

STAFF REPORT

August 22, 2002

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**No. 02VR004 - Vacation of Right-of-Way**

**ITEM 37**

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GENERAL INFORMATION:

PETITIONER	Willard Werth for Black Hills Auto
REQUEST	<b>No. 02VR004 - Vacation of Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	Located in the SW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; said 0.057 acre of land lying south of Jess Street, and west of Lot 8 of SSJE Subdivision, and shown on Survey Plat recorded in Plat Book 28, Page 154 in the office of the Pennington County Register of Deeds, and being more particularly described by metes and bounds as follows to-wit: Beginning at an iron rod with cap marked "D.C. Scott L.S. 2540" found for the northerly northwest corner of said Lot 8 of SSJE Subdivision on the south right-of-way line of Jess Street, a 60 foot wide public right-of-way; thence, South 24°41'07" West, along the northwesterly line of said Lot 8 of SSJE Subdivision, a distance of 109.89 feet to a point for corner; thence North 02°49'02" West, a distance of 100.00 feet to an iron rod with cap marked "Dean Scott, L.S. 4897" set for corner on the south right-of-way line of Jess Street, as previously described; thence, South 89°55'11" West, along on the south right-of-way line of Jess Street, a distance of 50.00 feet to the POINT OF BEGINNING
PARCEL ACREAGE	Approximately 0.057 acres
LOCATION	1221 Jess Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	07/25/2002
REPORT BY	Lisa Seaman

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RECOMMENDATION:

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

Engineering Division Recommendations:

1. Prior to City Council approval of the Vacation of Right of Way, the applicant shall file with the Pennington County Register of Deeds a miscellaneous document extending the existing major drainage easement west to Lot AB of Lot H1; and,

Urban Planning Division Recommendations:

2. Prior to City Council approval of the Vacation of Right of Way, documentation from Black Hills Power shall be received indicating no objection to the vacation.

GENERAL COMMENTS: The applicant is proposing to vacate the dedicated frontage roadway adjacent to Lot AB of Lot H1 on the east side of the Cambell Street right of way. The subject property is located at the intersection of Jess Street and Cambell Street and was dedicated in 1998 for the construction of a frontage road on the east side of Cambell Street. The existing frontage road provides access from Jess Street to Lot 2 of RTA Addition. The applicant is the owner of Lot 2 of RTA Addition as well as the property located directly east of the "dedicated frontage roadway". The applicant has indicated that he intends to close the existing frontage road and relocate the existing approach approximately 60 feet to the east along Jess Street.

The applicant submitted a request to the South Dakota Department of Transportation Board of Commissioners requesting that the dedicated frontage roadway be abandoned. In July of 2002, the South Dakota Department of Transportation Board of Commissioners approved the applicant's request.

STAFF REVIEW: Staff has reviewed the proposed vacation of right of way and noted the following considerations:

Utility Company Response: The vacation of right of way requires the permission of all affected utility companies. Of the five affected utility companies, four have responded. None of the responding companies have indicated any opposition to the proposed vacation. To date, Black Hills Power has not responded. Staff is recommending that prior to City Council review of this item, documentation from Black Hills Power be received indicating no objection to the vacation.

Drainage Easement: The existing plat of Lot 8 of SSJE Subdivision includes a major drainage easement that abuts the "dedicated frontage roadway". The Engineering Division has noted that the major drainage easement will need to be extended to the Cambell Street right of way prior to City Council approval of the vacation of the "dedicated frontage roadway".