

STAFF REPORT

March 27, 2002

No. 02VE002 - Vacation of Utility easement

GENERAL INFORMATION:

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| PETITIONER | David Reyelts |
| REQUEST | No. 02VE002 - Vacation of Utility easement |
| EXISTING LEGAL DESCRIPTION | Lot 12 of Block 2 of Countryside South Subdivision, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately .482 acres |
| LOCATION | 5547 Barberry Circle |
| EXISTING ZONING | Suburban Residential District |
| SURROUNDING ZONING | |
| North: | Suburban Residential District |
| South: | Suburban Residential District |
| East: | Suburban Residential District |
| West: | Suburban Residential District |
| PUBLIC UTILITIES | Onsite water and wastewater disposal system |
| DATE OF APPLICATION | 1/18/2002 |
| REPORT BY | Karen Bulman |

RECOMMENDATION: Staff recommends that the Vacation of Utility easement be approved as noted on the revised Exhibit "A".

GENERAL COMMENTS: The applicant is requesting to vacate a twenty two by one foot utility easement located on the north side of the existing garage on the subject property. The existing twenty two foot wide attached garage extends one foot into the utility easement. Lot 12 of Block 2 of Countryside Subdivision was platted August 31, 1994. The subject structure was built pursuant to a Pennington County Building Permit #95-178, issued on May 17, 1995. It appears that the structure was constructed within Pennington County's building requirements with the exception of the portion of the garage that was within the twenty five foot setback. They received a variance (VA 02-02) to reduce the front yard setback from 25 feet to 24.5 feet from Pennington County on January 8, 2002.

STAFF REVIEW: The applicant mailed the required notification letter to the necessary utility companies and comments have been returned to the Planning Department. Montana Dakota Utility staff have indicated that a gas line is located eight feet from the street in the

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utility easement. This vacation will not affect the location of their lines and they support the vacation request. Representatives of Black Hills Electric and US West have stated that their facilities are located in the easement located along the rear lot line. No other utilities are affected and the utility companies have expressed no opposition to the proposed vacation.

The Engineering Division requested a revised vacation exhibit to show the exact dimension of the requested vacation of utility easement. The applicant has provided that revised exhibit. The Engineering Division recommends approval of the vacation of utility easement.

The Pennington County Planning Department has notified the City that a variance to reduce the front setback on this property from 25 feet to 24.5 feet was approved on January 8, 2002. The Pennington County Highway Department staff has stated that they do not support the vacation of easements; however, if the vacation of easement is approved, they recommend that only the area of the footprint of the structure located within the easement be vacated.

Staff has reviewed the request and recommends approval of the twenty two by one foot request for vacation of utility easement.