

STAFF REPORT  
June 26, 2008

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**No. 08SR047 - SDCL 11-6-19 Review to allow the transfer of property to the Department of Transportation for Right-of-way** **ITEM 52**

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GENERAL INFORMATION:

|                            |   |
|----------------------------|---|
| APPLICANT/AGENT            | City of Rapid City  |
| PROPERTY OWNER             | City of Rapid City  |
| REQUEST                    | <b>No. 08SR047 - SDCL 11-6-19 Review to allow the transfer of property to the Department of Transportation for Right-of-way</b> |
| EXISTING LEGAL DESCRIPTION | Lot H2 in the E1/2 NW1/4 less the MJK Subdivision of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota     |
| PARCEL ACREAGE             | Approximately 2.51 acres  |
| LOCATION                   | Southwest of the intersection of S.D. Highway 79 and East Catron Boulevard  |
| EXISTING ZONING            | Public District   |
| SURROUNDING ZONING         |   |
| North:                     | General Agriculture District  |
| South:                     | Public District   |
| East:                      | Public District   |
| West:                      | General Commercial District (Planned Commercial Development)  |
| PUBLIC UTILITIES           | City water and sewer  |
| DATE OF APPLICATION        | 5/30/2008   |
| REVIEWED BY                | Travis Tegethoff / Ted Johnson  |

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the transfer of property to the Department of Transportation for Right-of-way be approved.

GENERAL COMMENTS:

The applicant has submitted a South Dakota Codified Law 11-6-19 review to allow the selling of Right-of-way to the South Dakota Department of Transportation. South Dakota Codified Law 11-6-19 states: Whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its

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subdivision jurisdiction as defined in § 11-6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission.

The property is located southwest of the intersection of S.D. Highway 79 and East Catron Boulevard. The property is currently owned by the City of Rapid City and a portion is leased to the South Dakota National Guard. The South Dakota Department of Transportation is acquiring this parcel of land to facilitate the future widening of U.S. 16 (Catron Boulevard). The property is currently zoned Public District.

On June 2, 2008 City Council authorized staff to prepare agreements and deeds as well as submit the SDCL 11-6-19 Review application for the exchange of additional right-of-way for U.S. 16B (East Catron Boulevard) for the property at the Southeast Corner of Omaha Street and 5th Street (Former Wolfe's Bargain Den) with the South Dakota Department of Transportation (No.LF052808-14).

**STAFF REVIEW:**

Staff has reviewed the South Dakota Codified Law 11-6-19 review and noted the following considerations:

**ACQUISITION:**

As previously noted the South Dakota Department of Transportation is proposing to acquire this property from the City of Rapid City. This property will be used as additional right-of-way for the widening of U.S. 16B (Catron Boulevard) and this improvement is included in the approved 2008-2012 Transportation Improvement Plan.

Staff recommends that the SDCL 11-6-19 Review to allow the transfer of property to the Department of Transportation for Right-of-way be approved.