

STAFF REPORT
January 21, 2010

No. 09VR009 - Vacation of Right-of-Way

ITEM 31

GENERAL INFORMATION:

APPLICANT	South Dakota Game Fish and Parks
AGENT	Ferber Engineering Co., Inc.
PROPERTY OWNER	South Dakota Game Fish and Parks
REQUEST	No. 09VR009 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Right-of-way adjacent to Lot 2 of NWE Subdivision, Block 2 of Tract G, Lots 3 and 4 of Block 1 of Tract G of Meadowwod, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.93 Acres
LOCATION	Southwest of the intersection of Knutson Lane and Sturgis Road
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	General Commercial District - Mining and Extraction District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/14/2009
REVIEWED BY	Patsy Horton / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-way be approved with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall provide copies of the recorded Pedestrian Access Easement and Public Access Easement; and**
- 2. Approval of this Vacation of Right-of-way request by the Planning Commission shall authorize the vacation of the right-of-way pursuant to SDCL 11-6-22.**

GENERAL COMMENTS: (Update, January 13, 2010. All revised and/or added text is shown in bold print.) This item was continued to the January 21, 2010 Planning Commission meeting to allow the impacted utility companies an opportunity to

respond to the right-of-way vacation. All utility companies have responded to the right-of-way vacation request.

The applicant has submitted a request to vacate a portion of the 60 foot right-of-way known as Dean Lane located adjacent to Lot 2, NWE Subdivision. In addition, the applicant has submitted an associated Vacation of a Sanitary Sewer Easement (#09VE018) and a SDCL 11-6-19 Review application (#09SR117) to allow construction of a street in public right-of-way and to extend public utilities on public property.

The applicant has also submitted a Vacation of Right-of-way request to vacate the northern 340 feet of N. 40th Street (#09VR010). The applicant has also submitted a miscellaneous document identifying this area of right-of-way being retained as a utility easement. In addition, the applicant has submitted a SDCL 11-6-19 Review (#09SR125) to construct a South Dakota Game Fish and Parks regional complex with offices, a museum and classrooms, a shop, storage units and an outdoor campus. The outdoor campus includes walking trails, picnic shelters, a fire pit, outdoor classroom(s), a council ring, and water features, including a water fall.

The property is owned by the State of South Dakota and is the future site of the South Dakota Game, Fish and Parks Outdoor Campus West. The property is located west of Sturgis Road, south of Knutson Lane and north of Dean Lane, zoned Public District and currently void of any structural development.

STAFF REVIEW: Staff has reviewed the Vacation of Right-of-Way request and has noted the following considerations:

Utility Companies: Staff has received comments back from some of the impacted utility companies, but not all of the utility companies have responded. As such, staff recommends that the Vacation application be continued to allow all of the impacted utility companies an opportunity to respond.

All of the affected utility companies have indicated that there is no impact to their respective operations.

Street Classification: Dean Lane is classified as an industrial street requiring a minimum 59 foot wide right-of-way. Currently, the applicant is proposing to construct a portion of Dean Lane as primary access to the Outdoor Campus. Vacating the remaining portion between the terminuses of Dean Lane to N. 40th Street appears to have no significant impact to the transportation network. In addition, the street is not identified on the Major Street Plan. As such, staff recommends that the Vacation of Right-of-way be approved.

SDCL 11-6-22: South Dakota Codified Law 11-6-22 states that the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for any street or other public way, ground place, property, or structure, shall not be authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission. Since this Vacation of Right-of-way

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request is being reviewed by the Planning Commission, it can also serve as the tool to authorize the vacation of the right-of-way pursuant to SDCL 11-6-22.

Staff recommends that the Vacation of Right-of-Way be approved with the above-referenced stipulations.