

STAFF REPORT
May 8, 2008

No. 08VE011 - Vacation of Access and Utility Easement

ITEM 58

GENERAL INFORMATION:

APPLICANT	Herman Jones
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Herman and Wanda Jones Revocable Trust
REQUEST	No. 08VE011 - Vacation of Access and Utility Easement
EXISTING LEGAL DESCRIPTION	Lot 1 of Fort Hayes Subdivision and Lot 4 Revised of Lot 4 located in the NE1/4 SE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.28 acres
LOCATION	2255 and 2505 Fort Hayes Drive
EXISTING ZONING	Suburban Residential District - Highway Services District (Pennington County)
SURROUNDING ZONING	
North:	Highway Services District (Pennington County)
South:	Highway Services Distirct (Pennington County)
East:	Highway Services District (Pennington County)
West:	Suburban Residential District - Highway Services District (Pennington County)
PUBLIC UTILITIES	Private well and septic system
DATE OF APPLICATION	4/23/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of Access and Utility Easement be approved.

GENERAL COMMENTS: The applicant is proposing to vacate a portion of an existing Utility and Private Access Easement between Lot 1 of Fort Hayes Subdivision and Lot 4 Revised of Lot 4, located in the NE1/4 SE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota. The property is located southwest of the intersection of Highway 16 and Fort Hayes Drive. Commercial and residential structures are currently located on the property. The applicant has also submitted a Layout Plat (#08PL043) to adjust the lot lines between the two properties and a Variance to the Subdivision Regulations (#08SV020).

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STAFF REVIEW: The applicant is proposing to vacate a portion of an existing private access and utility easement as shown in Exhibit "A". The easement runs generally north and south through the property.

Petition to Vacate: The applicant and the adjacent property owners have submitted an application to vacate a portion of an existing private access easement and utility easement to allow for additional development of the commercial site. The adjacent properties have access from the remaining private access easement and surrounding right-of-ways. As such, staff is recommending that the vacation of a portion of a private access easement and utility easement be approved.

Utility Company Approval: The vacation of a utility easement 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 utility easement. As such, staff is recommending that the vacation of a portion of a private access easement and utility easement be approved.