

STAFF REPORT  
November 24, 2004

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**No. 04VR010 - Vacation of Right-of-Way**

**ITEM 19**

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GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc.
REQUEST	<b>No. 04VR010 - Vacation of Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	A portion of Spring Canyon Trail right-of-way located south of Mountain Pine Lane right-of-way adjacent to Lot 3 Block 5 and Lot 5 Revised Block 4 of Clarkson Subdivision; Tract 1 of Glessnor Addition; the unplatted balance of the N1/2 SE1/4; and the unplatted part of the S1/2 NE1/4 lying south of Lot 5 Revised of Clarkson Subdivision, all located in Section 31, T1N, R7E, BHM, Pennington County, South Dakota
LOCATION	8503 Clarkson Road
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
DATE OF APPLICATION	10/29/2004
REVIEWED BY	Todd Tucker / Curt Huus

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

1. Prior to the Planning Commission approval, responses from all affected public utility companies shall be received indicating that they have no objection to the proposed vacation of right-of-way; and,
2. Prior to the Planning Commission hearing, a petition to vacate a public right-of-way shall be signed by all affected property owners.

GENERAL COMMENTS: The subject property is located south of Sheridan Lake Road and west of Clarkson Road. The right-of-way was originally platted in 1965 as part of the Clarkson Subdivision. The adjacent properties are located within a residential development. There are currently two single family residences located adjacent to that portion of Spring Canyon Trail proposed to be vacated. The applicant is proposing to vacate approximately 1,200 lineal feet of right-of-way.

STAFF REVIEW: Staff has reviewed the proposed Vacation of Right-of-Way request and noted the following issues:

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Utilities: The applicant originally requested the vacation of a much smaller portion of Spring Canyon Trail. On November 17, 2004 the applicant submitted a revised Exhibit "A" showing the vacation of Spring Canyon Trail between Mountain Pine Lane and Clarkson Road. As such, all affected public utility companies must give their approval to vacate that portion of Spring Canyon Trail shown on the revised exhibit. Prior to Planning Commission approval, responses from all affected public utility companies must be received indicating that they have no objection to the proposed vacation of right-of-way.

Traffic Operations: There are four properties located adjacent to the portion of Spring Canyon Trail proposed to be vacated. All properties will have legal access via public right-of-way if the request to vacate a portion of Spring Canyon Trail is approved. The petition to vacate a public right-of-way has been signed by all property owners affected by the vacation except one. Prior to the Planning Commission hearing, a petition to vacate a public right-of-way must be signed by all affected property owners as required by State statute.