

STAFF REPORT
September 8, 2011

No. 11VR005 - Vacation of Right-of-Way

ITEM 12

GENERAL INFORMATION:

APPLICANT	Mike Kuhl - Pennington County Buildings & Grounds Department
AGENT	Gene Fennell
PROPERTY OWNER	Pennington County – Dlorah, Inc.
REQUEST	No. 11VR005 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	The alley right-of-way adjacent to Lots 13-16 and Lots 17-20 of Block 99 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 .046 acres
LOCATION	Alley right-of-way lying east of 2nd Street between Kansas City Street and Saint Joseph Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City/ City
DATE OF APPLICATION	8/12/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

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

1. Prior to City Council approval, a temporary utility easement and/or agreement, as determined by the City Attorney's Office, shall be secured to allow the existing private and public utilities to remain in the right-of-way until such time as the utilities are relocated and accepted by the City and/or private utility companies and to insure that no construction within the right-of-way occurs until the utilities are relocated and accepted. In addition, a copy of the recorded document shall be submitted to the Growth Management Department for review and approval.

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GENERAL COMMENTS:

The applicant is proposing to vacate a portion of the alley right-of-way located between 1st Street and 2nd Street. In particular, the applicant is proposing to vacate the western 100 feet of the alley.

On August 4, 2011, an associated Vacation of Right-of-Way request was approved by the Planning Commission to vacate the eastern 300 feet of the same right of way (File # 11VR004). The request will be considered at the September 6, 2011 City Council meeting.

The adjacent property is owned by Pennington County. The applicant has indicated that future reconstruction of the County's campus will result in a portion of the new Administration and Evidence Building being constructed within this area.

As previously noted, the alley right-of-way is located between 1st Street and 2nd Street. Private and public utilities are currently located within the alley.

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

Access: All of the adjacent properties may be accessed from the abutting street rights-of-way. In particular, Saint Joseph Street abuts the adjacent property to the north of the alley and Kansas City Street abuts the property to the south of the alley. In addition, 1st Street, located east of the alley and 2nd Street, located west of the alley, provide access to the abutting properties. Staff has also noted that the alley is not identified on the City's Major Street Plan. As such, staff recommends that the Vacation of Right-of-way request to vacate a portion of the alley be approved.

Utilities: Currently, City sewer and private utilities are located in the alley right-of-way. The applicant has indicated that the utilities will be relocated as a part of the future campus reconstruction project for the County.

Staff recommends that prior to City Council approval, a temporary utility easement and/or agreement, as determined by the City Attorney's Office, be secured to allow the existing private and public utilities to remain in the right-of-way until such time as the utilities are relocated and accepted by the City and/or private utility companies and to insure that no construction within the right-of-way occurs until the utilities are relocated and accepted. In addition, a copy of the recorded document must be submitted to the Growth Management Department for review and approval.

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