

STAFF REPORT
November 5, 2009

No. 09VR006 - Vacation of Section Line Highway

ITEM 31

GENERAL INFORMATION:

APPLICANT	South Dakota Board of Regents
AGENT	Renner & Associates
PROPERTY OWNER	South Dakota Board of Regents
REQUEST	No. 09VR006 - Vacation of Section Line Highway
EXISTING LEGAL DESCRIPTION	The Section Line right-of-way located adjacent to the SW1/4 of Section 27, T2N, R8E, and the NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.761 acres
LOCATION	Cheyenne Boulevard
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Box Elder
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/9/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of Section Line Highway be continued to the November 19, 2009 Planning Commission meeting.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Section Line Highway request to vacate approximately 1,800 linear feet of section line highway located directly north and running parallel to Cheyenne Boulevard. The section line highway extends east to west through an approximate 40 acre unplatted parcel.

The property is located approximately 750 feet east of the intersection of Elk Vale Road and Cheyenne Boulevard on the north side of Cheyenne Boulevard. Currently, the property is void of any structural development.

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STAFF REVIEW:

Staff has reviewed the Vacation of Section Line Highway request and has noted the following considerations:

Master Plan: It has been identified that the property will be the future site of a public college campus. To date, a Master Plan showing the layout of the campus has not been submitted for review and approval to determine if it is appropriate to vacate the section line highway.

South Dakota Codified Law 11-6-19 states that “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 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 proposed school is a public structure. In addition, the property is identified within the area covered by the Rapid City Comprehensive Plan requiring that the improvement be reviewed and approved by the Rapid City Planning Commission.

Pursuant to South Dakota Codified Law 11-6-19, staff recommends that the Vacation of Section Line Highway request be continued to allow the applicant to submit a Master Plan in conjunction with a SDCL 11-6-19 Review application showing the location and extent of the proposed college campus to determine if it is appropriate to vacate the section line highway as requested.

Utilities: Currently, City sewer and water extend north from Cheyenne Boulevard through the property. To date, a utility plan has not been submitted for review and approval showing the actual location of these utilities or the drainage features currently existing on the property. In addition, the applicant must demonstrate that easements are in place for the water, sewer and drainage features prior to vacating the section line highway.

Staff recommends that the Vacation of Section Line Highway request be continued to allow the applicant to submit a site plan showing the existing utilities and drainage features and to demonstrate that easements currently exist as needed.

SDCL 11-6-22: South Dakota Codified Law 11-6-22 states that the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for any street or other public way, ground place, property, or structure, shall not be 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. Since this Vacation of Section Line Highway request is being reviewed by the Planning Commission, it may also serve as the tool to authorize the vacation of the section line highway pursuant to SDCL 11-6-22. However, until a Master Plan and associated SDCL 11-6-19 Review is submitted for the proposed college campus and until the utility and drainage issue(s) are resolved as identified, staff cannot support vacating the Section Line Highway request.

Staff recommends that the Vacation of Section Line Highway request be continued to the

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November 19, 2009 Planning Commission meeting to allow the applicant to submit the additional information as identified above.