

STAFF REPORT  
February 9, 2012

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**No. 12VE001 - Vacation of an Access Easement**

**ITEM 14**

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GENERAL INFORMATION:

APPLICANT	Terry W. and Debra J. Henrikson
AGENT	Advanced Engineering & Surveying
PROPERTY OWNER	Terry W. and Debra J. Henrikson
REQUEST	<b>No. 12VE001 - Vacation of an Access Easement</b>
EXISTING LEGAL DESCRIPTION	The access easement located within the vacated alley between Tract B and Tract F of Block 1 of Feigel Subdivision located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2,000 square feet
LOCATION	930 East North Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District (Planned Industrial Development)
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	1/12/2012
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of an Access Easement be denied.

GENERAL COMMENTS: The applicant is requesting to vacate a 125 feet long by 16 feet wide portion of the Access Easement located adjacent to Tracts B and F of Block 1 of the Feigel Subdivision between North Cherry Avenue and Riley Avenue, while retaining a utility and drainage easement. The Vacation of Access Easement is to allow parking and pedestrian access within this area as part of a new development proposed for Tracts B and F.

On June 7, 1999, City Council approved a Vacation of Right-of-Way for portions of East Watertown Street, and Riley Avenue along Tracts D, G and H (File #99VR004). In addition, a 285 foot long by 16 foot wide portion of the alley right-of-way adjacent to Tracts B, C, D, F, G, and H was vacated. An access, utility, and drainage easement in the alley was retained.

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On June 7, 2004, City Council approved a Vacation of Right-of-Way for the east 15 feet of North Cherry Avenue, running north to south along Tracts A and E (File #04VR001). A utility easement in the vacated right-of-way was created as a stipulation of approval.

The portion of Access Easement to be vacated is located between Tracts B and F, located at 930 East North Street. The land is zoned General Commercial District. The property is the former site of the Tradewinds Hotel.

STAFF REVIEW: Staff has reviewed the request for a Vacation of an Access Easement and has noted the following considerations:

Fencing: Staff has noted that the portion of Access Easement being considered for Vacation is currently fenced off on the east and west ends of the properties. Chapter 15.40.070 of the Rapid City Municipal Code states that no fence or wall shall be placed in a designated easement unless approved in writing by the City Engineer. The applicant should be aware that the fences currently located in the alley and limiting access to that portion of the Access and Utility Easement must be removed or approval for the fences must be granted in writing from the City Engineer.

Utilities: Public Works staff and Black Hills Power have noted the presence of utilities in the alley. Public Works staff has noted that a Utility Easement was created as a stipulation of approval for the Vacation of Right-of-Way on North Cherry Avenue. This Utility Easement allows access to the utilities located in the vacated portion of North Cherry Avenue, but does not provide access for maintenance of the public right-of-way that remains between Tracts A and E. As such, staff recommends that the Vacation of Access Easement be denied.

Right-of-Way: Currently, the portion of right-of-way located adjacent to Tracts A and E is accessed via the Access Easement located in the vacated alley to the east of the properties. This includes the portion of Access Easement being considered for Vacation. Due to the Vacation of Right-of-Way approved on North Cherry Avenue, this request would create an inaccessible portion of right-of-way located adjacent to Tracts A and E. This access must be kept to allow maintenance and upkeep of the right-of-way located in the alley. As such, staff recommends that the request to Vacate the Access Easement be denied.