

STAFF REPORT

May 10, 2001

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**No. 01VR001 - Vacation of Right-of-way**

**ITEM 19**

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GENERAL INFORMATION:

PETITIONER	The Nature Conservancy
REQUEST	<b>No. 01VR001 - Vacation of Right-of-way</b>
LEGAL DESCRIPTION	That portion of Clarkson Road containing 1.745 acres, more or less, adjacent to Lot 1 of Block 1 of Spring Canyon Estates, located in the NW1/4 of the SW1/4, Section 5, T1S, R7E, as shown in plat filed in steel file and adjacent to Spring Creek Canyon Park of Copper Oaks No. 1 Subdivision, located in the NW1/4 of the SW1/4, Section 5, T1S, R7E, as shown in Plat Book 15 Page 121, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.745 Acres
LOCATION	At the western terminus of Clarkson Road
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Low Density Residential District (County)
South:	Limited Agriculture District (County)
East:	Limited Agriculture District (County)
West:	Low Density Residential District (County)
PUBLIC UTILITIES	None
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Vacation of Right-of-way be approved with stipulation that the following requirements be met prior to City Council approval:

Urban Planning Division Recommendations:

1. The required maintenance agreement for the emergency access easement is submitted; and,
2. Letters from all affected utility companies are received indicating that there are no objections to vacating the right-of-way.

GENERAL COMMENTS: This vacation of right-of-way request is the companion request to the Preliminary and Final Plat for Lots 1, 2, 3 and 4 of Block 4 of Spring Canyon Estates (see related Staff Report). The proposed platting is located to the east and north of where the subject right-of-way exists. The plat proposes to increase the size of one existing lot and create three new lots at the southern end of Clarkson Road. This property is located outside of Rapid City but is within the City's three-mile platting jurisdiction. Spring Creek is located along the southern portion of the property. Clarkson Road is a paved rural-section

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roadway. Clarkson Road is dedicated through the subject property but is not improved to City street standards. The majority of the Clarkson Road right-of-way on this property is extremely rugged and can only be accessed by four-wheel drive vehicles.

As part of the earlier Layout Plat, Staff expressed serious concerns as to whether it would be feasible or practical to construct Clarkson Road through the property. This portion of Clarkson Road provides access to one additional property to the south of the subject property. This property is called the Spring Creek Canyon Park of the Copper Oaks development. It was platted as a common lot for the Copper Oaks development that is located on the south side of Spring Creek. As the park name indicates, the southern portion of this property is a small canyon in which Spring Creek is located. The presence of this canyon makes the development of Clarkson Road extremely difficult. As part of the Layout Plat, Staff recommended and the Planning Commission and City Council concurred, that Clarkson Road should be vacated across the subject property and where it is located in Spring Creek Canyon Park.

STAFF REVIEW: Staff has reviewed this proposed vacation request and is recommending approval with two issues being noted:

**Easement Maintenance:** The Clarkson Road right-of-way is being retained as an emergency access easement. In the case of a wildfire or other emergency in the Copper Oaks development, residents could then potentially use the easement as a secondary escape route. In order to ensure that the easement is continually maintained in a driveable condition, Staff is recommending that a covenant or similar legal instrument be recorded indicating that the property owner is responsible for such maintenance.

**Utility Letters:** As of this writing, only one of the affected utility companies has responded. Prior to City Council approval of this vacation request, all affected utility companies must have responded and indicated that they have no objections to the proposed vacation.