

STAFF REPORT
September 27, 2005

No. 05VE018 - Vacation of Utility Easement

ITEM

GENERAL INFORMATION:

PETITIONER	Thurston Design Group for Vaughn Bay Construction
REQUEST	No. 05VE018 - Vacation of Utility Easement
EXISTING LEGAL DESCRIPTION	A parcel of land located in the W932' of the S377', located in the SE1/4 SE1/4, less the N35', dedicated as a Thrush Drive, all located in the SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.32 acres
LOCATION	Between Thrush Drive and Anamosa Street and south of West Boulevard North
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Public District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/12/2005
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

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

1. Prior to City Council approval, the Exhibit "A" document shall be revised to reduce the area of the easement being vacated to eliminate the area where the existing electric pole and anchor are located in the southeast corner of the easement; or, the electric pole and anchor shall be relocated;
2. Prior to City Council approval, the proposed 42 foot wide utility easement to be located along the northern portion of the subject property shall be recorded at the Register of Deed's Office; and,
3. Prior to City Council approval, the applicant shall enter into an agreement with the City to relocate the water and sewer lines at their expense.

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GENERAL COMMENTS:

The applicant has submitted a Vacation of Utility Easement to vacate a 50 foot wide utility easement located on the subject property. The applicant has also submitted an Initial Planned Residential Development to allow a 54 unit apartment complex to be constructed on the subject property. In addition, the applicant has submitted a Vacation of Right-of-way request to vacate a portion of Thrush Drive located adjacent to the subject property.

The property is located north of Anamosa Street and south of Thrush Drive, on the west side of West Boulevard North. Currently, a single family residence and accessory structures are located on the property.

STAFF REVIEW:

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

City Sewer and Water: Currently, a City sewer main and water main are located in the utility easement. The applicant has indicated that an alternate utility easement will be recorded along the northern portion of the subject property for the eventual relocation of the City sewer and water main(s). In addition, the applicant has signed and recorded a "Temporary Utility Easement" to secure this easement until such time as the sewer and water main(s) are relocated. Staff is recommending that prior to City Council approval, the proposed 42 foot wide utility easement be recorded at the Register of Deed's Office. In addition, the applicant must enter into an agreement with the City to relocate the water and sewer line at their cost.

Black Hills Power: Black Hills Power has indicated that, an overhead electric pole and anchor are located in the southeast corner of the existing utility easement. As such, the applicant must either revise the request to eliminate this area from the proposed utility vacation exhibit document or the pole and anchor must be relocated. Staff is recommending that prior to City Council approval, the Vacation of Utility Easement Exhibit "A" document be revised as identified or the applicant must coordinate with Black Hills Power to relocate the electric pole and anchor.

Utilities: The balance of the utility companies has submitted written documentation concurring with the proposed vacation request. As such, staff is recommending that the Vacation of Utility Easement request be approved with the stipulations as outlined above.