

STAFF REPORT
July 7, 2011

No. 11VR002 - Vacation of Right-of-Way

ITEM 8

GENERAL INFORMATION:

APPLICANT	MHL, LLC
AGENT	Brad Burns for Chamberlin Architects
PROPERTY OWNER	City of Rapid City
REQUEST	No. 11VR002 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	A portion of the alley right-of-way adjacent to Lots 24 thru 32 of Block 75 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .01 acres
LOCATION	Alley adjacent to 502, 508, 510 and 512 Main Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/10/2011
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall secure a utility easement for the proposed area to be vacated and shall enter into an agreement which holds the private and public utilities harmless for any damages due to the construction or maintenance of utilities within this area.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate a two foot wide strip of right-of-way along the south side of the alley extending from 5th Street west a distance of approximately 225 feet. On December 6, 2010, the City Council approved a Vacation of Right-of-way request (File #10VR008) to vacate two feet of right-of-way along

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the southern portion of the alley resulting in an alley width of 18 feet. Vacating this additional two feet of right-of-way will result in a 16 foot wide alley right-of-way.

The applicant has indicated that the alley is being vacated in order to improve the façade of the abutting buildings located along the south side of the alley and to construct awnings, lighting features, raised decks and landscape boxes within this area.

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-way request and has noted the following considerations:

Utilities: Black Hills Power and Knology Communications have indicated that they currently have utilities within this area of the alley. As such, they have requested that a utility easement be retained. The balance of the utility companies have indicated concurrence with the request. City sewer is located within the alley but outside the two foot area proposed for vacation.

Staff recommends that prior to City Council approval, the applicant secure a utility easement for the proposed area to be vacated and enter into an agreement which holds private and public utilities harmless for any damages due to the construction or maintenance of utilities within this area.

Access: The Fire Department staff has indicated that the 16 foot wide alley will provide sufficient fire apparatus access along the alley. In addition, recent renovations to the City's parking garage located north of the alley have removed the access points from the alley to the garage. Access is now being provided to the garage from 5th Street and 6th Street.

Staff recommends that the Vacation of Right-of-way request be approved with the stipulation of approval as identified above.