

STAFF REPORT  
June 9, 2005

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**No. 05VE004 - Vacation of Utility Easement**

**ITEM 49**

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GENERAL INFORMATION:

PETITIONER	Semmler Manufacturing for Carolyn Linn
REQUEST	<b>No. 05VE004 - Vacation of Utility Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 1, Block 1 and Lot A of Lot 1, Block 5, Rushmore Regional Industrial Park, located in the SE 1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.721 acres
LOCATION	Adjacent to the west side of Concourse Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/5/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Vacation of Utility Easement be approved with the following stipulation:

1. Prior to Planning Commission approval, the applicant shall submit a revised Exhibit "A" showing the existing eight foot wide minor drainage easement in addition to the existing utility easement located on Lot A of Lot 1 to be vacated or show that the minor drainage easement will remain.

GENERAL COMMENTS: The subject property is located on the west side of Concourse Drive between Jet Drive and Elk Vale Road. The subject property is currently void of any structural development. A developmental lot has been recorded to tie the two properties together for development purposes. The applicant is now proposing to vacate the eight foot wide utility easement located on Lot A of Lot 1 and the six foot wide Utility Easement located on Lot 1.

STAFF REVIEW: Staff has reviewed the request for a Vacation of Utility Easement as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

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Utility Company Approval: The vacation of a utility easement requires permission of all affected utility companies. Staff noted that all of the affected utility companies have been contacted and all five affected utility companies have provided written documentation that they do not have existing or proposed services within the easement and have no objections to vacating the utility easement. City staff has also indicated that there is no existing water or wastewater service or any proposed water or wastewater service within the utility easement.

Drainage Easement: Staff noted that the current plat for Lot A of Lot 1 shows an eight foot wide minor drainage easement located in the same location as the utility easement. Prior to Planning Commission approval, the applicant must submit a revised Exhibit "A" showing the existing eight foot wide minor drainage easement in addition to the utility easement located on Lot A of Lot 1 to be vacated or show that the minor drainage easement will remain. Staff noted that there does not appear to be a need for a drainage easement in this location and would be in support of the vacation of the drainage easement in additions to the vacation of the utility easement. Staff also noted that no structures are allowed within minor drainage easements.

Staff recommends that the request for the Vacation of the Utility Easement be approved with the previously stated stipulation.