applicant submitted a site plan that identified the existing structures and the required parking located on the property. On January 19, 2009 the applicant submitted a revised site plan that is drawn to scale. On January 20, 2009 the applicant submitted a revised site plan that is drawn to scale and identifies the encroachment of retaining walls and a storage building into the easement.

Drainage Plan: On November 25, 2008 the applicant submitted a written statement indicating that the existing drainage easement is not needed. Staff reviewed the written statement that was submitted and is in agreement that vacating the Utility and Minor Drainage Easement will not negatively impact the adjacent properties.

Written Statement: A written statement of the proposed intent of vacating the Utility and Minor Drainage Easement was submitted on November 25, 2008. The applicant has indicated that the Vacation of Utility and Minor Drainage Easement is needed because a retaining wall and a six inch portion of a storage building currently encroach into the easement.

Utility Company Approval: The vacation of a utility easement requires review by all affected utility companies. All of the affected utility companies have responded to the request. On August 29, 2008 staff received a letter from Qwest stating that the Utility and Drainage Easement along the southern portion of the lot is needed, but they are in support of the vacation request for the other three sides of the property. Subsequently, the applicant submitted a revised exhibit on November 25, 2008 identifying that Utility and Drainage Easement along the southern portion of the lot will remain.

The applicant has demonstrated that a retaining wall and a six inch portion of a storage building erroneously encroach into the existing 8 foot wide Utility and Drainage easement on the property. As such, staff recommends that the Vacation of Utility and Minor Drainage Easement as revised, vacating the easements along the north, east and west property boundaries be approved.