

STAFF REPORT
February 22, 2007

No. 07VE002 - Vacation of Access and Utility Easement

ITEM 16

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Schriener Investments, LLC
REQUEST	No. 07VE002 - Vacation of Access and Utility Easement
EXISTING LEGAL DESCRIPTION	A portion of the 66 foot wide access and utility easement located in the NE1/4 of the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of the NE1/4 all located in Section 23, T1N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.03 Acres
LOCATION	North of Enchantment Road and west of the terminus of Stumer Road
EXISTING ZONING	Low Density Residential District - General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	Sewer and Water
DATE OF APPLICATION	1/25/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

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

1. Prior to City Council approval, documentation shall be submitted from all of the utility companies indicating approval of the Vacation of Access and Utility Easement request; and,
2. Prior to City Council approval, an alternate means of access in compliance with the Street Design Criteria Manual shall be recorded to provide access to the adjacent properties located north and east of the subject property.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Access and Utility Easement request to vacate a sixty-six foot wide Access and Utility Easement that extends through the subject property. The

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subject easement lies in a northeasterly direction in the northern portion of the property. On September 15, 2006, the City Council approved a Layout Plat to subdivide the subject property into 14 residential lots. (See companion item No.06PL126)

The property is located north of Enchantment Road and west of Stumer Road. Currently, the property is void of any structural development. In addition, a narrow dirt road is currently located within the access and utility easement.

STAFF REVIEW:

Staff has reviewed the Vacation of Access and Utility Easement request and has noted the following considerations:

Utility and Drainage Easement

The existing 66 foot wide access and utility easement currently serves as legal access to the property located north and east of the subject property. The associated Layout Plat identifies the extension of Twin Drive through the subject property which will provide access to the east. In addition, the Layout Plat identifies a 40 foot wide access easement extending from Twin Drive to the north lot line, providing access to the adjacent property located north of the subject property. The applicant is aware that the Vacation of Utility and Access Easement request can not be approved until alternate access is recorded as identified. However, the applicant's consultant has submitted this request to insure the possibility of vacating the access and utility easement prior to submittal of construction plans with a Preliminary Plat application. Staff is recommending that prior to City Council approval, an alternate means of access in compliance with the Street Design Criteria Manual shall be recorded to provide access to the adjacent properties located north and east of the subject property.

Utilities: The Vacation of Easement request requires the permission of all affected utility companies. As of this writing only Quest and Montana-Dakota Utilities have approved the applicants request for vacation of easement. Staff is recommending that prior to City Council approval, documentation be submitted from all of the utility companies indicating approval of the vacation of easement.

Staff recommends that the Vacation of Access and Utility Easement request be approved with the stipulations as identified above.