

STAFF REPORT  
May 11, 2004

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**No. 04VE010 - Vacation of Major Drainage Easement**

**ITEM**

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GENERAL INFORMATION:

PETITIONER	Steven Thingelstad for Western Management Corporation
REQUEST	<b>No. 04VE010 - Vacation of Major Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 2 of Parkridge Village Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	
PARCEL ACREAGE	Approximately 1.33 acres
LOCATION	Along Park Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	04/08/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the Vacation of Drainage Easement be approved with the following stipulation:

1. Prior to City Council approval, the Exhibit "A" shall be revised to add "in the Common Area" before "of Lot 2 of Block 2". In addition, the dominant properties legal shall read "Lot D of Lot 2 and Lot E of Lot 2 of Block 2..." and the subservient property shall read "Common Area of Lot 2 of Block 2...".

GENERAL COMMENTS:

The applicant has submitted a Vacation of Drainage Easement request to vacate a portion of a drainage easement located along the north lot line of Lot D and E of Block 2, Parkridge Village Subdivision No. 2. The property is located approximately 400 feet south of the Westridge Road/Park Drive intersection on the west side of Park Drive. Currently, twin townhomes are located on the properties.

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STAFF REVIEW:

Staff has reviewed the Vacation of Drainage Easement request and has noted the following considerations:

Drainage: The applicant has previously submitted drainage hydraulics for review and approval. Vacating a portion of the drainage easement as proposed is acceptable since the retained drainage easement accommodates flows for this area. As such, staff is recommending that the Vacation of Drainage Easement be approved.

Retaining Wall Easement: The applicant has submitted a copy of a recorded retaining wall easement that includes this portion of the drainage easement proposed to be vacated. The drainage easement precludes the construction of a retaining wall. Vacating the drainage easement as proposed will allow a retaining wall to be located along the north lot line of the subject property. The applicant should be aware that no portion of the proposed retaining wall may be located within the retained drainage easement. In addition, it is recommended that any retaining wall be designed by a professional engineer to insure that drainage flows within this area will not undermine the retaining wall.

Register of Deed's Office: The Register of Deed's Office has indicated that the Exhibit "A" must be revised as identified in the stipulation of approval. Staff is recommending that the Exhibit "A" be revised and submitted for review and approval prior to City Council approval.

Staff is recommending that the Vacation of Drainage Easement request be approved with the above referenced stipulation of approval.