

STAFF REPORT  
January 5, 2006

---

**No. 05VE024 - Vacation of Drainage and Utility Easement**

**ITEM**

---

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 05VE024 - Vacation of Drainage and Utility Easement</b>
EXISTING LEGAL DESCRIPTION	Lots 25 and 26 of Block 3 of Red Rock Meadows Subdivision, all located in the SW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .66 acres
LOCATION	At the northwest of the intersection of Sahalee Drive and Portrush Drive
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, sewer
DATE OF APPLICATION	12/7/2005
REVIEWED BY	Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Vacation of the Drainage and Utility Easement be approved with the following stipulation;

1. Prior to City Council approval, a new drainage and utility easement shall be recorded with the Register of Deeds Office and a copy of the recorded document shall be submitted to the Growth Management Department; and,
2. Prior to City Council approval, a revised "Exhibit A" referencing the vacation of the utility easement shall be submitted to the Growth Management Department for review and approval.

GENERAL COMMENTS: The subject property is described as Lots 25 and 26, Block 3, Red Rock Subdivision. A single family residence currently exists on Lot 25, Block 3, Red Rock Subdivision. The existing single family residence encroaches into the existing utility easement located along the northwest side lot line. The applicant is proposing to vacate the existing utility easement along the northwest side lot line and establish a new easement approximately one foot to the north of the present location. The applicant is also seeking by

STAFF REPORT  
January 5, 2006

---

**No. 05VE024 - Vacation of Drainage and Utility Easement**

**ITEM**

---

separate action to relocate the common boundary line between Lots 24 and 25 to provide the required eight foot sideyard setback.

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

Vacation Document: The "Exhibit A" submitted by the applicant does not identify the area of easement that is proposed to be vacated. Prior to City Council approval, a revised "Exhibit A" referencing the vacation of the utility easement shall be submitted to the Growth Management Department for review and approval.

Utility Easement: The applicant will need to dedicate and record a new utility easement with the Register of Deeds Office. Staff is recommending that prior to City Council approval, the utility easement be recorded as identified and a copy returned to the Growth Management Department.

Drainage Easement: Staff Engineers have reviewed the application for the Vacation of the drainage easement and found that vacating and relocating the drainage easement along the property line will not affect the drainage for the property. Staff is recommending that prior to City Council approval, the applicant shall dedicate and record a new drainage easement with the Register of Deeds Office and a copy returned to the Growth Management Department.

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.

Staff is recommending that the Vacation of a Utility Easement request be approved.