

STAFF REPORT  
May 25, 2006

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**No. 06VE012 - Vacation of Utility and Minor Drainage Easement**

**ITEM**

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Dennis & Catherine Haan
REQUEST	<b>No. 06VE012 - Vacation of Utility and Minor Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 11 of Block 3, Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .008 acres
LOCATION	2313 Cambridge Place
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/5/2006
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

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

1. Prior to City Council approval, a revised Vacation of Utility and Minor Drainage Easement Exhibit "A" shall be submitted for review and approval indicating only that portion of the easement where structures are located will be vacated.

GENERAL COMMENTS: The subject property is located at 2313 Cambridge Place in Mt. Shadows Subdivision east of Sheridan Lake Road. The subject property is the location of a single family dwelling. The applicant is proposing to vacate the eight foot wide utility and minor drainage easement along the rear lot line located on Lot 11 of Block 3 as shown on Exhibit "A". A retaining wall and deck are currently located within the utility easement. An enclosure for a hot tub is proposed to be located on the deck.

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

Utility Company Approval: The vacation of a utility easement requires permission of all affected utility companies. All of the affected utility companies have been contacted and all five affected utility companies have provided written documentation that they do not have existing or proposed services within the easement and have no objections to vacating the utility easement. Qwest stated that they have an eight foot wide easement on the abutting property, Lots 5 & 6 in Block 3, located south of the subject property and will maintain this easement for their telecommunications cable.

Minor drainage: All lots within the vicinity have been developed. It appears that there is no existing drainage being directed into the easement. It appears that there will be no significant impact on drainage affecting the adjacent properties.

Revised Exhibit "A": Staff has noted that previously, the City Council has approved the Vacation of Easements for only that portion of the easement with structures encroaching into the easements. It appears that the retaining wall is not located within the entire portion of the eight foot easement as indicated on exhibit "A". As such, staff is recommending that prior to approval by the City Council, a revised Exhibit "A" be submitted for review and approval indicating only that portion of the easement that is needed to be vacated due to encroaching structures.

Staff is recommending that the Vacation of Utility Easement be approved as per the stated stipulation.