

STAFF REPORT
September 28, 2010

No. 10VE011 - Vacation of a portion of Utility and Drainage Easements

GENERAL INFORMATION:

APPLICANT	Property Rentals, Inc.
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Property Rentals, Inc.
REQUEST	No. 10VE011 - Vacation of a portion of Utility and Drainage Easements
EXISTING LEGAL DESCRIPTION	Tract G (less part of Lots 1, 2, 3A and 3B and less Lot H1); Tract H (less part of Lots 1 and 29 of Fairway Hills and less Lot H1); and Lot 1 of Tract I all of Arrowhead View Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.75 acres
LOCATION	3800 Fairway Hills Drive
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Medium Density Residential District (Planned Residential Development)
East:	Medium Density Residential District (Planned Residential Development)
West:	Park Forest District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/26/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of a portion of Utility and Drainage Easements be approved with the following stipulations:

1. Prior to approval by the Public Works Committee, the applicant shall provide written

STAFF REPORT
September 28, 2010

No. 10VE011 - Vacation of a portion of Utility and Drainage Easements

verification from Qwest Communications indicating that they have no objections to the proposed vacation of the utility and minor drainage easement.

GENERAL COMMENTS: The applicant is proposing to vacate a portion of the Utility and Minor Drainage Easement as shown in Exhibit "A" on Tract G, Tract H, and Lot 1 of Tract I of Arrowhead View Addition. In particular, the applicant is proposing to vacate the two existing 6 foot utility and minor drainage easements located on the interior lots lines between Tracts G and H, and between Tract H and Lot 1 of Tract I. The applicant has indicated that the vacation of easements is needed for future development on the property. There is an existing building located within the 6 foot utility and minor drainage easements on the east lot line of Tract G and the west lot line of Tract H.

The property is located at 3800 Fairway Hills Drive, on the east side of Sheridan Lake Road, north of Fairway Hills Drive and west of Byrwood Drive. A commercial leasing office is currently located on Tract G and Tract H.

STAFF REVIEW: Staff has reviewed the Vacation of Utility and Minor Drainage Easement request and has noted the following issues:

Utility Company Approval: The vacation of utility easement requires permission of all affected utility companies. Staff noted that all affected utility companies have been contacted. However, Qwest Communications has not yet responded as of this writing. As such, prior to approval by the Public Works Committee, the applicant must provide written verification that Qwest Communications does not have any objections to the proposed vacation.

Drainage: Staff noted that the easements have not been developed for drainage purposes. As such, staff has indicated that they have no issues with the vacation of the drainage easements. A Planned Commercial Development – Initial Development Plan has been submitted by the applicant for future development on the property. Any drainage issues with the property will be addressed prior to approval of the Final Development Plan.

Existing Easements: The submitted Exhibit "A" identifies that an existing 6 foot wide utility and drainage easement will remain along the north lot line of Tract H. In addition, a 20 foot wide utility easement is located on the south portion of the east lot line on Lot 1 of Tract I. This existing easement will remain in place and will not be affected by the proposed vacation.

Staff recommends that the Vacation of Utility and Drainage Easements be approved with the stipulation as identified above.