

STAFF REPORT
October 25, 2007

No. 07VE035 - Vacation of a portion of a Non-Access Easement

ITEM 22

GENERAL INFORMATION:

APPLICANT	Aaron Klapkin
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
REQUEST	No. 07VE035 - Vacation of a portion of a Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lot A of Lot 27 of Block 1 of Elks Country Estates, located in the E1/2, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.58 acres
LOCATION	3911 Jolly Lane
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	9/25/2007
REVIEWED BY	Jonathan Smith / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of a portion of a Non-Access Easement be approved with the following stipulation.

1. Prior to approval by City Council, the applicant shall record with the Pennington County Register of Deeds office a 35 foot Non-Access Easement along Jolly Lane.

GENERAL COMMENTS:

The applicant has submitted a request to vacate a portion of a Non-Access Easement. The property is located at 3911 Jolly Lane. The property consists of a 0.58 acre lot with a single family residence located upon the property. A Major Drainage Easement currently lies on approximately 74 percent of the property. The property was platted on September 9, 1997. An affidavit that identifies the property as Lot A of Lot 27 Block 1 of Elk Country Estates was recorded with the Pennington County Register of Deeds Office on November 21, 1997. The property is currently zoned Low Density Residential District.

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STAFF REVIEW:

Staff has reviewed the applicant's request to vacate a Non-Access Easement and noted the following considerations:

NON-ACCESS EASEMENT:

Currently a Non-Access Easement is located on the western boundary of the property abutting Jolly Lane. The Non-Access Easement begins at the southeast corner of the property and traverses in a north/south manner along the eastern boundary a distance of 83 feet. The applicant has submitted a document known as "Exhibit A" which identifies the 35 foot portion of the Non-Access Easement to be vacated.

Exhibit A identifies an area of the Non-Access Easement beginning at the northern terminus of the Non-Access Easement and traversing south a distance of 35 feet as being the portion to be vacated. Staff has noted that currently a single family residence is located on the property, and the driveway for this residence encroaches into the Non-Access Easement.

In addition the applicant has submitted an additional document that extends a proposed Non-Access Easement 35 feet along Jolly Lane beginning at the northern most terminus of the existing Non-Access Easement. This easement will need to be recorded as a miscellaneous document prior to City Council approval of this a Vacation of Non-Access Easement request.

The existing driveway on the property is currently located 93 feet from the driveway constructed on the abutting property to the north. Staff has noted that this meets the minimum spacing requirement of 5 feet as per Section 8.2.2 D of the Street Design Criteria Manual. In addition the abutting property to the south currently has a large drainage feature located on it and is located within the federally designated 100 year flood plain. Staff has noted that the abutting property on the southern boundary appears to be hindered by topographical constraints and future residential development of this lot is unlikely. Staff finds that the vacation of a Non-Access Easement will have no significant impact along Jolly Lane. For these reasons staff recommends that approval of the Vacation of the Non-Access Easement be approved with the stipulation that the applicant shall record with the Pennington County Register of Deeds office a 35 foot Non-Access Easement along Jolly Lane.