

STAFF REPORT
March 27, 2008

No. 08VE002 - Vacation of Access Easement

ITEM 12

GENERAL INFORMATION:

APPLICANT	4 B LLC
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Thomas Fenske
REQUEST	No. 08VE002 - Vacation of Access Easement
EXISTING LEGAL DESCRIPTION	Lot 3, Block 1, Rushmore Business Park, located in the S1/2 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.08 acres
LOCATION	3635 Homestead Street
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	General Commerical District
West:	Light Industrial District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	2/25/2008
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of Access Easement request be continued to the April 10, 2008 Planning Commission meeting.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Access Easement request. The property is located west of the intersection of Elk Vale Road and Homestead Street. The property is a 15.08 acre parcel platted as Lot 3, Block 1 of Rushmore Business Park. A commercial building identified as "Fenske Media" is located on the property. Currently an access and utility easement is located on the common eastern boundary of the property and the abutting Lot 1 of Hilltop Business Park. The applicant is proposing to vacate a portion of the access easement with the utility easement to remain in place. The property is currently zoned Light Industrial District.

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STAFF REVIEW:

The applicant has submitted a Vacation of Easement exhibit identified as "Exhibit A" prepared and stamped by a licensed surveyor that identifies a 30 foot wide by 154 foot long portion of an access easement to be vacated. As noted the utility easement is to remain in place and is clearly stated by a note on the exhibit. The exhibit also identifies a 40 foot major drainage easement located on the southern boundary of the property. Staff finds that the exhibit may give the impression that a 30 foot portion of the major drainage easement is being vacated as well. In order to avoid potential confusion staff recommends the applicant revise the exhibit to add a note stating that the 30 foot portion of the drainage easement shall remain. In addition, staff has noted that the abutting property owner on the southern boundary (Lot 2 of Rushmore Regional Industrial Park) has not signed the Vacation of Easement Request application. The access easement serves as a legal means of access to Lot 2 of Rushmore Business Park, therefore, the owner of the property must sign the Vacation of Access Easement application in order to vacate of this portion of the access easement.

As such staff recommends that this item be continued to the April 10, 2008 Planning Commission meeting to allow the applicant to acquire the necessary signature of the property owner of Lot 2 of Rushmore Regional Industrial Park and time to revise the plat document to add a note stating that a 30 foot portion of the major drainage easement shall not be vacated.