

STAFF REPORT
April 21, 2005

No. 05VR002 - Vacation of Section Line Highway

ITEM 26

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Kensington Heights LLC
REQUEST	No. 05VR002 - Vacation of Section Line Highway
EXISTING LEGAL DESCRIPTION	The Section Line Highway located in the unplatted balance of the W1/2 of the S1/2 of Government Lot 4 and the E1/2 of the S1/2 of Government Lot 4 all in Section 18, T1N, R8E and Government Lots 1 and 2 Less Lot 1 of North 80 Subdivision, less Lot H2 of Government Lot 2 and less right-of-way, all in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.55 Acres
LOCATION	Extending east from the intersection of Enchanted Pines Drive and Park View Drive
EXISTING ZONING	General Agriculture District - Low Density Residential - II District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential II District
East:	General Agriculture District
West:	General Agriculture District - Low Density Residential II District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/21/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

1. Prior to City Council approval, the "Petition to Vacate Public Right-of-way" document shall be revised eliminating Government Lot 2 from the document; and,
2. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Section Line Highway request to vacate a portion of the section line highway located between Sections 18 and 19, T1N, R8E, BHM,

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Pennington County, South Dakota.

On March 21, 2005, the City Council approved a Layout Plat for Kensington Heights, Phase three to create 28 residential lots with six of the lots abutting the eastern portion of the section line highway. On April 18, 2005, the City Council will consider a Layout Plat for Stone Ridge Subdivision to create three lots abutting the western portion of the section line highway.

The subject property is located south and east of the current terminus of Elm Avenue 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: The vacation of Section Line Highway requires the permission of all affected utility companies. Of the six utility companies, only Montana Dakota Utilities and Qwest Communications have responded. Staff is recommending that prior to City Council approval, documentation must be submitted from the remaining utility companies indicating no objection to the vacation.

Labeling: The Register of Deed's Office has noted that the section line highway proposed to be vacated does not abut Government Lot 2 in Section 19, T1N, R8E. Subsequently, staff is recommending that prior to City Council approval, the "Petition to Vacate Public Right-of-way" document be revised eliminating Government Lot 2 from the document.

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