

STAFF REPORT

November 6, 2003

No. 03VR011 - Vacation of Right-of-Way

ITEM 21

GENERAL INFORMATION:

PETITIONER	John K. Nooney
REQUEST	No. 03VR011 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Five Star Subdivision located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.75 Acres
LOCATION	West of Haines Avenue and north of Interstate 90
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District/Low Density Residential District
South:	Low Density Residential District
East:	General Commercial District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/10/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-Way request to vacate that portion of Howard Street right-of-way located on the subject property. On August 4, 2003, the City Council approved a Preliminary and Final Plat to subdivide the subject property into two lots. The plat also identified vacating that portion of Howard Street located on the subject property. However, the Title Company has requested that a separate vacation of right-of-way petition be approved by the City Council as the right-of-way was being held as a public street. Subsequently, the applicant has submitted this Vacation of Right-of-Way request.

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-Way request and has noted the following considerations:

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Access: Currently, Howard Street serves as legal access to properties located northwest of the subject property. As such, the applicant has recorded a Temporary Access Easement securing physical access for Howard Street across the subject property until such time as Disk Drive, located along the north lot line of the subject property, has been constructed and accepted by the City. Upon completion, Disk Drive will provide legal access to these properties located northwest of the subject property. In addition, the Temporary Access Easement identifies that the applicant shall maintain and repair Howard Street during the term of the easement.

Utility Companies: All of the affected utility companies have responded to the proposed vacation request. All of the responses have indicated support of the proposed request.

As indicated above, the utility companies support the proposed vacation request. In addition, the Temporary Access Easement provides continuous physical access to the properties located northwest of the subject property. As such, staff is recommending that the Vacation of Right-of-Way be approved.