

STAFF REPORT
June 24, 2004

No. 04SR033 - 11-6-19 SDCL Review to allow extension of a public utility **ITEM 6**

GENERAL INFORMATION:

PETITIONER	Ron Blum for Montana Dakota Utilities Company
REQUEST	No. 04SR033 - 11-6-19 SDCL Review to allow extension of a public utility
EXISTING LEGAL DESCRIPTION	Elk Vale Road right-of-way from US I-90 to Concourse Drive, Twilight Drive right-of-way from Concourse Drive to SD Highway 44 East, and the unplatted balance of the SE1/4, less Lot H1, less Lot H3 and H4 of the W1/2 SE1/2, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	Along Elk Vale Road and Twilight Drive from US I-90 to SD Highway 44 East
EXISTING ZONING	Street right-of-way
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District w/Planned Commercial Development
East:	General Commercial District/General Commercial District w/PCD/Suburban Residential District (County)
West:	General Commercial District/General Agriculture District/Light Industrial District/Light Industrial District w/PLID
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/26/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow extension of a public utility be approved with the following stipulations:

1. Prior to the start of construction, a utility easement shall be recorded at the Register of Deed's Office for any construction outside of right-of-way or existing utility easement(s);
2. Prior to the start of construction, a Right-of-way Permit from the South Dakota Department of Transportation shall be obtained for the proposed pipe line construction within the Elk Vale Road right-of-way;
3. Prior to the start of construction, a Pennington County Utility Permit shall be obtained for

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4. the proposed pipe line construction within Concourse Drive and/or Twilight Drive;
Prior to the start of construction, the actual location and depth of the natural gas line(s) shall be coordinated with the City's Utility Plan so as not to interfere with existing and proposed water and sewer lines.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to construct a 10 inch steel low pressure natural gas line and a four inch plastic medium pressure natural gas line in the Elk Vale Road right-of-way from Interstate 90 to Concourse Drive, across private property, extending south in the Twilight Drive right-of-way to S.D. Highway 44.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed natural gas line is a part of a public utility and the property is identified as a part of the Rapid City Comprehensive plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Right-of-way: As previously indicated, a majority of the proposed natural gas pipe lines are to be located in public right-of-way. However, approximately 600 feet of pipe line will be constructed on private property. Staff has noted that an H Lot has been recorded for Concourse Drive slightly north of the proposed pipe line to be located on the private property. Locating the pipe line in the H Lot in lieu of across the private property will allow the private property to develop without any interference from the pipe line. Staff is encouraging the applicant to consider revising the location of the pipe line and pursue constructing the gas pipe line in the H Lot.

Staff is recommending that prior to the start of construction, a utility easement be recorded at the Register of Deed's Office for any construction outside of rights-of-way or existing utility easement(s).

Permits: Prior to the start of construction, a Right-of-way Permit from the South Dakota Department of Transportation must be obtained for the proposed pipe line construction within the Elk Vale Road right-of-way. In addition, a Pennington County Utility Permit must be obtained for the proposed pipe line construction within Concourse Drive and/or Twilight Drive right-of-way.

City Utilities: Currently, a water main is located along portions of Elk Vale Road. Staff is recommending that prior to the start of construction, the actual location and depth of the proposed natural gas line(s) be coordinated with the City's Utility Plan so as not to interfere with existing and proposed water and sewer lines.

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Based on compliance with the stipulations identified above, staff recommends approval of the SDCL 11-6-19 request.