

STAFF REPORT
August 10, 2004

No. 04VE016 - Vacation of Utility and Sewer Line Easement

GENERAL INFORMATION:

PETITIONER	Gwendolyn Boehler
REQUEST	No. 04VE016 - Vacation of Utility and Sewer Line Easement
EXISTING LEGAL DESCRIPTION	Lot 32, Lakeview Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.18 acres
LOCATION	3111 Morningside Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District w/PRD
West:	Low Density Residential District
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	2/18/2004
REVIEWED BY	Todd Tucker / Curt Huus

RECOMMENDATION: Staff recommends that this item be tabled.

GENERAL COMMENTS: The subject property is located on the west side of Morningside Road, south of Guest Road and the north of the intersection of Morningside Road and Chapel Lane. Currently a single family residence is located on the subject property. There is a 10 foot wide sewer line easement located along the north property line of the subject property. The easement was recorded in 1972. The existing structure encroaches one foot into the sewer line easement. The applicant is now proposing to vacate a one foot by 14.4 foot portion of the existing sewer line easement.

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

Private Agreement: Staff obtained a copy of the miscellaneous document, granting the sewer line easement, from the Pennington County Register of Deeds on July 26, 2004. After reviewing the document the City Attorney determined that the sewer line easement is a private agreement between the two parties identified on the document which the City of Rapid City is not a party to. As such, Staff recommends that the Public Works Committee table this request.