

STAFF REPORT
June 25, 2009

No. 09VR004 - Vacation of the Section Line Highway

ITEM 27

GENERAL INFORMATION:

APPLICANT/AGENT	Phil Olsen for Olsen Development Company, Inc.
PROPERTY OWNER	Olsen Development Co., Inc.
REQUEST	No. 09VR004 - Vacation of the Section Line Highway
EXISTING LEGAL DESCRIPTION	The south 495 feet of the NE1/4 SE1/4 less Lot 1 and the unplatted portion of the SE1/4 SE1/4, of Section 22 and the E1/2 N1/2 NE1/4 of Section 27, all located in the SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 54.0 acres
LOCATION	2000 Golden Eagle Drive
EXISTING ZONING	Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation)
South:	General Agriculture District
East:	General Commercial District (Planned Commercial Development)
West:	General Agriculture District - Public District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/21/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the request to vacate the section line highway be approved with the following stipulations:

1. Prior to City Council approval, a utility easement, reviewed and approved by Montana Dakota Utilities Company, Qwest Corporation and the City of Rapid City, shall be recorded for the existing Montana Dakota Utilities Company gas line and Qwest Corporation telephone line located within the section line highway;
2. Prior to City Council approval, an access easement shall be recorded at the Register of Deed's Office securing a turnaround at the western terminus of the area of the section line highway to be vacated; and,

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3. Prior to City Council approval, an Exception shall be obtained to allow a 1,125 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with an intermediate turnaround every 600 feet.

GENERAL COMMENTS:

The applicant has submitted a request to vacate approximately 430 feet of the section line highway currently known as "Golden Eagle Drive" located between Sections 22 and 27 as described above. In addition, the applicant has submitted requests to vacate approximately 295 feet of section line highway located approximately 450 feet north of Promise Road (File #09VR003) and to vacate the western 3 feet of the section line highway located along a portion of Promise Road as it abuts the property (File #09VR002).

On April 23, 2009, the Planning Commission approved a Preliminary Plat (File #09PL018) to subdivide the property located north of the section line highway into 51 lots to be known as "Skyline Village". City Council will consider the Preliminary Plat at their July 6, 2009 City Council meeting.

On February 2, 2009, the City Council approved a Variance to the Subdivision Regulations (File #08SV059) to waive the requirement to dedicate this section line highway as right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway with the stipulation that the north half of the section line highway be dedicated as right-of-way and that the applicant sign a waiver of right to protest any future assessments for the improvements. The applicant has now subsequently requested that a portion of the section line highway be vacated.

The property is located between Vineyard Lane and Promise Road. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Vacation of Section Line Highway request and has noted the following considerations:

Access: Currently, Golden Eagle Drive, an unimproved dirt road, is located within the section line highway. The dirt road currently serves as access to the west side of the property located south of the section line highway owned by Jerald Johnson. Retaining the western portion of the section line highway as proposed will insure continued access for Mr. Johnson to this area of his property. Promise Road, located east of the section line highway, provides access to the eastern portion of Mr. Johnson's property. In addition, Mr. Johnson has signed the Petition to Vacate the Section Line Highway indicating concurrence with the request. Vineyard Lane and Promise Road also provide access to the balance of the abutting properties.

Vacating the section line highway as proposed will result in a street with no outlet. As such, the applicant has submitted a copy of a "public access and utility easement" securing an area for a turnaround at the eastern terminus of the section line highway. Prior to City Council approval, the easement document must be recorded at the Register of Deed's Office.

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Vacating the section line highway as proposed will also result in an approximate 1,125 foot long cul-de-sac street. The Fire Department staff has indicated that the property is located in a moderate to high wild fire hazard area. The Street Design Criteria Manual states that a cul-de-sac cannot exceed 500 feet in a moderate to high wild fire hazard area. In addition, an intermediate turnaround must be provided every 600 feet. As such, staff recommends that prior to City Council approval, an Exception be obtained to allow a 1,125 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with an intermediate turnaround every 600 feet.

Utilities: Montana Dakota Utilities Company currently has a ten inch gas line located within the section line highway. In addition, Qwest Corporation has a telephone line located within the section line highway. The applicant is working with the utility companies to secure an easement for the existing gas line and telephone line. Prior to City Council approval, the utility easement must be reviewed and approved by Montana Dakota Utilities Company, Qwest Corporation and the City of Rapid City and recorded at the Register of Deed's Office. The balance of the utility companies has indicated concurrence with the Vacation request.

Master Plans: The section line highway is not identified on the City's Major Street Plan nor is it identified on the City's Master Utility Plan. As such, retaining this portion of the section line highway for a street and/or utility corridor is not necessary.

Johnson's Property: As noted above, the north lot line of Mr. Johnson's property abuts the section line highway. A steep ravine separates his property requiring that access points be provided from both the west and the east. Retaining the western portion of the section line highway as proposed will insure continued access for Mr. Johnson to the western portion of his property. Promise Road, located east of the section line highway, will continue to provide access to the eastern portion of his property. As such, vacating this portion of the section line highway will not eliminate access to Mr. Johnson's property. In addition, Mr. Johnson has signed the Petition to Vacate the Section Line Highway indicating concurrence with the request.

Staff recommends that the Vacation of Right-of-way request be approved with the stipulations of approval as noted above.