

STAFF REPORT

December 19, 2002

No. 02VR006 - Vacation of Right-of-Way

ITEM 30

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 02VR006 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Lots 1 thru 3 of Block 7 of Schnasse Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	0.04 acres
LOCATION	225 East Watertown Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Medium Density Residential District
West:	General Commercial District w/Planned Commercial Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/25/2002
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends that the vacation of right of way be denied without prejudice.

GENERAL COMMENTS: The applicant is proposing to vacate 14 feet of the Watertown Street right of way located north of Lots 1-3 in Block 7 of the Schnasse Addition. Currently the subject property is occupied by an apartment complex.

STAFF REVIEW: A petition to vacate the right of way was initiated by the applicant on October 25, 2002. According to Pennington County records, the owners of the land located adjacent to the segment of Watertown Street right of way proposed for vacation include the applicant, Donald and Anne Hamm, and Trena Davis. State statute requires that the vacation petition include the signatures of the owners of land located adjacent to the segment of right of way proposed for vacation. As of **December 9, 2002**, the applicant has not submitted the completed petition with signatures to the Planning Department for verification.

The vacation of right of way requires the permission of all affected utility companies. At the time of this writing, Black Hills Power and Light Company has not responded to the vacation

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request. The remaining four utility companies have indicated no objections to the right of way vacation.

Watertown Street is located one block north of East North Street, a high traffic commercial district. The area surrounding East North Street is poised for redevelopment. Staff is concerned with vacating this portion of right of way in close proximity to East North Street. Currently, the Watertown Street right of way width is continuous without vacated portions. This continuous right of way width facilitates street maintenance and future utility improvements.

As the required signatures have not been provided, the request can not be approved at this time. For that reason, staff is recommending that the item be denied without prejudice. However, the applicant should be aware that staff can not support the applicant's request due to the impact on the City's street network, should a request be resubmitted subsequently with the required signatures.