

STAFF REPORT  
October 5, 2006

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**No. 06VR008 - Vacation of Section Line Highway**

**ITEM 56**

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GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for PLM Development, LLC
REQUEST	<b>No. 06VR008 - Vacation of Section Line Highway</b>
EXISTING LEGAL DESCRIPTION	Section Line Right-of-way lying adjacent to the NE1/4 NE1/4, Section 23 and the NW1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.93 Acres
LOCATION	South of Minnesota Street and west of Fifth Street
EXISTING ZONING	General Agriculture District - Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	General Agriculture District - Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/22/2006
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

1. Prior to Planning Commission approval, the applicant shall submit recorded documentation identifying legal access to the S1/2NE1/4NE1/4NE1/4 and the N1/2NE1/4NE1/4NE1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota;
2. Prior to City Council approval, a 12 foot wide utility easement along the east side of the section line highway shall be recorded at the Register of Deed's Office as requested by Qwest Communications; and,
3. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation request.

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GENERAL COMMENTS:

**(Update, September 21, 2006. All revised and/or added text is shown in bold print.)**  
This item was continued at the September 21, 2006 Planning Commission meeting to allow the applicant to submit recorded documentation identifying legal access to S1/2NE1/4NE1/4NE1/4 and the N1/2NE1/4NE1/4NE1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Staff will notify the Planning Commission at the October 5, 2006 Planning Commission meeting if this requirement has not been met. Please note that no other part of this Staff Report has been altered.

The applicant has submitted a Vacation of Section Line Highway request to vacate a portion of a section line highway located along the west lot line of the subject property.

On July 6, 2006, the Planning Commission approved a Preliminary Plat to subdivide a portion of the subject property into 48 residential lots. The City Council will consider the Preliminary Plat on September 18, 2006. (See companion item# 06PL087.)

The property is located at the western terminus of Stumer Road and Enchanted Pines Drive and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Vacation of Section Line Highway and has noted the following considerations:

Utilities: Qwest Communications has indicated that a 12 foot wide utility easement must be retained along the east side of the section line highway in order to extend a service trunk line from Enchantment Road to Stumer Road. As such, staff is recommending that prior to City Council approval, a 12 foot wide utility easement along the east side of the section line highway be recorded at the Register of Deed's Office as requested by Qwest Communications.

To date, the remaining utility companies have not responded to the proposed section line highway vacation request. As such, staff is recommending that prior to City Council approval, documentation from all of the affected utility companies must be submitted for review and approval indicating concurrence with the vacation request.

Exhibit "A": Staff has noted that the southern 400 feet of the section line highway abutting the PLM Subdivision is not included on the Vacation of Section Line Highway request. As such, a separate Vacation of Section Line Highway request must be submitted for review and approval. In addition, the adjacent property owner(s) must sign the Vacation of Right-of-way Petition.

Street Networking: The section line highway serves as legal access to two properties located directly west of the section line highway legally described as S1/2NE1/4NE1/4NE1/4 and the N1/2NE1/4NE1/4NE1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. During the review of a Layout Plat for Medicine Ridge Subdivision located directly south of these two parcels, staff noted that the plat document identified a 40 foot wide access and utility easement extending east and north from Enchantment Road to these two properties. However, documentation identifying that the access and utility easement

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has been recorded at the Register of Deed's Office has not been submitted for review and approval. As such, staff is recommending that prior to Planning Commission approval, recorded documentation identifying alternate access be submitted for review and approval.

The balance of the adjacent properties has an alternate means of access. In addition, the section line highway is not identified on the Major Street Plan as an arterial and/or collector street. As such, staff is recommending that the Vacation of Section Line Highway be approved with the stipulation of approval as identified above.