

STAFF REPORT
January 25, 2007

No. 07SR002 - SDCL 11-6-19 Review to allow the extension of a private utility in a public right-of-way **ITEM 11**

GENERAL INFORMATION:

PETITIONER	Highmark Federal Credit Union
REQUEST	No. 07SR002 - SDCL 11-6-19 Review to allow the extension of a private utility in a public right-of-way
EXISTING LEGAL DESCRIPTION	The alley located within Block 105, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.18 Acre
LOCATION	519 and 520 Kansas City Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	1/11/2007
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the temporary extension of a private utility for two years in a public right-of-way be approved.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow the extension of a private utility in a public right-of-way. The applicant is proposing to install a temporary aerial fiber-optic cable along existing utility poles located in the alley between the properties at 725 Fifth Street and 519 Kansas City Street. The proposed aerial fiber-optic cable will be used for a maximum time period of two years and allow the applicant to operate from their building at 519 Kansas City Street while the property at 725 Fifth Street is being renovated. The properties are used in the operation of a credit union and the area is zoned Central Business District.

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,

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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". The proposed utility extension is a private improvement on public property and the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 and has noted the following considerations:

Building Permit: Staff noted that no building permit is required for the installation of the fiber-optic cable.

Right-of-Way Permit: Public Works Staff noted that a Right-of-Way Permit is required prior to installation of the fiber-optic cable in the right-of-way.

Utilities: Staff noted that the proposed fiber-optic cable will be located on existing Black Hills Power utility poles and that the applicant is required to obtain permission from Black Hills Power to utilize the existing poles. The applicant submitted a Joint Use Agreement signed by representatives from Black Hills Power and Highmark Federal Credit Union allowing Highmark Federal Credit Union to attach their fiber-optic cable onto the existing utility poles.

Staff is recommending that the SDCL 11-6-19 Review be approved.