

STAFF REPORT

June 9, 2005

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**No. 05VR005 - Vacation of Alley Right-of-Way adjoining Lots 1 through 8 and Lots 21 through 28 of Northside Addition**      **ITEM 21**

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting for MBJ Company, Inc.
REQUEST	<b>No. 05VR005 - Vacation of Alley Right-of-Way adjoining Lots 1 through 8 and Lots 21 through 28 of Northside Addition</b>
EXISTING LEGAL DESCRIPTION	Undeveloped alley adjoining Lots 1 through 8 and Lots 21 through 28, Block 7, Northside Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3,485 square feet
LOCATION	826 East Monroe Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/13/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Vacation of Alley Right-of-Way adjoining Lots 1 through 8 and Lots 21 through 28 of Northside Addition be approved with the following stipulations:

1. Prior to City Council approval of the Vacation of Right-of-Way, a separate miscellaneous easement document shall be submitted for review and approval showing that portion of the alley right-of-way to be vacated, dedicated as a utility easement;
2. The utility easement shall be recorded with the Pennington County Register of Deeds immediately after the vacation of right-of-way exhibit is recorded; and,
3. All affected lots shall be combined with a Developmental Lot Agreement. In addition, the Developmental Lot Agreement shall be recorded at the Pennington County Register of Deeds office immediately after the utility easement exhibit is recorded.

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**No. 05VR005 - Vacation of Alley Right-of-Way adjoining Lots 1 through 8 and Lots 21 through 28 of Northside Addition**      **ITEM 21**

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GENERAL COMMENTS: The subject property is located north of East Monroe Street and south of East Adams Street between North Spruce Street and Gold Finch Road. The subject property is an undeveloped portion of alley right-of-way located within a fenced in storage yard for an existing vehicle towing company located on the adjacent properties. The original right-of-way was platted in 1885 as part of the Northside Addition Subdivision. On April 7, 2005, the Planning Commission approved a Determination of Use application to allow a towing company in the Light Industrial Zoning District. On May 5, 2005, the Planning Commission approved a Rezoning request (05RZ029) to change the zoning of the subject property from Medium Density Residential to Light Industrial. On May 5, 2005, the Planning Commission also approved a Comprehensive Plan Amendment (05CA019) to change the future land use designation on the subject property from Medium Density Residential to Light Industrial. The applicant is now requesting that the undeveloped alley right-of-way be vacated in an attempt to bring the property into compliance with the Zoning Regulations.

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

Utilities: Staff noted that the City does not have any utilities located within the alley right-of-way. However, Black Hills Power and Mid-Continent Communications have indicated that they have existing services located within the alley right-of-way. As such, the area proposed for vacation would need to be retained as a utility easement. A separate miscellaneous easement document must be prepared showing that portion of the alley right-of-way to be vacated, dedicated as a utility easement. The utility easement exhibit must be submitted prior to City Council approval of the vacation of right-of-way for staff review and recorded with the Pennington County Register of Deeds immediately after the vacation of right-of-way exhibit is recorded.

Traffic Network: That portion of the alley right-of-way to be vacated does not currently provide access to any other property other than the adjacent lots to the north and south which are part of the storage yard for the existing towing company located on the property. As such, the circulation and traffic flow will not be adversely impacted if the alley right-of-way is vacated. However, if the right-of-way is vacated, the individual lots lying south of the alley will not have legal or physical access. As such, all affected lots must be combined with a Developmental Lot Agreement. In addition, the Developmental Lot Agreement must be recorded at the Pennington County Register of Deeds office immediately after the utility easement exhibit is recorded.

Staff recommends approval of the Vacation of Right-of-Way with the previously stated stipulations.