

STAFF REPORT
August 23, 2007

No. 07VE026 - Vacation of Non-Access Easement

ITEM 11

GENERAL INFORMATION:

APPLICANT/AGENT	Kenneth E. and Carol Jean Rothe
PROPERTY OWNER	Kenneth E. and Carol Jean Rothe
REQUEST	No. 07VE026 - Vacation of Non-Access Easement
EXISTING LEGAL DESCRIPTION	Lot 12 of Block 1 of Kensington Heights Subdivision, located in Government Lot 4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .19 acres
LOCATION	434 Field View 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:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/18/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. Prior to Public Works Committee approval, a miscellaneous document providing a non-access easement along the entire length of Henry Court adjacent to the property shall be recorded at the Register of Deed's Office
2. Prior to Public Works Committee approval, a revised Exhibit "A" shall be submitted for review and approved as identified or a Special Exception to the Street Design Criteria Manual to allow a residential approach more than 20 feet wide shall be submitted and approved for the property, and;
3. Prior to City Council approval, a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser traveled street shall be submitted and approved for the property.

GENERAL COMMENTS: The applicant is proposing to vacate a portion of the non-access easement to serve as access to the lot. The property is located at the southwest corner of

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the intersection of Field View Drive and Henry Court. A single family residence is currently constructed on the site.

On October 13, 2006 a permit to work in the right-of-way was issued for the property with the driveway onto Field View Drive shown as access to the site.

On February 1, 2007 a building permit was issued for the property with the driveway accessing the site from Field View Drive. After the project was completed it was identified that a non-access easement was located along Field View Drive.

STAFF REVIEW: Staff has reviewed this request for a Vacation of Non-Access Easement as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following considerations:

Exhibit "A": Staff noted that the Exhibit "A" shows a portion of the non-access easement being vacated on this document. However, the legal description on Exhibit "A" appears to be incorrect. In addition, Exhibit "A" indicates a 21.5 foot wide portion of the non-access easement being vacated along Field View Drive. The Rapid City Street Design Criteria Manual requires that the width of a residential approach should not be more than 20 feet wide. As such, staff recommends that prior to Public Works Committee approval, a revised Exhibit "A" shall be submitted for review and approved as identified or a Special Exception to the Street Design Criteria Manual to allow a residential approach more than 20 feet wide be submitted and approved for the property.

Special Exception: Staff noted Field View Drive is classified as a subcollector street and Henry Court is identified as a lane/place street. As such, staff is recommending that prior to Public Works Committee approval, a Special Exception to the Street Design Criteria Manual to allow access from a street other than the lesser traveled street be submitted and approved for the property.

Easements: Staff noted that access is being proposed from Field View Drive. The Rapid City Street Design Criteria Manual only allows one driveway to any single residence. As such, staff recommends that prior to Public Works Committee approval, a miscellaneous document providing a non-access easement along the portion of Henry Court adjacent to the property where there is no non-access easement shall be recorded at the Register of Deed's Office.

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