

STAFF REPORT
March 24, 2011

No. 11VE003 - Vacation of a portion of a Non-Access Easement

ITEM 6

GENERAL INFORMATION:

APPLICANT	Jack Degagne
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	No. 11VE003 - Vacation of a portion of a Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lot 2B of Block 3 of Rushmore Crossing, SE1/4 of the SW1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .95 acres
LOCATION	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 Non-Access Easement be approved with the following stipulations:

1. Prior to Public Works Committee approval, a separate Exhibit "A" shall be recorded at the Register of Deed's Office securing an alternate non-access easement along Eglin Street as it abuts the property.

GENERAL COMMENTS: The applicant has submitted a Vacation of Non-Access Easement request to vacate a portion of a non-access easement along Eglin Street as it abuts the

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property. In addition, the applicant has submitted an Initial and Final Commercial Development Plan (#11PD010) to allow an on-sale liquor establishment.

On August 29, 2008, the City approved a Final Plat application to create three lots as a part of the Rushmore Crossing Subdivision which includes this property. This plat created an access location approximately 59 feet from the eastern property boundary. The applicant is proposing to utilize both Lots 2A and 2B as one development and is requesting to relocate the eastern access to accommodate the proposed site layout. As such, this Vacation of a Non-Access Easement request proposes to vacate a portion of the non-access easement located within Lot 2B.

The property is located south of Interstate I-90 and north of Eglin Street. The property is currently void of any structural development.

STAFF REVIEW: Staff has reviewed the Vacation of Non-Access Easement request and has noted the following considerations:

Exhibit "A": Staff is recommending that prior to Public Works Committee approval, a Non-Access Easement must be recorded at the Register of Deed's Office securing an alternate non-access easement along Eglin Street as it abuts the property.

Staff is recommending that the Vacation of Non-Access Easement request be approved with the stipulations as identified above.