

STAFF REPORT  
February 19, 2009

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**No. 09VR001 - Vacation of Right-of-way**

**ITEM 27**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
AGENT	No Agent
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	<b>No. 09VR001 - Vacation of Right-of-way</b>
EXISTING LEGAL DESCRIPTION	The east 180 feet of the 20 foot alley in Block 11 of Plainview Second Addition, lying between Sunnyside Avenue and Anamosa Street and west of the west boundary of Riley Avenue, the entire 20 foot alley in Block 12 of Plainview Second Addition lying between Sunnyside Avenue and the railroad right-of-way and east of the east boundary of Riley Avenue, North Riley Avenue 80 foot right-of-way lying north of East Anamosa Street, Cambell Street right-of-way lying north of the railroad right-of-way, Sunnyside Avenue 80 foot right-of-way east of the east boundary of Riley Avenue and west of the west boundary of Cambell Street, all located in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.784 acres
LOCATION	North of the intersection of North Riley Avenue and East Anamosa Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Medium Density Residential District
East:	General Commercial District (Planned Commercial Development)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/9/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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Staff recommends that the Vacation of Right-of-way be **approved**.

GENERAL COMMENTS:

**(Update, February 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the February 5, 2009 Planning Commission meeting to allow the applicant to either secure an alternate access to all of the adjacent lots or to vacate the previously recorded plat creating the adjacent lots. The applicant has subsequently, submitted a recorded "Declaration of Partial Plat Vacation" resolution showing the vacation of the adjacent lots. As such, staff recommends that the Vacation of Right-of-way be approved.**

The applicant has submitted a Vacation of Right-of-way request to vacate North Riley Avenue right-of-way, Sunnyside Avenue right-of-way, the west half of the Cambell Street right-of-way and the adjacent alleys that abut Lots 22 thru 28 Block 11 and Lots 1 thru 14, Block 12 of Plainview #2.

The property is located north of the intersection of North Riley Avenue and East Anamosa Street. To date, the rights-of-way and/or alleys have not been constructed. In addition, the adjacent lots are currently void of any structural development.

STAFF REVIEW:

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

Lot Access: Vacating the right-of-way as proposed will result in Lots 1 thru 14 of Block 12, Plainview #2 with no frontage on a public street or legal access. As such, staff recommends that this item be continued to allow the applicant to consider the option of vacating the plat for these lots as well as the right-of-way.

**(Update, February 9, 2009) As noted above, the applicant has submitted a recorded "Declaration of Partial Plat Vacation" resolution showing the vacation of the adjacent lots. As such, staff recommends that the Vacation of Right-of-way be approved.**

Utilities: All of the affected utility companies have submitted written documentation stating that they concur with the Vacation of Right-of-way request.

Staff recommends that the Vacation of Right-of-way request be **approved**.