

STAFF REPORT
October 6, 2011

No. 11VR007 - Vacation of Right-of-Way

ITEM 18

GENERAL INFORMATION:

APPLICANT	MHL, LLC
AGENT	Brad Burns for Chamberlin Architects
PROPERTY OWNER	City of Rapid City
REQUEST	No. 11VR007 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	The alley right-of-way adjacent to Lots 1-9 and 24-32 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 .163 acres
LOCATION	Adjacent to 502, 508, 510 and 512 Main Street
EXISTING ZONING	Central Business District - General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Central Business District
East:	Central Business District - General Commercial District
West:	Central Business District - General Commercial District
PUBLIC UTILITIES	City/City
DATE OF APPLICATION	9/9/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

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

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 private and public utilities harmless for any damages due to construction or maintenance of utilities in this area;
2. Prior to City Council approval, the applicant shall enter into an agreement with the City deeding the balance of the vacated alley back to the City.

GENERAL COMMENTS: The applicant has submitted a Vacation of Right-of-Way request to vacate the right-of-way in the alley between Fifth Street and Sixth Street in downtown Rapid City. A four foot portion of the alley has already been vacated. The alley is between 16 and 20 feet wide by approximately 400 feet long.

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A request to vacate two feet of the alley was approved by the City Council on August 1, 2011 (File #11VR002). Additionally, a request to vacate two additional feet of the alley was approved by the City Council on December 6, 2010 (File #10VR008). The result of these two Vacation approvals is a vacated 4 foot wide by 225 foot long section of the alley beginning on Fifth Street and running west along the southern edge of the alleyway. This request is to vacate the balance of the alleyway.

The applicant has indicated this alley is being vacated to be utilized as a part of the Main Street Square project.

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

Utilities: Affected utility companies have requested that a utility easement for the alleyway be retained. City sewer services are also located in the alleyway. Staff recommends that prior to City Council approval, the applicant secure a utility easement for the proposed alleyway 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 to Adjacent Properties: Recent redesigns of the parking garage to the north of the alley have relocated access onto Fifth Street and Sixth Street. The businesses located adjacent to the south of the alley take their access off of Main Street. The requested Vacation will not eliminate access to any adjacent properties.

Staff recommends that the Vacation of Right-of-Way be approved with the stipulations identified above.