

STAFF REPORT
September 1, 2009

No. 09VE008 - Vacation of Easement

ITEM

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Connie and Charles Tinant
REQUEST	No. 09VE008 - Vacation of Easement
EXISTING LEGAL DESCRIPTION	A portion of the 20 foot wide water main easement located in Tract A of the NW1/4 NW1/4 Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.36 Acres
LOCATION	1910 W. Flormann Street
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Park Forest District
East:	Park Forest District
West:	Low Density Residential District
PUBLIC UTILITIES	City of Rapid City water and sewer
DATE OF APPLICATION	7/9/2009
REVIEWED BY	Patsy Horton / Mary Bosworth

RECOMMENDATION: Staff recommends that the Vacation of Utility Easement be approved.

GENERAL COMMENTS: The applicant has submitted a Vacation of Utility Easement request to vacate a portion of an existing water main easement on Tract A in the NW1/4 NW1/4 of Section 11, T1N, R7E, located between the terminus of West Flormann Street and Skyline Drive.

The property was originally platted in 1972 and identified an east-west water main location. The applicant is now proposing to vacate a portion of the water main easement and create a new water main easement where the main was actually constructed in 1999. The property is located between the terminus of West Flormann Street and Skyline Drive. A residential structure is located approximately 150 feet north of the existing water main.

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

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Utilities: As previously noted, an east-west water main is located approximately 100 feet north of the southern boundary. A portion of the water main was constructed outside of the water main easement recorded in 1951. This application will ensure that the City's water main is located within the recorded utility easement.

The property owner(s) has signed the Permanent Utility Easement document creating an easement for the existing water main and it has been forwarded to the Register of Deed's Office for recording. As such, staff recommends approval of the Vacation of Utility Easement request for the water main easement.