

STAFF REPORT
May 24, 2012

No. 12VR003 - Vacation of Right-of-Way

ITEM 8

GENERAL INFORMATION:

APPLICANT	President's Plaza, LLC
AGENT	Hani Shafai for Dream Design International, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	No. 12VR003 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	A portion of the 5th Street right-of-way lying adjacent to Tract A of Block 95 in the Original Town of Rapid City located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .003 acres
LOCATION	The west one foot of 5th Street located south of Saint Joseph Street to the alley
EXISTING ZONING	Central Business District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	4/27/2012
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved with the following stipulation:

1. Prior to approval by City Council, a utility easement shall be submitted to Community Planning and Development Services.

GENERAL COMMENTS: The applicant has submitted a request to vacate a 1 foot wide by 140 foot long portion of Fifth Street right-of-way between Saint Joseph Street and Kansas City Street, in downtown Rapid City Street. The applicant has also requested to vacate portions of the right-of-way along Sixth Street (File #12VR002) and Saint Joseph Street (File #12VR004). All three Vacation of Right-of-Way requests are associated with the President's

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Plaza Planned Development (File #12PD018). Plans submitted as a part of the President's Plaza development show that some portions of the proposed structure will protrude into the right-of-way by a distance of less than one foot. The proposed vacation would ensure all portions of the proposed structure are located outside of the right-of-way.

The portion of right-of-way on Fifth Street proposed to be vacated is located on Fifth Street south of Saint Joseph Street, adjacent to the President's Plaza Planned Development. The property adjacent to requested Vacation is currently developed as a parking lot.

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

Utilities: All affected utility companies have submitted letters indicating concurrence with the request to vacate portions of the right-of-way. Some utilities have requested that a utility easement be retained in the portion of right-of-way to be vacated. As such, prior to City Council approval, the applicant must secure a utility easement for the area proposed to be vacated.

Right-of-Way: The City's Major Street Plan identifies Fifth Street as a principal arterial street. Public Works staff has noted that City standards per the Infrastructure Design Criteria Manual require a Principal Arterial Street must be constructed with a minimum 100 feet of right-of-way. Currently, Fifth Street is constructed with 100 feet of dedicated right-of-way. The proposed Vacation will reduce the right-of-way width from 100 feet to 99 feet. Public Works staff has indicated that Fifth Street has been fully constructed with two lanes of traffic in each direction and all necessary turning lanes and sidewalk widths. The minimum required sidewalk width on the west side of Fifth Street is five feet. The proposed Vacation of Right-of-Way will decrease the sidewalk width on the west side of Fifth Street to approximately 14 feet. Public Works staff has indicated support of the requested Vacation.

Staff recommends that the Vacation of Right-of-Way be approved with the stipulation identified above.