

STAFF REPORT  
May 24, 2007

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**No. 07VE004 - Vacation of an Access Easement**

**ITEM 14**

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GENERAL INFORMATION:

PETITIONER	Angle Survey for Brandon Payne
REQUEST	<b>No. 07VE004 - Vacation of an Access Easement</b>
EXISTING LEGAL DESCRIPTION	Lots 23 and 24 of Block 1 of Hillsvieview Haven Subdivision, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.15 acres
LOCATION	23640 and 23642 Busted Five Court
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	3/9/2007
REVIEWED BY	Jonathan Smith / Emily Fisher

RECOMMENDATION:

**Staff recommends that the Planning Commission acknowledge the applicant's request to withdraw this request of Vacation of an Access Easement.**

GENERAL COMMENTS:

**(Update, May 16, 2007. All revised and/or added text is shown in bold print.) This item was continued at the May 10, 2007 Planning Commission meeting to the May 24, 2007 Planning Commission meeting to allow the Pennington County Fire Department, and members of the Planning Commission to visit the site. On May 11, 2007 staff received an email from the applicant requesting that this item be withdrawn. As such, staff recommends that the Planning Commission acknowledge the applicant's request to withdraw this item.**

This item was continued at the April 5, 2007 Planning Commission meeting at the request of the applicant. As of this writing staff has not been able to contact the applicant directly. However, staff has left a message reminding the applicant of the hearing date on May 10, 2007.

The applicant is requesting the vacation of an emergency access easement. The subject easement lies along the parcel boundary of Lot 23 and Lot 24 of Hillsvieview Haven Subdivision

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more commonly known as 23640 Busted Five Court, and 23642 Busted Five Court. The subject property does not lie within the municipal boundaries of the City of Rapid City; however the access easement is located within the City of Rapid City Three Mile Platting Jurisdiction. Current zoning of the subject properties is Suburban Residential District by Pennington County.

STAFF REVIEW:

Staff has reviewed the request for vacation of an emergency access easement and noted the following considerations:

Emergency Access Easements:

The subject access easement currently lies along the parcel boundary of Lot 23 and Lot 24. The subject access easement measures 50 feet in width, with 25 feet lying on lot 23, and 25 feet lying on Lot 24. Currently the access easement consists of natural vegetation and is not graveled or paved. A barbed wire fence currently exists on the emergency access easement. This fence currently obstructs access and should be removed.

The subject access easement provides a means of emergency access to Midwest Outdoor Campground, which abuts Lots 23, and 24 to the east. The access easement was created to provide emergency vehicles an alternate access to the campground. Currently no alternate means of access for emergency vehicles exists for the campground. Staff has noted that the Pennington County Fire Coordinator required this emergency access easement at the time of platting of the adjacent campground, and that the Pennington County Fire Coordinator has recommended that this emergency access easement be retained.

Currently the only other means of ingress that exists for emergency vehicles to access the campground is the main entrance by way of Busted Five Lane. Vacation of this emergency access easement would leave only one access to the 41 acre Midwest Outdoor Campground that includes 165 recreation vehicle campsites and 15 dwelling units. Furthermore, this area has been identified by the Pennington County Fire Coordinator to be a high risk area for forest fires because of its close proximity to forested land.

**Staff recommends that the Planning Commission acknowledge the applicant's request to withdraw this item.**