

STAFF REPORT
June 28, 2005

No. 05VE005 - Vacation of Easement

GENERAL INFORMATION:

PETITIONER	Dean and Marianne Neumeyer
REQUEST	No. 05VE005 - Vacation of Drainage and Utility Easement
EXISTING LEGAL DESCRIPTION	Lot 22 R, Block 8, Knollwood Heights No.3, Revised Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	aproximately .24 acres
LOCATION	1522 Brentwood Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/24/2005
REVIEWED BY	Todd Tucker / Bob Dominicak

RECOMMENDATION:

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

1. Prior to Public Works Committee approval, a revised Exhibit "A" sealed by a professional land surveyor or engineer showing only that portion of the Minor Drainage and Utility Easement to be encroached upon by the proposed structure shall be submitted.

GENERAL COMMENTS: The subject property is located on the east side of Brentwood Street between Surfwood Drive and Maple Avenue. The subject property has an existing single family residence located on the subject property. The applicant is proposing to construct an attached garage on the southwest side of the existing house. The proposed garage will encroach into an existing minor drainage and utility easement located along the southwest side lot line. The applicant is requesting that a portion of the minor drainage and utility easement located along the southwest lot line be vacated.

STAFF REVIEW: Staff has reviewed the request for a Vacation of Minor Drainage and Utility Easement as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

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Utility Company Approval: Responses from all five affected utility companies have been received. Staff noted that all affected utility companies have indicated that they do not have services located within the easement and have no objections to vacating the easement.

Revised Exhibit: The applicant submitted an Exhibit "A" showing that the eastern two feet of the existing easement to be vacated. The applicant has also submitted a map of structure locations for the subject property. However, a revised Exhibit "A" showing only that portion of the existing easement to be encroached upon by the proposed structure was not submitted. As such, a revised Exhibit "A" sealed by a professional land surveyor or engineer showing only that portion of the Minor Drainage and Utility Easement to be encroached upon by the proposed structure must be submitted prior to Public Works Committee approval.

Staff is recommending that the Vacation of a Minor Drainage and Utility Easement request be approved with the previously stated stipulations.