

STAFF REPORT
May 25, 2006

**No. 06VE010 - Vacation of a portion of shared Access Easements
and a Non-Access Easement**

ITEM 21

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Lifestyle Homes
REQUEST	No. 06VE010 - Vacation of a portion of shared Access Easements and a Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lot 2, Denholm Subdivision, located in the SE1/4 SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.138 acres
LOCATION	Northeast of the intersection of East St. Patrick Street and Creek Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District - Flood Hazard District
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/28/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the Vacation of a portion of shared Access Easements and a Non-Access Easement be approved with the following stipulations:

1. Prior to City Council approval, a revised Exhibit "A" must be submitted showing only those portions of the shared access easement and non-access easement to be vacated; and,
2. Prior to City Council, a miscellaneous document shall be recorded with the Register of Deeds office creating a non-access easement along the remainder of the south property line.

GENERAL COMMENTS: The applicant is proposing to vacate two 20 foot by 30 foot portions of shared access easements and a 30 foot portion of a non-access easement. The easements are located along the south property line of the subject property. The property is located north of East Saint Patrick Street and east of Creek Drive. Currently the subject property is void of development. The applicant has indicated that they are proposing to

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construct mini-warehousing units on the subject property and that the property owner to the west is not in support of relocating their existing approach.

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

Access: Staff noted that East Saint Patrick Street is a principal arterial and recommend minimizing approaches along East Saint Patrick Street. Staff also noted that they find no adverse effect to traffic on East Saint Patrick since the applicant is proposing to vacate the portions of shared accesses on the subject property and is creating only one point of access on to the subject property with a non-access easement placed along the remainder of the property adjacent to East Saint Patrick Street.

Revised Exhibit "A": Staff noted that the Exhibit "A" submitted indicates a no access easement being dedicated on this document. Prior to City Council approval, a revised Exhibit "A" must be submitted showing only those portions of the shared access easements and non-access easement to be vacated. In addition, a miscellaneous document shall be recorded with the Register of Deeds office creating a non-access easement along the remainder of the south property line.

Staff recommends that the Vacation of a portion of shared Access Easements and a Non-Access Easement be approved with the above stated stipulations.