

STAFF REPORT
September 8, 2005

No. 05VR009 - Vacation of Right-of-Way

ITEM 32

GENERAL INFORMATION:

PETITIONER	ARC International for First Western Properties, LLC
REQUEST	No. 05VR009 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	A ten foot wide strip of the Eleventh Street right-of-way located adjacent to Lot 1, Block 3; Lot 26, Block 3; and Tract A, Block 4, Riverside Addition, all located in SE1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	Adjacent to the east and west sides of Eleventh Street between Omaha Street and Rapid Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Light Industrial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/12/2005
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

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

1. Prior to Planning Commission approval, a site survey showing the location of the existing pavement, curb, gutter, sidewalk, street light conduit and public and private utilities shall be submitted for review and approval; and,
2. Prior to City Council approval, a utility easement for that portion of Eleventh Street to be vacated shall be recorded at the Register of Deed's Office.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-Way request to vacate a portion of the Eleventh Street right-of-way located adjacent to Lot 1, Block 3; Lot 26, Block 3; and Tract A, Block 4, Riverside Addition, all located in SE1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

The subject property is located directly south of Omaha Street and north of Rapid Street and is currently void of any structural development.

STAFF REPORT
September 8, 2005

No. 05VR009 - Vacation of Right-of-Way

ITEM 32

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-Way request and has noted the following considerations:

Utilities: The vacation of right-of-way requires the permission of all affected utility companies. All of the affected utility companies have indicated that they currently have utilities located in the right-of-way but would not object to the Vacation of Right-of-Way request if a utility easement is retained. As such, staff is recommending that prior to City Council approval, a utility easement for that portion of Eleventh Street to be vacated must be recorded at the Register of Deed's Office.

Street Design: Eleventh Street is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Eleventh Street is located in an 80 foot wide right-of-way with an approximate 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Vacating a portion of the right-of-way as proposed will retain a 60 foot wide right-of-way; however, due to the additional existing pavement width, staff is recommending that a site survey be submitted for review and approval to insure that all of the street improvements will be located in the 60 foot wide right-of-way. In particular, staff is recommending that prior to Planning Commission approval, a site survey showing the location of the existing pavement, curb, gutter, sidewalk, street light conduit and public and private utilities be submitted for review and approval.

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