

STAFF REPORT

March 1, 2011

---

**No. 11VE004 - Vacation of a portion of a Minor Drainage and Utility Easement**

---

GENERAL INFORMATION:

APPLICANT	Jack Degagne
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	<b>No. 11VE004 - Vacation of a portion of a Minor Drainage and Utility Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 2A and Lot 2B of Block 3 of Rushmore Crossing, S1/2 of the SW1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .95 acres
LOCATION	1510 and 1516 Eglin Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/11/2011
REVIEWED BY	Patsy Horton / Brandon Quiett

RECOMMENDATION:

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

1. Prior to Public Works approval, the applicant shall sign a Developmental Lot Agreement indicating that both properties are under the same ownership.

STAFF REPORT  
March 1, 2011

---

**No. 11VE004 - Vacation of a portion of a Minor Drainage and Utility Easement**

---

GENERAL COMMENTS: The applicant has submitted a Vacation of Minor Drainage and Utility Easement request to vacate a portion of the minor drainage and utility easement as shown in Exhibit "A" located on Lots 2A and 2B, Block 3 of Rushmore Crossing. The properties are located at 1510 and 1516 Eglin Street, northeast of Target. The properties are zoned General Commercial with a Planned Commercial Development. The property located to the north is zoned General Commercial. The remaining surrounding properties are all zoned General Commercial District with Planned Commercial Developments.

The property was platted in October 2007 and replatted to the current configuration in August 2008.

The applicant owns both properties and is proposing to utilize the two lots as one, requiring that the applicant sign a Developmental Lot Agreement. This will allow him to utilize a larger portion of the two combined lots in order to construct a proposed commercial structure. The properties are currently void of any structural development.

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

Developmental Lot Agreement: The property owner is proposing to construct structural improvements on the two lots that do not satisfy the requirements of the City's subdivision and/or zoning ordinances. Because the two lots are held under the same ownership, the property owner can request consideration of the two lots as a Developmental Lot and sign a Developmental Lot Agreement in accordance with Section 17.04.180 of the Rapid City Municipal Code. This Agreement would allow the property owner to construct structural improvements not otherwise permitted by various City ordinances. As such, prior to Public Works approval, the applicant must sign a Developmental Lot Agreement indicating that both properties are under the same ownership.

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. All affected utility companies have responded with no objections to the proposed vacation of the utility easement.

Drainage: Public Works staff has noted that the easement has not been developed for drainage purposes and the vacation of a portion of the easement will not impact drainage on the property. As such, the Public Works staff has recommended that the request to vacate the utility and minor drainage easement along the common lot line of Lots 2A and 2B

Existing Easement(s): As previously stated, the property was platted in 2008 and included an 8 foot wide utility and minor drainage easement on all interior lot lines. The previously platted 8 foot utility and minor drainage easement will remain along the exterior lot lines of Lots 2A and 2B.

Staff recommends that the Vacation of a portion of the Minor Drainage and Utility Easement be approved.