

STAFF REPORT

July 24, 2003

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**No. 03VR007 - Vacation of Right-of-Way**

**ITEM 32**

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GENERAL INFORMATION:

PETITIONER	Precision Surveying for William Marx
REQUEST	<b>No. 03VR007 - Vacation of Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in NW1/4 of Section 16, T1N, R7E, and also the area to be vacated on the common area of north and south portion of Blocks 1-5 of Chapel Lane Village Subdivision, located in NE1/4 of Section 17, T1N, R7E, BHM, Rapid City, Pennington County, south Dakota
PARCEL ACREAGE	Approximately 1.69
LOCATION	4730 Cliff Drive
EXISTING ZONING	Low Density Residential District /Park Forest District w/Planned Residential Development
SURROUNDING ZONING	
North:	Low Density Residential District /Park Forest District w/Planned Residential Development
South:	Low Density Residential District /Park Forest District w/Planned Residential Development
East:	Low Density Residential District
West:	Park Forest District w/Planned Residential Development
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	06/27/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

Urban Planning Division Recommendation:

1. Prior to City Council approval, a miscellaneous document creating a 66 foot wide utility easement in place of the section line highway shall be recorded at the Register of Deed's Office.

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### GENERAL COMMENTS:

The applicant has submitted a request to vacate the section line highway located along the west lot line of the subject property. In addition, the applicant has submitted a Final Plat to subdivide the a 1.69 acre lot into two lots. (See companion item #03PL074.) On June 26, 2003, the Planning Commission approved a Preliminary Plat to subdivide the subject property as identified on this plat document. In addition, the Planning Commission recommended denial of a Variance to the Subdivision Regulations to waive the requirement to improve a section line highway located along the west lot line and recommended approval of a Variance to the Subdivision Regulations request to waive the requirement to improve Cliff Drive located along the east lot line of the subject property. (These items will be heard by the City Council on July 21, 2003. See companion items #03PL064 and 03SV022.)

On February 17, 2003, the City Council approved a Layout Plat to subdivide the subject property into two lots as identified on this plat.

The property is located north of the Ridge Drive/Cliff Drive intersection on the west side of Cliff Drive. Currently, a single family residence is located on proposed Lot B and proposed Lot A is void of any structural development.

### STAFF REVIEW:

Staff has reviewed the request and has noted the following considerations:

Utilities: The applicant has submitted a letter to all of the affected utilities notifying them of the request to vacate the section line highway. Black Hills Power, Montana Dakota Utilities Company and Black Hills FiberCom have indicated that they do not oppose the request. However, Mid-Continent Communications and Qwest have indicated that they currently have utilities located within the section line highway. As such, prior to City Council approval, a miscellaneous document creating a 66 foot wide utility easement in place of the section line highway must be recorded at the Register of Deed's Office.

Section Line Highway: The Engineering Division has indicated that the terrain within this area of the section line highway does not support the construction of a road nor does the City's Major Street Plan identify a future street within the section line highway. In addition, the adjacent property owner has signed the Vacation of Right-of-way Petition to vacate the section line highway. As such, staff is recommending that the Vacation of Right-of-way be approved with the stipulation as outlined above.