

STAFF REPORT
April 10, 2008

No. 08SR014 - SDCL 11-6-19 Review to authorize the acquisition of right-of-way ITEM 33

GENERAL INFORMATION:

APPLICANT	Robert Ellis for City of Rapid City
AGENT	Kadrmass, Lee and Jackson
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08SR014 - SDCL 11-6-19 Review to authorize the acquisition of right-of-way
EXISTING LEGAL DESCRIPTION	Beginning at the southwest corner of Lot B of Lot 5R of Meridian Subdivision in the SE1/4 of Section 30; thence southerly along the west line of Lot A of Lot 5R of said Meridian Subdivision on a bearing of S02 01'03"W, a distance of 155.8 feet to the Point of Beginning, thence easterly on a bearing of S87 52'15"E, a distance of 1451.9 feet along the centerline of existing East Anamosa Street; thence southeasterly through a portion of Tract A in the NE1/4 NE1/4 of Section 31 along a curve having a radius of 800 feet, a distance of 388.0 feet to the end of said curve; thence southeasterly through a portion of said Tract A on a bearing of S60 04'43"E, a distance of 93.0 feet to DM&E Railroad Right of Way, thence continuing southeasterly through said DM&E Railroad Right of Way on a bearing of S60 04'43"E, a distance of 171.4 feet to the west line of Lot 2 of Meadowlark Hills Subdivision in the NE1/4 of Section 31; thence continuing southeasterly through said Lot 2 on a bearing of S60 04'43"E, a distance of 608.1 feet to the west line of Lot A of West Century Subdivision in the NW1/4 NW1/4 of Section 32; thence continuing southeasterly through said Lot A on a bearing of S60 04'43"E, a distance of 430.3 feet to the beginning of a curve; thence southeasterly through said Lot A on a curve having a radius of 1000 feet; a distance of 397.3 feet to the west line of existing Century Road Right of Way; thence continuing along said curve through said Century Road Right of Way, a distance of 99.3 feet to the west line of Tract 1 and Lot H1 of Century 21 Subdivision in the NW1/4 of Section 32; thence continuing southeasterly through a portion of said Tract 1 and Lot H1 along said curve a distance of 0.4 feet to the end of said curve; thence southeasterly through a portion of said Tract 1 and Lot H1 on a bearing of S31 36'09"E for a distance of 661.9 feet to the beginning of a curve; thence southeasterly through said Lot H1 on a radius of

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1490.5 feet, a distance of 292.82 feet to the end of said curve; thence southeasterly through said Lot H1 on a bearing of S42 51'04"E, a distance of 228.4 feet to the west Right of Way line of East-North Street and also being the end of project, all located in Township 2 North, Range 8 East of the Black Hills Meridian, City of Rapid City, Pennington County, State of South Dakota

PARCEL ACREAGE	Approximately 14.306 acres
LOCATION	E. Anamosa Street right-of-way from LaCrosse Street to East North Street
EXISTING ZONING	General Commercial District, General Agriculture District, Medium Density Residential District, Light Industrial District
SURROUNDING ZONING	
North:	General Commercial District, General Agriculture District, Medium Density Residential District, Light Industrial District
South:	General Commercial District, General Agriculture District, Medium Density Residential District, Light Industrial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/25/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to authorize the acquisition of right-of-way be **approved**.

GENERAL COMMENTS:

(Update: March 31, 2008. All revised and/or added text is shown in bold print.) This item was continued at the March 27, 2008 Planning Commission meeting to allow the applicant to demonstrate that the proposed acquisition of right-of-way allowed for the construction of the street as per the approved E. Anamosa Street Study.

The City of Rapid City is proposing to acquire right-of-way to extend E. Anamosa Street from its current terminus 1,200 feet east of LaCrosse Street east through the intersection of Century Road. Approximately 2,500 lineal feet of right-of-way is proposed for acquisition.

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There is existing section line highway and other existing rights-of-way along the proposed road alignment.

The Rapid City Public Works Department staff have requested for the Planning Commission to approve the location and extent of the proposed right-of-way to be acquired. In addition, the applicant has submitted a related request seeking approval of the proposed construction and/or reconstruction of E. Anamosa Street. In particular, the applicant is proposing to reconstruct the western 1,300 feet of E. Anamosa Street and to construct approximately 2,500 feet of the street as it extends east to the Century Road intersection.

South Dakota Codified Law 11-6-22 states that "...the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for any street or other public way, ground, place, property, or structure shall be subject to submission and approval similar to that provided in SDCL 11-6-19 to 11-6-21 inclusive, and failure to approve may be similarly overruled". As such, the acquisition of right-of-way must be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the request and has noted the following considerations:

Right-of-way: As noted above, the City of Rapid City is proposing to acquire right-of-way to extend E. Anamosa Street from its current terminus 1,200 feet east of LaCrosse Street east through the intersection of Century Road. Approximately 2,500 lineal feet of right-of-way is proposed for acquisition. In particular, the City is proposing to acquire a 100 foot wide right-of-way from the intersection of the previously vacated Cherry Avenue right-of-way, east to the existing intersection of Century Road. The City is also proposing to acquire right-of-way with a varying width of 100 feet to 131 feet from the existing Century Road intersection east to the proposed Century Road intersection. In addition, the City is proposing to obtain an 8 foot wide utility easement along both sides of the proposed right-of-way for a total construction area of 116 feet in width at the narrowest point.

The East Anamosa Street Extension Study, approved in May of 2000, cites that a minimum of 117 feet of right-of-way will be required for the street to accommodate full build out of the street in the future. In particular, the study shows E. Anamosa Street constructed with six through lanes and a 16 foot wide grassed median. A 5 foot wide sidewalk is also shown along one side of the street and a 10 foot wide bike path is shown along the other side of the street. Since the proposed acquisition of right-of-way does not match the approved study, staff has requested that the applicant submit a typical cross section of the street showing that the proposed ultimate street improvement can be constructed within the 100 foot wide right-of-way and the adjacent eight foot wide utility easements. Subsequently, a cross section of the street has been submitted showing that six through lanes with one turn lane and sidewalks, including a 5 foot wide sidewalk along one side and a 10 foot wide bike path along the other side of the street, can be constructed within the 100 foot of right-of-way with the elimination of the 16 foot wide median. In addition, the cross section shows that the 8 foot wide utility easement along both sides will accommodate

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private and public utilities. (Please note that the applicant is proposing to construct at this time two through lanes and a turn lane for that portion of E. Anamosa Street located between the previously vacated Cherry Avenue right-of-way and the existing intersection of Century Road. In addition, the eastern 300 feet of the street is proposed to be constructed as four through lanes and a turn lane terminating near the future Century Road intersection.)

The City Council has previously approved a reduced right-of-way width for portions of Minnesota Street when utility and pedestrian access easements were also dedicated for the construction of the street and utilities. Since the applicant has demonstrated that the proposed right-of-way will accommodate all of the street improvements as per the adopted E. Anamosa Street Study, staff is recommending that the SDCL 11-6-19 Review to authorize the acquisition of right-of-way be approved.