

STAFF REPORT
January 24, 2013

No. 12VR009 - Vacation of a Section Line Highway

ITEM 2

GENERAL INFORMATION:

APPLICANT	Pat Tlustos - Highway 16 Properties, LLC
PROPERTY OWNER	Highway 16 Properties LLC
REQUEST	No. 12VR009 - Vacation of a Section Line Highway
EXISTING LEGAL DESCRIPTION	Lot A of the SW1/4NW1/4 of Section 26 and Lot A of the SE1/4NE1/4 of Section 27, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.09 acres
LOCATION	West of South U.S. Highway 16 and south of Catron Boulevard
EXISTING ZONING	No Use District
FUTURE LAND USE DESIGNATION	Commercial, Residential
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
South:	Suburban Residential District (Pennington County)
East:	General Commercial District (Planned Development)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	January 8, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Vacation of a portion of section line highway be approved with the following stipulation:

1. Prior to approval by City Council, a utility easement shall be submitted for review and approval for the portion of section line highway to be vacated. The utility easement shall be recorded at the Register of Deeds in conjunction with the vacation of section line highway.

GENERAL COMMENTS: The applicant has submitted a request to vacate a portion of section line highway located on approximately 10.09 acres of property located southwest of the intersection of U.S. Highway 16 and Catron Boulevard. In particular, the applicant has proposed to vacate a portion of section line highway approximately 270.6 feet long by 66 feet wide on property recently annexed into the City Limits.

On October 1, 2012, City Council approved the annexation of approximately 10.09 acres of

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land into the boundaries of Rapid City (File # 12AN004). An associated Vacation of Right-of-Way request (File #12VR006) was approved by Planning Commission on January 10, 2013 for property already located within the Rapid City limits, immediately north of this requested vacation. The request is scheduled to go before the City Council on February 4, 2013. The Vacation of Right-of-Way approved by Planning Commission on January 10, 2013 is for portions of the U.S. Highway 16 Service Road and includes a portion of Section Line Highway adjacent to the portion of Section Line Highway proposed for vacation with this application.

As of this writing, the property is zoned No Use District, the required zoning designation for property recently annexed into the City Limits. The applicant should be aware that the property must be rezoned prior to development; however, the zoning designation of the property does not impact this vacation request. The property is located at 7001 South U.S. Highway 16, approximately 320 feet south of the intersection of U.S. Highway 16 and Catron Boulevard. Currently the property is developed as a campground, though the campground use on the property appears to have ceased for a number of years.

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

Utilities: All utility companies with facilities located within the portion of section line highway have indicated concurrence with the request to vacate, provided that a utility easement is maintained in the existing portion of section line to accommodate existing power lines and cable facilities. The applicant has submitted an exhibit showing that a 20 foot wide utility easement will be dedicated immediately following the vacation of the section line highway. Public Works staff has noted that there is no drainage or sanitary sewer facilities located within the section line highway. Prior to approval by City Council, a utility easement must be submitted for review and approval for the portion of section line highway to be vacated. The utility easement must be recorded at the Register of Deeds in conjunction with the vacation of section line highway.

Public Works staff met with the applicant's representatives and discussed the need for a sanitary sewer easement to be provided on the property, but it does not need to be located within the portion of section line highway to be vacated. During the meeting it was determined that the sanitary sewer easement would be required to be dedicated at the time the property is platted. The applicant should be aware that sanitary sewer will be required to be extended to the extent of the property and a sanitary sewer easement will be required to be dedicated upon platting of the property, but it is not required as a part of this vacation of section line highway request.

Transportation Planning: Transportation Planning staff has noted that there are no plans to construct the portion of section line highway and that there are no transportation related impacts.

South Dakota Department of Transportation: South Dakota Department of Transportation Planning staff has noted no issues with the proposed vacation of section line highway.

Staff recommends that the vacation of section line highway be approved with the stipulation noted above.