

STAFF REPORT
March 26, 2009

No. 09SR016 - SDCL 11-6-19 Review to authorize acquisition of a public utility **ITEM 38**

GENERAL INFORMATION:

APPLICANT/AGENT	Maple Avenue, LLC
PROPERTY OWNER	Maple Avenue, LLC
REQUEST	No. 09SR016 - SDCL 11-6-19 Review to authorize acquisition of a public utility
EXISTING LEGAL DESCRIPTION	A unplatted portion of the NW1/4 less Lot H4 and less Lot H5, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 30.84 acres
LOCATION	Southeast of the intersection of East Mall Drive and North Maple Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/27/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to authorize acquisition of a public utility be approved if the following additional information is submitted prior to Planning Commission approval of this item:

1. Construction plans for the existing six inch water line extending along the west lot line of Lot 2, LJS Subdivision shall be submitted for review and approval; and,
2. A minimum 20 foot wide permanent public water easement, centered along the six inch water main, shall be recorded at the Register of Deed's Office. In addition, a copy of the recorded easement shall be submitted for review and approval.

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GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review application to authorize acquisition of an existing eight inch water line located between N. Maple Avenue and Lot 2, LJS Subdivision. The applicant has recently amended the request to also include a six inch water main located along the west lot line of Lot 2, LJS Subdivision.

The property is located southeast of the intersection of East Mall Drive and North Maple Avenue. Currently, a commercial structure is being constructed on Lot 2, LJS Subdivision. The balance of the property is void of any structural development.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then 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 subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The request to authorize acquisition of the existing water lines will result in a public utility. In addition, the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvement be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Water Main: The eight inch water line was originally constructed as a private service line to serve the proposed commercial structure to be constructed on Lot 2, LJS Subdivision. However, as a result of platting Lot 2, the service line is located on an adjacent property which is not in compliance with City design standards. As such, the applicant has submitted this SDCL 11-6-19 Review request to authorize the acquisition of the water line as a public utility. The applicant has also submitted a copy of a recorded easement showing the eight inch water line within a 20 foot wide utility easement.

The applicant's site plan identifies a six inch water line connecting with the eight inch line. The six inch water line is shown to extend along the west lot line of Lot 2, LJS Subdivision to serve a fire hydrant located in the southwest corner of Lot 2. Staff has noted that acquisition of both the eight inch water line and the six inch water line will allow the City to provide a looped water system in the future once a water main is extended along the east-west leg of N. Maple Avenue. The applicant has indicated concurrence with the request and has, subsequently, amended this application to include both the eight inch water line and the six inch water line. To insure that the six inch water line has been designed and constructed to City design standards and specifications, staff recommends that prior to Planning Commission approval, construction plans for the existing six inch water line extending along the west lot line of Lot 2, LJS Subdivision be submitted for review and approval. In addition, a minimum 20 foot wide permanent public water easement, centered on the six inch water line, must be recorded at the Register of Deed's Office. A copy of the recorded easement must also be submitted for review and approval.

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City Council: The applicant should be aware that upon approval of this request to authorize the City to acquire the water line(s) as a public utility, a subsequent request must be submitted to the Public Works Committee and, subsequently, the City Council to request the City to accept the water line(s) as a public utility.

The location and extent of the request to authorize the acquisition of the existing water lines as a public utility is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff will recommend that the SDCL 11-6-19 Review to authorize the acquisition of the public utility if the above referenced information has been submitted for review and approval prior to Planning Commission approval of this item.