

STAFF REPORT  
December 10, 2009

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**No. 09SR111 - SDCL 11-6-19 Review to install a public utility in a public right-of-way** **ITEM 35**

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GENERAL INFORMATION:

APPLICANT/AGENT	SDN Communications
PROPERTY OWNER	SDN Communications
REQUEST	<b>No. 09SR111 - SDCL 11-6-19 Review to install a public utility in a public right-of-way</b>
EXISTING LEGAL DESCRIPTION	The public right-of-way adjacent to Lot 12 of Block 1 of Century Park Subdivision, Tract N and Lots 1 and 2 of Tract E of Rand Addition, Tract D of Rand Addition, located in the SE1/4 SW1/4 and Tract C located in the SE1/4 SW1/4, less the east 320 feet and less Lot H1, Section 27, T2N, R7E, Lot A less Lot H1, Lots A and B of Tract F of Deadwood Avenue Tract, Lot C of Fowler Subdivision, Lot A of the NW1/4 NE1/4 less lots H1 and H2 and Lot E of the SW1/4 NE1/4 less right of way, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.01 acres
LOCATION	Adjacent to a portion of Samco Road and Deadwood Avenue
EXISTING ZONING	General Commercial District - Light Industrial District
SURROUNDING ZONING	
North:	General Commercial District - Light Industrial District
South:	General Commercial District - Light Industrial District
East:	General Commercial District - Light Industrial District
West:	General Commercial District - Light Industrial District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	11/13/2009
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to install a public utility in a public right-of-way be approved.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review to extend fiber

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optic cable and associated facilities in the public right-of-way along Deadwood Avenue and Samco Road.

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 request to extend the fiber optic cable as identified is a public improvement. In addition, the property is identified within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

**STAFF REVIEW:** Staff has reviewed the SDCL 11-6-19 Review to extend the public utility in public right-of-way and has noted the following considerations:

**Drainage:** An Erosion and Sediment Control Plan must be obtained prior to the start of construction. Drainage structures are identified on the project plans.

**Water and Sewer:** A 5 foot separation from City water and sewer must be maintained at all times. A note and dimensions regarding this separation is noted on the plans. In addition, utility crossing details are also included on the plans.

**Trench Contractor:** The applicant should be aware that the trench contractor must be licensed with the City of Rapid City prior to the start of construction.

**Permits:** A Permit to Work in the Right-of-Way for Deadwood Avenue and Samco Road must be obtained prior to the start of construction.

The location and extent of the proposed utility extension appears to be consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review to install a public utility in the Right-of-Way be approved.