

STAFF REPORT
October 25, 2007

No. 07VE032 - Vacation of Non-Access Easement

ITEM 21

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Rapid Center, LLC
REQUEST	No. 07VE032 - Vacation of Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Forefather Flats Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.94 acres
LOCATION	South of East Mall Drive and north of Interstate 90
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/19/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Vacation of Non-Access Easement be approved with the following stipulations:

1. Prior to Public Works Committee approval, the Vacation of Non-Access Easement Exhibit "A" shall be revised eliminating the reference to the "relocated non-access easement"; and,
2. Prior to Public Works Committee approval, a separate Exhibit "A" shall be recorded at the Register of Deed's Office securing an alternate non-access easement along E. Mall Drive as it abuts the property.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Non-Access Easement request to vacate a

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portion of a non-access easement along E. Mall Drive as it abuts the property. In addition, the applicant has submitted a Vacation of Access and Utility Easement (#07VE037) to relocate the access extending south from E. Mall Drive to the property.

On June 20, 2007, the City approved a Final Plat application to create three lots as a part of the Forefather Flats Subdivision which included this property. An H Lot has also been recorded to create a turning lane along E. Mall Drive to serve as access to the property. The H Lot was dedicated from a portion of Lot 1, Forefather Flats Subdivision abutting E. Mall Drive. However, the Final Plat originally dedicated a non-access easement along Lot 1 as it abuts E. Mall Drive. As such, this Vacation of a Non-Access Easement request proposes to vacate that portion of the non-access easement located within the H Lot.

The property is located south of E. Mall Drive and north of Interstate I-90. The property is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Vacation of Non-Access Easement request and has noted the following considerations:

Exhibit "A": The Exhibit "A" identifies the vacation of a non-access easement and the dedication of an alternate non-access easement along the north lot line of the property. However, a new easement can not be created on a vacation document. As such, separate documents must be recorded at the Register of Deed's Office to vacate the easement and to create a new easement as proposed.

Staff is recommending that prior to Public Works Committee approval, the Vacation of Non-Access Easement Exhibit "A" be revised eliminating the reference to the "relocated non-access easement". In addition, a separate Exhibit "A" must be recorded at the Register of Deed's Office securing an alternate non-access easement along E. Mall Drive as it abuts the property.

Staff is recommending that the Vacation of Non-Access Easement request be approved with the stipulations as identified above.