

STAFF REPORT

August 7, 2003

No. 03VR008 - Vacation of Right-of-Way

ITEM 11

GENERAL INFORMATION:

PETITIONER	Jaaron Johnson
REQUEST	No. 03VR008 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	A portion of the Fairview Street Right-of-Way adjoining Lot 12 in Block 31 and Lot 1 in Block 42 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.19 acres
LOCATION	1221 12th Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	07/11/2003
REPORT BY	Vicki L. Fisher

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, the vacation document shall be revised to show the vacation of the south 19 feet and the north 19 feet of Fairview Street, retaining a 52 foot wide right-of-way in the middle of the street;
2. Prior to City Council approval, a drainage easement shall be recorded at the Register of Deed's Office for a portion of the north 19 feet of Fairview Street to be vacated as redlined on the vacation document; and,

Urban Planning Division Recommendation:

3. Prior to City Council approval, all of the affected utilities shall submit documentation concurring with the vacation request.

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GENERAL COMMENTS:

The applicant is proposing to vacate Fairview Street as it abuts the subject property. Currently, the remnants of a burned single family residence are located on the property. The applicant is proposing to rebuild the residence in its original location which results in the encroachment into the 25 foot front and side yard setbacks by 10 feet and 12 feet respectively.

On June 17, 2003 the Zoning Board of Adjustment denied a variance request to reduce the setbacks as identified above. In lieu of granting the variance, the Zoning Board of Adjustment advised the applicant that vacating the right-of-way or a portion of the right-of-way may be a better option in order to meet the setback requirements. As such, the applicant has submitted the vacation of right-of-way request. In addition, the applicant has submitted a signed Petition to Vacate document.

STAFF REVIEW:

Staff has reviewed the vacation of right-of-way request and has noted the following considerations:

Engineering Concerns: Currently, Fairview Street has a 90 foot wide right-of-way as it abuts the subject property. To date, a street has not been constructed in the western 65 feet of right-of-way; however, the right-of-way will serve as future access to property(s) located north and west of the subject property. As such, the Engineering Division has indicated that a minimum 52 foot wide right-of-way must be retained for the future construction of a local street. Vacating the north 19 feet and the south 19 feet of the Fairview Street right-of-way while retaining a minimum 52 foot wide right-of-way in the middle of the street will allow for the future construction of a local road. As such, staff is recommending that the vacation document shall be revised accordingly prior to City Council approval.

The Engineering Division has also indicated that a drainage easement must be recorded at the Register of Deed's Office for a portion of the north 19 feet of Fairview Street to be vacated as redlined on the vacation document prior to City Council approval.

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

Staff is recommending that the vacation of right-of-way be approved with the stipulations as outlined above.