

STAFF REPORT
February 5, 2009

No. 08VR008 - Vacation of Right-of-way

ITEM 16

GENERAL INFORMATION:

APPLICANT	William Taylor
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	William Taylor
REQUEST	No. 08VR008 - Vacation of Right-of-way
EXISTING LEGAL DESCRIPTION	The Monroe Street right-of-way from the east right-of-way line of Milwaukee Street to the west right-of-way line of the D.M. & E. railroad, located between and adjacent to Lots 11 thru 17 of Block 13, and Lot A of Block 18 of Wise's Addition to Rapid City, located in the S1/2 NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .55 Acres
LOCATION	Monroe Street between Milwaukee Street and Waterloo Street and west of the DM&E Railroad Right-of-way
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/24/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-way be continued to the **February 19, 2009** Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

(Update, January 23, 2009. All revised and/or added text is shown in bold print.) This item was continued at the January 22, 2008 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, all of the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the February 19, 2009

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Planning Commission meeting to allow the applicant to submit the information.

The applicant has submitted a Vacation of Right-of-way request to vacate approximately 300 feet of Monroe Street right-of-way located east of the intersection of Milwaukee Street and Monroe Street.

Currently, a City water main and an overhead electric line are located within the right-of-way. This portion of the Monroe Street right-of-way has not been improved with curb, gutter, sidewalk, street light conduit, sewer or pavement.

STAFF REVIEW:

Staff has reviewed the Vacation of Right-of-way Request and has noted the following considerations:

Utilities: As noted above, a City water main and an overhead electric line are currently located in the north half of the right-of-way. The applicant has indicated that a surveyed site plan will be submitted for review and approval showing the specific location of the utilities. In addition, the applicant has indicated that a utility easement will be recorded for this portion of the right-of-way that includes the area of the existing utilities. Staff recommends that the Vacation of Right-of-way request be continued to allow the applicant to submit the surveyed site plan and to submit a utility easement as proposed.

To date, the applicant has not submitted written documentation from all of the affected utility companies indicating concurrence with the Vacation of Right-of-way request. As such, staff recommends that this item be continued to allow the applicant to submit the written documentation as required. **(Update: January 23, 2009) All of the affected utility companies have submitted written documentation indicating concurrence with the Vacation of Right-of-way request.**

Drainage: To date, the applicant has not submitted drainage information to demonstrate whether a drainage easement is needed in the area of the proposed Vacation of Right-of-way. As such, staff is recommending that this item be continued to allow the applicant to submit the drainage information and to secure a drainage easement if needed.

Property Owner Signatures: This portion of Monroe Street could potentially serve as access to four properties. As such, all four property owners must sign the application and the "Petition to Vacate Public Right-of-way". The applicant has submitted an application and a "Petition to Vacate Public Right-of-way" signed by three of the four property owners. However, the application and the "Petition to Vacate Public Right-of-way" must also be signed by DM&E Railroad Company. Staff recommends that the Vacation of Right-of-way request be continued to allow the applicant to obtain the DM&E Railroad Company property owner's signature as required.

Staff recommends that the Vacation of Right-of-way request be continued to the **February 19, 2009** Planning Commission meeting to allow the applicant to submit the additional information as identified above.