

STAFF REPORT  
November 22, 2006

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**No. 06SR078 - SDCL 11-6-19 Review to allow acquisition of property for public use**

**ITEM 22**

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GENERAL INFORMATION:

PETITIONER	Kevin Lewis for the City of Rapid City
REQUEST	<b>No. 06SR078 - SDCL 11-6-19 Review to allow acquisition of property for public use</b>
EXISTING LEGAL DESCRIPTION	Lot 1 Revised, Block 6, Mountain View Subdivision, located in the E1/2 NE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .12 acres
LOCATION	Southwest of the intersection of West Florman
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Park Forest District
PUBLIC UTILITIES	City
DATE OF APPLICATION	10/26/2006
REVIEWED BY	Rodney Proffitt / Bob Dominicak

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow acquisition of land for public use be approved.

GENERAL COMMENTS: The City of Rapid City is seeking to acquire a small parcel of land that has been used as part of the Mountain View Cemetery; however, due to surveying errors, the property is currently privately owned. The subject property lies immediately adjacent to the Mountain View Cemetery. The City of Rapid City has maintained the grave sites on the subject property since taking ownership and possession. The subject property will be made a permanent part of the Mountain View Cemetery upon acquisition.

As part of the Mountain View Subdivision, the subject property is zoned Low Density Residential District. This same zoning is applicable to the surrounding area, except for the cemetery itself, which is zoned as Park Forest Zoning District.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code and notes the following

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considerations:

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission".

Location: The subject property abuts Mountain View Cemetery. The subject property is now privately owned; however, the property is maintained by the City as a cemetery. There are graves on the subject property and the City has been maintaining the subject property as part of the cemetery. Acquisition of the land by the City will not change the use of the property.

Extent: The acquisition consists of approximately 0.12 acres.

Staff recommends approval of the SDCL 11-6-19 Review to approve this transaction.