

## STAFF REPORT

June 26, 2008

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### **No. 08SR048 - SDCL 11-6-19 Review to allow the acquisition of ITEM 53 property**

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#### GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	South Dakota Department of Transportation
REQUEST	<b>No. 08SR048 - SDCL 11-6-19 Review to allow the acquisition of property</b>
EXISTING LEGAL DESCRIPTION	Tract NW 66 less Lot H1 and Lot H2; the balance of Lots 12 thru 16 less Lot H 1 of Lot 16 and the north 10 feet of vacated alley adjacent to Lots 12 thru 16 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.36 acres
LOCATION	308 Fifth Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District
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 acquisition of property be approved.

#### GENERAL COMMENTS:

The applicant has submitted a South Dakota Codified Law 11-6-19 review to allow the acquisition of 0.36 acres of property for public use. 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

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be constructed or authorized in the municipality or within its 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 proposed for acquisition is located at the southeast corner of Omaha Street and 5<sup>th</sup> Street and is currently void of structural development. The property is currently owned by the South Dakota Department of Transportation. The City of Rapid City is seeking to acquire this parcel of land for use as a parking lot to serve the City School Administration Building. The property is currently zoned General Commercial 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 City of Rapid City is proposing to acquire this property from the South Dakota Department of Transportation. The property is currently void of structural development but the applicant is proposing to develop the property in the future as employee parking lot for City School Administration Building. Staff has noted that the proposed uses for the building are compatible with allowed uses within the General Commercial District and is within 300 feet from the use it is to serve, using established sidewalks and crossings as per Section 17.50.270 of the Rapid City Municipal Code. However, a separate South Dakota Codified Law 11-6-19 Review application will have to be reviewed and approved for any future development and the necessary permits must be obtained.

Staff recommends that the SDCL 11-6-19 Review to allow the acquisition of property be approved.