

STAFF REPORT  
July 22, 2004

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**No. 04VR004 - Vacation of Section Line Highway**

**ITEM 14**

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Leigh Tange and James Adams c/o Nemo Road Properties
REQUEST EXISTING LEGAL DESCRIPTION	<b>No. 04VR004 - Vacation of Section Line Highway</b> The 66 foot section line highway less the east 33 feet of said 66 foot right-of-way, located between the SE1/4 of Section 21 and the NE1/4 of Section 28, all located in T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.0 acres
LOCATION	North of I-90 and west of Elk Vale Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Light Industrial District
East:	Box Elder
West:	General Agriculture District (County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/30/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Vacation of Section Line Highway be approved with the following stipulations:

1. Prior to City Council approval, written documentation from Black Hills FiberCom concurring with the Vacation of Section Line Highway request shall be submitted;
2. Prior to City Council approval, a 20 foot wide utility easement shall be recorded at the Register of Deed's Office; and,
3. Prior to City Council approval, the north half of the section line highway shall be annexed into the City limits of Rapid City or the north half of the section line highway shall be vacated by the Pennington County Board of Commissioners.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Section Line Highway to vacate a section line highway located along the common lot line of the subject properties. The applicant has also submitted a request to annex the north half of the section line highway. (See companion item #04AN007.)

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On November 3, 2003, the City Council approved a Preliminary Plat to create seven commercial lots and 11 industrial lots on the southern property. A stipulation of approval of the Preliminary Plat required that the section line highway be improved to City Street Design standards or a Variance to the Subdivision Regulations be obtained to waive the street improvements or the section line highway be vacated.

The property is located north and west of the intersection of I-90 and Elk Vale Road and is currently void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Vacation of Section Line Highway request and has noted the following considerations:

**Utilities:** To date, Montana Dakota Utilities Company, Midcontinent Communications, West River Electric Association and Quest Communications have submitted written documentation supporting the proposed Vacation of Section Line Highway request. Black Hills Power has indicated that an overhead electric line is currently located within the section line highway and, as such, is requesting that a 20 foot wide utility easement be recorded at the Register of Deed's Office. In addition, written documentation from Black Hills FiberCom concurring with the proposed Vacation of Section Line Highway request must be submitted.

**Annexation:** The north half of the section line highway is currently located outside of the City limits. As such, staff is recommending that prior to City Council approval, the property must be annexed into the City limits or the north half of the section line highway must be vacated by the Pennington County Board of Commissioners.

Staff is recommending that the Vacation of Section Line Highway be approved with the above referenced stipulations of approval.