

STAFF REPORT  
June 25, 2009

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**No. 09VR003 - Vacation of the Section Line Highway**

**ITEM 26**

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GENERAL INFORMATION:

APPLICANT/AGENT	Phil Olsen for Olsen Development Company, Inc.
PROPERTY OWNER	Olsen Development Co., Inc.
REQUEST	<b>No. 09VR003 - Vacation of the Section Line Highway</b>
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, and Tract B of Tract 1 of the W1/2 SW1/4 less the IGT Subdivision and less right-of-way all located in the SE1/4 of Section 22 and the SW1/4 of Section 23, 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) - Business Park District
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development) - Business Park District
South:	Office Commercial District (Planned Development Designation) - Public District
East:	Business Park District - Public District
West:	Office Commercial District (Planned Development Designation)
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.

GENERAL COMMENTS:

The applicant has submitted a request to vacate approximately 295 feet of section line highway located between the two properties as described above. In addition, the applicant has submitted requests to vacate the western 3 feet of the section line highway located along a portion of Promise Road (File #09VR002) and to vacate approximately 430 feet of the section line highway currently known as "Golden Eagle Drive" located along the south lot line of the SE1/4SE1/4 of Section 22 (File #09VR004).

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On April 23, 2009, the Planning Commission approved a Preliminary Plat (File #09PL018) to subdivide the property located west of the section line highway into 51 lots to be known as "Skyline Village". City Council will consider this item 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 this portion of the section line highway with the stipulation that the west 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 the section line highway be vacated.

The property is located approximately 300 feet north of City Fire Station #6. Currently, the property is void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the request to vacate the section line highway and has noted the following considerations:

**Access:** The section line highway does not currently serve as access to any of the abutting properties. In addition, all of the abutting properties have an alternate access. During the review of the associated Preliminary Plat and Variance to the Subdivision Regulations for Skyline Village, it was noted that a potential building envelope may exist on the City's property located directly south of this section line highway. However, a site visit has confirmed that a building envelope does not exist. In addition, Promise Road serves as access to the City property. As such, the section line highway is not needed to access any of the abutting properties.

**Utilities:** All of the affected utility companies have submitted written documentation stating that they concur with the Vacation of Right-of-way 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 the section line highway for a street and/or utility corridor is not needed.

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