

STAFF REPORT  
January 7, 2010

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**No. 09VR008 - Vacation of Section Line Highway**

**ITEM 36**

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GENERAL INFORMATION:

APPLICANT	J. Alan Johnson for Recreational Adventures
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Recreational Adventures
REQUEST	<b>No. 09VR008 - Vacation of Section Line Highway</b>
EXISTING LEGAL DESCRIPTION	The portion of undeveloped Section Line Highway, located in Tract A of the SE1/4 SW/14 of Section 4 and the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.44 acres
LOCATION	3010 East Highway 44
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Agriculture District
East:	Low Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	Rapid Valley water and sewer
DATE OF APPLICATION	12/10/2009
REVIEWED BY	Ali DeMersseman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of Section Line Highway be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall submit a response from Prairiewave Communications to the Growth Management Department indicating no conflicts with the proposed vacation.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Section Line Highway request to vacate approximately 200 linear feet of section line highway located north of East Highway 44 and west of Lancer Drive. The section line extends east to west, along the southern edge of a

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4.44 acre parcel.

The parcel is located approximately 450 feet east of the intersection of East Highway 44 and East Saint Patrick Street. Currently, the eastern portion of the parcel is developed with a single story commercial building.

STAFF REVIEW:

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

Utilities: Initially, the Rapid Valley Sanitary District indicated that there was an 8 inch sanitary sewer main running through the proposed vacation. However, it was later confirmed by the Rapid Valley Sanitary District that the sewer main is in fact located within the adjacent Lancer Drive right-of-way, and not within the proposed vacation of Section Line Highway area. Therefore, the Rapid Valley Sanitary District revised its statement, and has no objection to the proposal. In addition, the applicant has provided a sewer main plan demonstrating that the main is located outside of the proposed vacation of Section Line Highway area.

As of this writing, Prairiewave Communications has yet to respond to the proposal. As such, staff recommends that prior to City Council approval, the applicant submit a response from Prairiewave Communications indicating no conflicts with the proposed vacation.

The remaining affected utility companies have indicated concurrence with the request to vacate the Section Line Highway area.

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.

Staff recommends that the Vacation of Section Line Highway request be approved with the stipulation as noted above.