

STAFF REPORT
May 25, 2006

No. 06VE008 - Vacation of Access Easement

ITEM 20

GENERAL INFORMATION:

PETITIONER	Jared and Tonya Tordsen
REQUEST	No. 06VE008 - Vacation of Access Easement
EXISTING LEGAL DESCRIPTION	The access easement located within the east 720 feet of the south 197.9 feet of the north 935.6 feet of the NW1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.27 Acres
LOCATION	South of Peace Path and west of Blue Jay Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	Private
DATE OF APPLICATION	4/7/2006
REVIEWED BY	Mike Maxwell / Mary Bosworth/Marcia Elkins

RECOMMENDATION:

Staff recommends that the Vacation of Access Easement be denied without prejudice.

GENERAL COMMENTS: **(Updated May 18, 2006. All changes and/or revisions are shown in bold.) This item was continued at the May 4, 2006 Planning Commission at the applicants' request. Staff is unaware of any additional information being submitted as of this date. For this reason, staff recommends that the Vacation of Access Easement be denied without prejudice.**

The applicant submitted this request to vacate a portion of the access easement that runs across the property. The access easement provides access to five other properties in the area and provides a second access for ingress and egress from the area. The portion of the access easement to be vacated is located within the east 720 feet of the south 197.9 feet of the north 935.6 feet of the NW1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally discribed as south of Peace Path and west of Blue Jay Drive.

Currently the property is zoned Low Density Residential and is undeveloped.

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STAFF REVIEW: Staff has reviewed the Vacation request and has noted the following considerations:

Access Easement: The access easement currently provides ingress and egress to five properties located off Harmony Heights Lane, Peace Path and Blue Jay Drive. The properties are located within a High Fire area and have limited access due to the steep topography. The second means of access is important from a public safety perspective. Also the properties located within the area have a limited potential for additional development. If any additional development should occur, the access easement will be needed to provide a second means of ingress and egress to the area. Vacation of the access easement could negatively impact other property owners in the area. As such, staff recommends that the application for Vacation of the access easement be denied without prejudice.

Staff has received several phone calls and a letter in opposition to the Vacation of the access easement

Staff is recommending that the Vacation of Access Easement be denied without prejudice.