

STAFF REPORT
May 27, 2010

No. 10VR002 - Vacation of Right-of-way

ITEM 11

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Mollers Ltd. Partnership
REQUEST	No. 10VR002 - Vacation of Right-of-way
EXISTING LEGAL DESCRIPTION	A portion of the Racine Street right-of-way, located in the SE1/4 of the SW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.351 acres
LOCATION	Racine Street north of East Omaha Street between Waterloo Street and LaCrosse Street
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District (Planned Residential Development)
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/9/2010
REVIEWED BY	Jim Flaaen / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-way be **approved**.

GENERAL COMMENTS: **(Updated May 18, 2010. All updated and/or edited text is shown in bold print.) This item was continued to the May 27, 2010 Planning Commission meeting to allow the applicant to submit an original signed petition and application.**

The applicant has submitted a Vacation of Right-of-Way request to vacate the north approximately 253 foot portion of the Racine Street Right-of-way, located north of East Omaha Street and west of La Crosse Street. The right-of-way extends north to south separating two undeveloped parcels.

The right-of-way proposed to be vacated is located east of Waterloo Street and west of

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LaCrosse Street, north of East Omaha Street. The proposed right-of-way to be vacated begins approximately 270 feet north of Omaha Street.

STAFF REVIEW: Staff has reviewed the Vacation of Right-of-Way request and has noted the following considerations:

Petition to Vacate Public Right-of-Way: **(Updated May 18, 2010.) The applicant has submitted a petition to vacate the portion of Racine Street signed by the adjacent affected property owners.**

The applicant has not submitted a petition signed by the adjacent property owners to vacate the portion of Racine Street. The applicant's consultant has indicated that the applicant is out of town and will be mailing in the required signed petition. As such, staff recommends that this item be continued to the May 27, 2010 Planning Commission meeting to allow the applicant to submit a petition signed by the adjacent property owners.

Application: **(Updated May 18, 2010.) The applicant has submitted an original signed vacation of right-of-way application.**

The application submitted with the Vacation request was a copy of an application signed by the applicant. As previously stated, the applicant's consultant has indicated is out of town as will be mailing the original signed application. As of this writing, staff has not received the signed application. As such, staff recommends that this item be continued to the May 27, 2010 Planning Commission meeting to allow the applicant to submit an original signed application.

Utility Company Approval: **(Updated May 18, 2010.) All affected utility companies have responded and have indicated they do not have any objections to the proposed vacation.**

The vacation of right-of-way requires permission of all affected utility companies. As of this writing, not all affected utility companies have provided written documentation indicating that they do not have objections to vacating the right-of-way. In particular, Black Hills Power & Light has not yet responded to the proposal. As such, staff recommends that this item be continued to the May 27, 2010 Planning Commission meeting to allow Black Hills Power & Light to submit a response indicating no conflicts with the proposed vacation.

Staff recommends that the Vacation of Right-of-Way request be **approved**.