

STAFF REPORT

December 5, 2002

No. 02VR005 - Vacation of Right-of-Way

ITEM 41

GENERAL INFORMATION:

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| PETITIONER | Doug Sperlich for Jeff Stone |
| REQUEST | No. 02VR005 - Vacation of Section Line Highway |
| EXISTING LEGAL DESCRIPTION | A portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 9.19 acres |
| LOCATION | At the current terminus of Broadmoor Drive |
| EXISTING ZONING | Park Forest District |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | Park Forest District |
| East: | Low Density Residential District (PRD) |
| West: | Low Density Residential District (PRD) |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 09/27/2002 |
| REPORT BY | Tom Kurtenbach |

RECOMMENDATION:

Staff recommends that the vacation of section line highway be continued to the **December 19, 2002** Planning Commission meeting to allow the applicant additional time to acquire the needed signature(s).

GENERAL COMMENTS: **(Updates to the staff report are shown in bold.)** The applicant is proposing to vacate a portion of the section line highway located along the south lot lines of proposed Lots 1, 2 and 3 of Block 1, Sunset Heights Subdivision.

On October 7, 2002 the City Council approved a Preliminary Plat for Lots 1, 2 and 3 of Sunset Heights Subdivision. One of the stipulations of approval required that the applicant either post surety for the design of a section line highway located along the south lot lines, obtain a Variance to the Subdivision Regulations, or vacate the section line highway.

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STAFF REVIEW: A petition to vacate the section line highway was initiated by the applicant on September 26, 2002. Currently, there are three landowners adjacent to the segment of section line highway proposed for vacation. The owners include the applicant, the City of Rapid City and the owner of Tract C. This petition requires the signatures of the three landowners adjacent to the segment of section line highway proposed for vacation. As of **November 22, 2002**, the owner of Tract C has not signed the petition.

To date, two additional signatures are required to validate the petition.

The vacation of section line highway requires the permission of all affected utility companies. At the time of this writing, all five of the utility companies contacted have responded. None of the responding utility companies have indicated any opposition to the section line highway vacation. City Engineering staff has indicated that a utility easement must be maintained. The provision of a utility easement will allow the extension of water service to the east as necessary.

The section line highway to the west of the segment proposed for vacation is currently an unimproved gravel road providing legal access from Sheridan Lake Road to Tract C located to the south of the subject property. In addition, portions of the section line highway to the east of this platted area have already been approved for vacation by City Council with prior plat approval. Legal public access to parcels located further to the east will likely be accessed from Skyline Drive. Topographic constraints preclude the section line highway from being constructed to meet City Standards as slopes would exceed 20 percent along most of the east-west alignment.

Based on the information referenced above, Staff supports the vacation of the section line highway.