

STAFF REPORT  
March 22, 2007

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**No. 07VR003 - Vacation of Right-of-Way**

**ITEM 32**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 07VR003 - Vacation of Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	The Lot H-1 located in the S1/2 N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.95 acres
LOCATION	South of I90 and west of East North Street
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District - Light Industrial District (Planned Development Designation)
South:	Medium Density Residential District - General Agriculture District - General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District - Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/23/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved with the following stipulations:

1. Prior to City Council approval, written documentation from Black Hills Power shall be submitted indicating no objection to the vacation request;
2. Prior to City Council approval, a Final Plat shall be recorded at the Register of Deed's Office securing the additional right-of-way for the street; and,
3. Prior to City Council approval, the Exhibit "A" heading shall be revised to read "Portion of Right-of-way to be vacated located in Lot H-1 of the S1/2N1/2SE1/4 of Section 30...".

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate a portion of Farnwood Avenue located within an H Lot. In addition, the applicant has submitted a

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Vacation of Right-of-way request (#07VR002) to vacate a portion of Rapp Street also currently located in an H Lot. The applicant has also submitted a Preliminary Plat application (#07PL142) to subdivide 126.54 acres into 24 commercial lots, to vacate a 30 foot wide private access easement, to vacate a portion of a section line highway located between Sections 29 and 32, to vacate a portion of a section line highway located between Sections 29 and 30, to vacate a portion of Rapp Street and to vacate a 66 foot wide public access easement. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV013) to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional rights-of-way and/or easement(s). The applicant has also submitted an Amendment to the Comprehensive Plan (#07CA010) to change the land use designation of a portion of the subject property, or 0.04 acres, from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development. In addition, the applicant has submitted a Rezoning request (#07RZ015) to change the zoning designation of the 0.04 acre parcel from General Agriculture District to General Commercial District. The applicant has also submitted a Planned Development Designation request (#07PD016) for the 0.04 acre parcel. The proposed commercial development is to be known as "Rushmore Crossing".

On August 1, 2005, the City Council approved a Layout Plat (#05PL085) to subdivide a 95.28 acre parcel into 17 commercial lots. The Layout Plat included the subject property.

On February 6, 2006, the City Council approved Tax Increment District #56 for the construction of streets, traffic signals, a regional drainage detention dam, high pressure water main and sanitary sewer main and the relocation of power lines associated with the proposed Rushmore Crossing project.

On October 2, 2006, the City Council approved a Layout Plat (#06PL142) to subdivide a 117.29 acre parcel into 15 commercial lots and two detention pond lots. The Layout Plat included the subject property.

The property is located between LaCrosse Street and E. North Street on the south side of U.S. Highway I-90 and is currently void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Vacation of Right-of-way request and has noted the following considerations:

**Farnwood Avenue:** The applicant has submitted a request to vacate a portion of the Farnwood Avenue right-of-way located within an H Lot. The associated Preliminary Plat identifies the extension of Eglin Street, which is currently named "Farnwood Avenue", to serve as access to properties located east of the H Lot. In addition, the Preliminary Plat identifies the dedication of relocated right-of-way for Eglin Street. Staff is recommending that prior to City Council approval, a Final Plat be recorded at the Register of Deed's Office securing the additional right-of-way for the street.

**Utilities:** To date, all of the utility companies, with the exception of Black Hills Power, have indicated that they concur with the proposed Vacation or Right-of-way request. As such,

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staff is recommending that prior to City Council approval, written documentation from Black Hills Power be submitted concurring with the Vacation request.

Staff is recommending that the Vacation of Section Line Highway be approved with the stipulations of approval as identified above.