

STAFF REPORT
July 27, 2004

No. 04VE015 - Vacation of Utility and Drainage Easement

ITEM

GENERAL INFORMATION:

PETITIONER	Ferber Engineering Company, Inc. for Cregut Inc.
REQUEST	No. 04VE015 - Vacation of Utility and Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.370 acres
LOCATION	7800 Alberta Drive
EXISTING ZONING	Highway Service District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Highway Service District
West:	Highway Service District
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	06/23/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

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

1. Prior to City Council approval, the land owner shall sign a maintenance agreement running with the property assuming all maintenance of the drainage improvement.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Utility and Drainage Easement to vacate a portion of a ten foot wide utility and minor drainage easement. On June 10, 2004, a Final Plat was approved subdividing the property into a .975 acre commercial lot, leaving a non-transferable balance.

The subject property is located 420 feet west of the Okpealuk Street/Sheridan Lake Road intersection on the south side of Sheridan Lake Road. An in-door tennis facility has been constructed on the property. In addition, a fitness center is located on the non-transferable balance.

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STAFF REVIEW:

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

Utilities: All of the affected utility companies have reviewed and the easement vacation request. None of the companies oppose vacating the utility easement.

Structure: A structural connection between the tennis facility and the fitness center has been constructed. The structure is located within the ten foot wide utility and drainage easement located along the common lot line of the two properties. The applicant has submitted a site plan showing the encroachment as well as an existing sump and drainage pipe to carry flows from the property to Sheridan Lake Road. The applicant's Engineer has also submitted drainage calculations demonstrating that the pipe can accommodate flows during a two, ten and 100 year event. The applicant should be aware that the drainage calculations account for a graveled parking lot. If the parking lot is ever paved, the pipe may not be sized sufficiently to accommodate the flows.

The County Highway Department has reviewed the Vacation of Utility and Drainage Easement and has concurred with City staff that the land owner must be responsible for the maintenance of the drainage improvements. As such, staff is recommending that the Vacation of Utility and Drainage Easement be approved with the stipulation that the land owner sign an agreement running with the land assuming all responsibility for maintenance of the drainage improvement.