

STAFF REPORT
August 9, 2005

No. 05VE009 - Vacation of Utility and Drainage Easement

GENERAL INFORMATION:

PETITIONER	Thurston Design Group, LLC for Pennington County Housing & Redevelopment Commission
REQUEST	No. 05VE009 - Vacation of Utility and Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 7, Block 2, Sheridan Heights Subdivision, located in the NE1/4 SW1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .19 acres
LOCATION	2601 Castle Heights Place
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/30/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

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

1. Prior to Public Works Committee approval, a revised Exhibit "A" shall be submitted showing an accurate scale;
2. Prior to Public Works Committee approval, the applicant shall submit a site plan showing the proposed structure on the document;
3. Prior to Public Works Committee approval, the applicant shall submit a revised Exhibit "A" showing only that portion of the easement to be encroached upon to be vacated. In addition the revised exhibit shall identify the dimensions of the area to be vacated and the distance of the vacated area from the property corners;
4. Prior to Public Works Committee approval, the applicant shall submit an evaluation of the site drainage showing what impact, if any, the proposed vacation will have on the drainage of the subject property. In addition, the applicant shall identify what measures will be taken to mitigate any drainage issues; and,
5. Prior to Public Works Committee approval, written documentation from U.S. West Communications shall be submitted, stating they have no objection to vacating a portion

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of the existing drainage and utility easement.

GENERAL COMMENTS: The subject property is located on the west side of Castle Heights Place which is located west of Sheridan Lake Road and south of Sheridan Heights Drive. Currently a single family residence is located on the subject property. The applicant is proposing to construct a detached, single car garage on the subject property. The proposed location for the garage is within a four foot wide drainage and utility easement along the south side lot line. The existing easement was recorded with the Pennington County Register of Deeds on October 15, 1979. The applicant is now requesting to vacate a portion of the drainage and utility easement to allow the construction of a detached accessory structure within the easement.

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

Scale: Staff noted that the exhibit submitted by the applicant shows the scale of the drawing to be one inch equals 300 feet. However, the actual scale of the drawing is one inch equals 30 feet. Prior to Public Works Committee approval, a revised Exhibit "A" must be submitted showing an accurate scale.

Area to be Vacated: The submitted exhibit shows the entire drainage and utility easement to be vacated. However, the proposed structure will not encroach upon the entire easement. As such, staff recommends that the applicant submit a site plan showing the proposed structure on the document prior to Public Works Committee approval. Staff also recommends that the applicant submit a revised Exhibit "A" showing only that portion of the easement to be encroached upon to be vacated. In addition the revised exhibit must identify the dimensions of the area to be vacated and the distance of the vacated area from the property corners.

Drainage: Staff noted that the proposed construction may affect the drainage on the subject property. Prior to Public Works Committee approval, the applicant must submit an evaluation of the site drainage showing what impact, if any, the proposed vacation will have on the drainage of the subject property and identify what measures will be taken to mitigate any drainage issues.

Utilities: The vacation of a utility easement requires that all affected utility companies provide written approval of the vacation. Responses from all five affected utility companies have been received. Four of the utility companies expressed no objection to vacating the drainage and utility easement. However, U.S. West Communications (Qwest) indicated that they have a service cable within the easement. On August 3, 2005, the applicant indicated that they would contact U.S. West Communications to try and resolve the issue. Prior to Public Works Committee approval, written documentation from U.S. West Communications must be submitted stating they have no objection to vacating the drainage and utility easement.

Staff is recommending approval of the Vacation of Drainage and Utility Easement with the above stated stipulations.