

STAFF REPORT
June 1, 2004

No. 04VE011 - Vacation of Utility Easement

GENERAL INFORMATION:

PETITIONER	Mike Bartels for Alice Laselle
REQUEST	No. 04VE011 - Vacation of Utility Easement
EXISTING LEGAL DESCRIPTION	Lot 3, Parker's Subdivision in the NW1/4, SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .85 acres
LOCATION	3963 East Highway 44
EXISTING ZONING	General Commercial (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	General Commercial (County)
East:	General Commercial (County)
West:	General Commercial (County)
PUBLIC UTILITIES	Rapid Valley water and private sewer
DATE OF APPLICATION	04/28/2004
REVIEWED BY	Todd Tucker / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the Vacation of Utility Easement be approved with the following stipulations:

1. Prior to City Council approval, a revised exhibit must be submitted showing the two small unidentified structures not located within the utility easement or submit a revised exhibit showing those portions of the existing unidentified structures being vacated;
2. Prior to City Council approval, a revised Exhibit "A" must be submitted showing only those portions of the utility easement to be vacated, and the dimensions of the proposed vacated portions;
3. Prior to City Council approval, all affected utility companies must submit in writing that they have no objections to the easement being vacated; and,
4. Prior to City Council approval, a revised site plan must be submitted identifying any utilities occupying the easement or note that there are no utilities occupying the easement if that is the case.

GENERAL COMMENTS: The applicant is proposing to vacate a 300 square foot portion and a 15 square foot portion of an existing 10 foot wide utility easement. The easement runs generally north and south along the entire west property line of the subject property.

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The property is located on the south side of South Dakota Highway 44 between Jolly Lane and Redwing Lane. The property is located in Pennington County but within the City of Rapid City three mile platting jurisdiction. The applicant has indicated that they are proposing to construct an approximate 936 square foot building on the property. However, they can not obtain a Building Permit, from the County, for the structure until the existing encroachments into the utility easement are resolved. For this reason the applicant has submitted an application to vacate the two portions of the utility easement that are encroached upon by the existing house and an existing garage.

STAFF REVIEW: Staff has reviewed the Vacation of Utility Easement request and has noted the following issues:

Existing Structures: Staff noted that the exhibit submitted shows two small unidentified structures located within the utility easement. Prior to City Council approval, a revised exhibit must be submitted showing the two small unidentified structures not located within the utility easement or submit a revised exhibit showing those portions of the existing unidentified structures being vacated.

Revised Exhibit "A": Staff noted that the Exhibit "A" submitted does not indicate the dimensions of the footprints to be vacated. Prior to City Council approval, a revised Exhibit "A" must be submitted showing only those portions of the utility easement to be vacated, and the dimensions of the proposed vacated portions.

Existing Utilities: The vacation of a utility easement requires the permission of all affected utility companies. Staff noted that as of this writing none of the six utility companies notified have responded to the request. Prior to City Council approval, all affected utility companies must submit in writing that they have no objections to the easement being vacated. Staff also noted that the applicant's site plan does not show the existing utilities located within the utility easement. Prior to City Council approval, a revised site plan must be submitted identifying any utilities occupying the easement or note that there are no utilities occupying the easement if that is the case.

Staff recommends the request for Vacation of Utility Easement be approved with the above stated stipulations.