

STAFF REPORT
May 1, 2007

No. 07VE005 - Vacation of a Drainage and Utility Easement

GENERAL INFORMATION:

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| PETITIONER | Terry E. Smith and Robin L. Patterson |
| REQUEST | No. 07VE005 - Vacation of a Drainage and Utility Easement |
| EXISTING LEGAL DESCRIPTION | Lot 1 of Block 3 of Stoney Creek Subdivision Phase I, located in the SW1/4 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.81 Acres |
| LOCATION | 5212 Winterset 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: | High Density Residential District - Low Density Residential District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 3/9/2007 |
| REVIEWED BY | Travis Tegethoff / Emily Fisher |

RECOMMENDATION:

Staff recommends that the Vacation of a Drainage and Utility Easement be approved with the following stipulations:

1. Prior to City Council approval, a revised miscellaneous document shall be submitted to Growth Management staff for review and approval or the applicant shall demonstrate that the properties to the east can be served without the proposed sewer main extension; and,
2. Prior to City Council approval, a miscellaneous document shall be recorded at the Register of Deeds office providing an alternate drainage and utility easement or the applicant shall demonstrate that the properties to the east can be served without the proposed sewer main extension.

GENERAL COMMENTS: The applicant is proposing to vacate an existing twenty foot wide major drainage and utility easement as shown in Exhibit "A" and dedicate a twenty foot wide drainage easement farther south of the existing easement. The easement runs generally east and west across the entire length of the subject property.

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The property is located east of Winterset Drive and west of Nugget Gulch Road. Currently, the subject property is void of structural development. The applicant is proposing to construct a single family residence on the subject property. By vacating the easement the proposed residence could be more centrally located on the subject property. The applicant is proposing to provide a drainage easement on another portion of the lot.

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

Utility Company Approval: The vacation of a utility easement requires permission of all affected utility companies. Staff noted that all of the affected utility companies have been contacted. All five affected utility companies have provided written documentation indicating that they do not have objections to vacating the utility easement. However, Public Works Department staff noted that the existing easement is required to extend the sewer main to serve properties to the east. As such, a utility easement must be provided in addition to the proposed drainage easement. Staff recommends that prior to City Council approval, a revised miscellaneous document shall be submitted to Growth Management staff for review and approval and shall be recorded at the Register of Deeds office providing an alternate utility easement and drainage easement or the applicant shall demonstrate that the properties to the east can be served without the proposed sewer main extension.

Grading and Drainage: Staff noted that the applicant submitted a grading plan and drainage calculations for the subject property. It appears that the proposed drainage easement will not have any significant adverse effects on the existing drainage route and surrounding properties.

Staff has reviewed the request for the vacation of a drainage and utility easement and has determined that the easement will not effect future development with the revisions as indicated. As such, Staff recommends that the Vacation of the Drainage and Utility Easement be approved with the above stated stipulations.