

STAFF REPORT
January 22, 2009

No. 08VR008 - Vacation of Right-of-way

ITEM 50

GENERAL INFORMATION:

APPLICANT	William Taylor
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	William Taylor
REQUEST	No. 08VR008 - Vacation of Right-of-way
EXISTING LEGAL DESCRIPTION	The Monroe Street right-of-way from the east right-of-way line of Milwaukee Street to the west right-of-way line of the D.M. & E. railroad, located between and adjacent to Lots 11 thru 17 of Block 13, and Lot A of Block 18 of Wise's Addition to Rapid City, located in the S1/2 NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .55 Acres
LOCATION	Monroe Street between Milwaukee Street and Waterloo Street and west of the DM&E Railroad Right-of-way
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/24/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-way be continued to the February 5, 2009 Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate approximately 300 feet of Monroe Street right-of-way located east of the intersection of Milwaukee Street and Monroe Street.

Currently, a City water main and an overhead electric line are located within the right-of-way.

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This portion of the Monroe Street right-of-way has not been improved with curb, gutter, sidewalk, street light conduit, sewer or pavement.

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-way Request and has noted the following considerations:

Utilities: As noted above, a City water main and an overhead electric line are currently located in the north half of the right-of-way. The applicant has indicated that a surveyed site plan will be submitted for review and approval showing the specific location of the utilities. In addition, the applicant has indicated that a utility easement will be recorded for this portion of the right-of-way that includes the area of the existing utilities. Staff recommends that the Vacation of Right-of-way request be continued to allow the applicant to submit the surveyed site plan and to submit a utility easement as proposed.

To date, the applicant has not submitted written documentation from all of the affected utility companies indicating concurrence with the Vacation of Right-of-way request. As such, staff recommends that this item be continued to allow the applicant to submit the written documentation as required.

Drainage: To date, the applicant has not submitted drainage information to demonstrate whether a drainage easement is needed in the area of the proposed Vacation of Right-of-way. As such, staff is recommending that this item be continued to allow the applicant to submit the drainage information and to secure a drainage easement if needed.

Property Owner Signatures: This portion of Monroe Street could potentially serve as access to four properties. As such, all four property owners must sign the application and the "Petition to Vacate Public Right-of-way". The applicant has submitted an application and a "Petition to Vacate Public Right-of-way" signed by three of the four property owners. However, the application and the "Petition to Vacate Public Right-of-way" must also be signed by DM&E Railroad Company. Staff recommends that the Vacation of Right-of-way request be continued to allow the applicant to obtain the DM&E Railroad Company property owner's signature as required.

Staff recommends that the Vacation of Right-of-way request be continued to the February 5, 2009 Planning Commission meeting to allow the applicant to submit the additional information as identified above.