

STAFF REPORT
December 14, 2010

No. 10VE014 - Vacation of a portion of a Utility Easement

GENERAL INFORMATION:

APPLICANT	Jon and Julie Lafleur
PROPERTY OWNER	Jon and Julie Lafleur
REQUEST	No. 10VE014 - Vacation of a portion of a Utility Easement
EXISTING LEGAL DESCRIPTION	Lot 17 of Block 1 of Autumn Hills Subdivision located in the W1/2 NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .48 acres
LOCATION	4801 Summerset Drive
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/23/2010
REVIEWED BY	Jim Flaaen / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of a portion of a Utility Easement be approved with the following stipulation:

1. Prior to approval by the Public Works Committee, the applicant shall provide written verification from Qwest Communications indicating that they have no objections to the proposed vacation of a portion of the utility easement.

GENERAL COMMENTS: The applicant has submitted a Vacation of Utility Easement request to vacate a portion of the utility easement as shown in Exhibit "A" located on Lot 17, Block 1 of Autumn Hills Subdivision. In particular, the applicant is proposing to vacate a 5.65 foot by

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4.9 foot by 2.81 foot triangular section and an 11.52 foot by 10 foot by 5.73 foot triangular section of the utility easement located at the southwest section of the property. The property was originally platted in 1992 and included an approximately 5,769 square foot utility easement at the southwest corner of the property. The applicant has indicated that they would like to construct an attached sunroom onto the existing residence and that the supporting poles and overhang may encroach into the easement. In addition, the applicant has indicated that the southwest corner of the existing house currently encroaches into the easement and has expressed desire to alleviate any problems with future sale(s) of the property as a result.

The property is located at 4801 Summerset Drive, on the west side of Summerset Drive and west of Sheridan Lake Road. A single family residence is currently located on the property.

STAFF REVIEW: Staff has reviewed the Vacation of Utility 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.

Existing Easement: The existing utility easement located on the property occupies approximately 5,769 square feet of the southwest corner of the approximately 20,908 square foot lot. The areas proposed to be vacated total approximately 34.88 square feet. Approximately 5,734 square feet of utility easement will remain on the property following the proposed vacation.

Staff recommends that the Vacation of a portion of a Utility Easement be approved with the stipulation as identified above.