

STAFF REPORT

September 14, 2004

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**No. 03VE022 - Vacation of a portion of the Major Drainage Easement**

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GENERAL INFORMATION:

PETITIONER	Angle Survey for Harvey Homes, Inc.
REQUEST	<b>No. 03VE022 - Vacation of a portion of the Major Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 1, Block 2, Plum Creek Subdivision located in the N1/2 of the SW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .25 acres
LOCATION	3211 Willowbend Drive
EXISTING ZONING	Low Density Residential II District w/Planned Development Designation
SURROUNDING ZONING	
North:	Low Density Residential II District w/Planned Development Designation
South:	Low Density Residential II District w/Planned Development Designation
East:	Low Density Residential II District w/Planned Development Designation
West:	Low Density Residential II District w/Planned Development Designation
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/10/2003
REPORT BY	Todd Tucker

RECOMMENDATION: Staff recommends that the Vacation of a portion of the Major Drainage Easement be approved.

GENERAL COMMENTS: The applicant is proposing to vacate a two feet six inch wide portion of an existing 20 feet wide major drainage easement. The major drainage easement runs generally north and south along the entire west property line of the subject property and along the entire east property line of the adjacent property to the west.

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The property is located on the south side of Willowbend Road. Currently a single family residence is located on the property. The applicant has indicated that a portion of the structure encroaches 2.4 feet into the major drainage easement.

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

Vacated Portion: The Engineering Division staff noted that the required minimum width for an easement in this situation is 20 feet. Only 10 feet of the easement has been delineated on the Exhibit. The applicant has indicated that the major drainage easement is wider than what is indicated on the submitted exhibit. Ten feet of the easement is located on the adjacent property to the west and 10 feet is located on the subject property. On August 27, 2004 a revised Exhibit A was submitted showing the entire major drainage easement.

The information submitted indicates that the portion of the major drainage easement proposed to be vacated is two feet six inches wide and spans the entire 110 feet length of the property. The Engineering Division staff is recommending that a revised Exhibit A be submitted showing the vacation of only that portion of the major drainage easement where the encroachment has occurred. This will allow for the remainder of the easement to meet the minimum required width.

On August 27, 2004 a revised Exhibit A was submitted showing only the two triangular portions of the major drainage easement, that are being encroached upon, to be vacated.

Original Exhibit A: Staff has noted that the original Exhibit A has not been submitted as of this writing. Copies of the exhibit have been faxed to staff but the original must be submitted to the staff for review and approval and for recording with the Pennington County Register of Deeds. On August 30, 2004 an original Exhibit A was submitted for the vacation of a major drainage easement.

Staff is recommending approval of Vacation of a Major Drainage Easement.