

STAFF REPORT
May 22, 2014

No. 14VR003 - Vacation of Right of Way

ITEM 4

GENERAL INFORMATION:

APPLICANT	Courtney Lien - 3L LLC
AGENT	Linda Foster - Ferber Engineering Company, Inc.
PROPERTY OWNER	City of Rapid City and 3L LLC
REQUEST	No. 14VR003 - Vacation of Right of Way
EXISTING LEGAL DESCRIPTION	That portion of Gold Street and Nowlin Street adjacent to Lots 1 thru 7 of Block 14 and Lots 1 thru 4 of Block 17 and that portion of Gold Street adjacent to Lots A and B of Block 13, Lot C of Block 18 and a portion of Lot D of Block 18, all located in Scotts Addition in the NE1/4 of the NE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.49 acres
LOCATION	South of Anamosa Street, north of Custer Street, west of West Boulevard North and east of Silver Street
EXISTING ZONING	
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development) - Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	April 25, 2014
REVIEWED BY	Robert Laroco / Bob Reiss

RECOMMENDATION:

Staff recommends that the Vacation of Right of Way be approved.

GENERAL COMMENTS: The applicants have submitted a request to vacate approximately 1.59 acres of rights-of-way comprised of portions of the Nowlin Street and Gold Street rights-of-way. The rights-of-way are located adjacent to the applicant's property to the west

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and to the north and adjacent to City owned property to the east and south. On February 18, 2014, the City Council authorized the Mayor and Finance Officer to sign a request to vacate portions of the Nowlin Street and Gold Street rights-of-way.

The property is located between Interstate 190 and Silver Street, south of Anamosa Street and north of Custer Street. The property is currently void of structural development.

STAFF REVIEW: Staff has reviewed the Vacation of Right-of-Way request pursuant to the requirements of the Rapid City Municipal Code and has noted the following considerations:

Public Works Comments: Public Works staff has noted that the area of the requested Vacation is located in an area currently being used as drainage. Public Works staff could not support the requested vacation without ensuring that the drainage is secured through an easement. The applicant has submitted an exhibit for the dedication and recording of the drainage easement. The easement will be submitted for recording after the Vacation of Right-of-Way resolution has been filed. Public Works staff has noted no additional concerns with the requested Vacation.

Transportation Planning Comments: Transportation Planning staff has noted that Anamosa Street, located north of the Gold Street right-of-way, is shown as a future Minor Arterial Street on the City's Major Street Plan and requires a minimum of 100 feet of right-of-way. Submitted plans show that the Anamosa Street right-of-way at this location is 90 feet wide. An additional 10 feet of right-of-way are required. As such, the original request to vacate the Gold Street right-of-way all the way to the intersection of the Anamosa Street right-of-way could not be supported. Staff discussed the need to secure the future Anamosa Street right of way with the applicant and the applicant has since submitted a revised Vacation exhibit which leaves the northern 5 feet of the Gold Street right-of-way as it is adjacent to Anamosa Street. Transportation Planning staff has noted no additional concerns with the submitted Vacation request.

Rapid City Fire Department: The Rapid City Fire Department has not noted any significant impacts of the proposed Vacation request.

Utility Concurrence: All affected utility companies have reviewed the requested Vacation of Right-of-Way and indicated that they do not have facilities within the existing rights-of-way and concur with the Vacation request.

Summary: The requested Vacation of right-of-way is for portions of the Nowlin Street and Gold Street rights-of-way. A drainage easement has been submitted for recording which will secure the existing drainage within the street rights-of-way. The northern 5 feet of the Gold Street right-of-way is being retained for the purposes of construction of a future Minor Arterial Street. All utility companies have indicated their concurrence with the requested Vacation. For these reasons, staff recommends that the requested Vacation of right-of-way be approved.