

STAFF REPORT  
February 21, 2008

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**No. 08VR001 - Vacation of Right-of-Way**

**ITEM 30**

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GENERAL INFORMATION:

APPLICANT	Jo and Steve Benn
AGENT	Renner & Associates
PROPERTY OWNER	Steve and Jo Benn
REQUEST	<b>No. 08VR001 - Vacation of Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	A portion of Clarkson Road Right-of-way, located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.209 acres
LOCATION	At the intersection of Clarkson Road and Spring Canyon Trail
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	Community water and private sewer
DATE OF APPLICATION	1/25/2008
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved.

General Information: The applicant has submitted a Vacation of Right-of-Way request to vacate a portion of Clarkson Road Right-of-way, located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota. The applicant has also submitted a Preliminary Plat (#08PL008) to subdivide the property into a 3.7 acre lot and leave the remainder of the property as an unplatted balance and a Variance to Subdivision Regulations (#08SV004).

On December 29, 1972, a Final Plat was recorded that included this portion of Clarkson Road. Subsequently, Clarkson Road was constructed by Pennington County.

Upon surveying the property for the Preliminary Plat (#08PL008) the applicant determined

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that portions of the as-constructed roadway were located outside of the dedicated right-of-way. As such, the applicant is proposing to vacate a portion of the right-of-way and dedicate additional right-of-way on the plat to match the as-constructed roadway.

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-Way and has noted the following considerations:

Petition to Vacate Public Right-of-Way: The applicant and the adjacent property owners have submitted a petition to vacate a portion of Clarkson Road right-of-way that extends through the property to allow it to match the as-constructed roadway. The adjacent properties have access from the remaining Clarkson Road right-of-way.

Pennington County Highway: Pennington County Highway staff noted that the proposed vacation of right-of-way appears to be appropriate to match the existing constructed roadway and recommends approval of the Vacation of Right-of-Way request.

Utility Company Approval: The vacation of right-of-way requires permission of all affected utility companies. Staff noted that all of the affected utility companies have been contacted. All affected utility companies have provided written documentation indicating that they do not have objections to vacating the right-of-way.

Street Networking: The right-of-way is identified on the Major Street Plan as a collector street. The realigned right-of-way will meet the minimum requirements for a collector street which is 60 feet of right-of-way and 24 feet of pavement with no on-street parking. As such, staff is recommending that the Vacation of Right-of-Way be approved.