

STAFF REPORT

June 5, 2003

No. 03VR004 - Vacation of Right-of-Way

ITEM 16

GENERAL INFORMATION:

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| PETITIONER | South Dakota Department of Transportation |
| REQUEST | No. 03VR004 - Vacation of Right-of-Way |
| EXISTING LEGAL DESCRIPTION | That portion of Boston Street located adjacent to Lot RU-107A, Tract A and Lot 38 all of Block 2, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.161 acres |
| LOCATION | Boston Street located north of Omaha Street; east of 12 th Street; west of 11 th 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 Sewer and Water |
| DATE OF APPLICATION | 05/12/2003 |
| REPORT BY | Tom Kurtenbach |

RECOMMENDATION:

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

Urban Planning Recommendations:

1. Prior to approval by City Council, the applicant shall revise the Exhibit A to include the book and page of the plat recording the right of way at the Pennington County Register of Deeds; and,

Pennington County Register of Deeds Recommendations:

2. Prior to approval by City Council, the applicant shall revise Exhibit A heading to read, "Vacation of right of way Boston Street adjacent to Lot RU107A and Tract A of Block 2; and Lot 38 of amended plat of Block 2, all in Riverside Addition to Rapid City recorded in the Pennington County Register of Deeds".

GENERAL COMMENTS: The applicant is proposing to vacate the Boston Street right of way located north of Omaha Street and south of Executive Drive. The right of way vacation is

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associated with the Omaha Street improvement project currently under way. A petition to vacate the right of way was submitted by the applicant.

STAFF REVIEW: 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. A signed petition was submitted with the vacation of right of way request.

Exhibit A: The vacation of right of way procedures requires that the applicant submit four vacation instruments marked "Exhibit A" prepared by a registered Professional Engineer or Land Surveyor. The vacation instrument shall include book, page number and date of original plat dedicating right of way. The book and page number of the original plat dedicating the right of way were not included on the Exhibit A submitted by the applicant. Staff recommends that the applicant revise Exhibit A to include the book and page of recording prior to City Council approval. In addition, the Pennington County Register of Deeds staff has indicated that the heading needs to be revised. Staff recommends that prior to City Council approval, the applicant shall revise the Exhibit A heading to read, "Vacation of right of way Boston Street adjacent to Lot RU107A and Tract A of Block 2; and Lot 38 of amended plat of Block 2, all in Riverside Addition to Rapid City recorded in the Pennington County Register of Deeds".

Utilities: The vacation of right of way requires the permission of all affected utility companies. All of the utility companies contacted have indicated approval of the vacation request.

Miscellaneous Improvements: The Engineering Division staff has indicated that building and grading permit will be necessary with any future work in the area proposed for vacation, to include removal or reconstruction of curb and gutter, parking areas, etc.

Staff supports the vacation of right of way. As such, staff is recommending that the vacation request be approved with the stipulations stated above.