

STAFF REPORT
October 9, 2007

No. 07VE031 – Vacation of Minor Drainage and Utility Easement

ITEM

GENERAL INFORMATION:

| | |
|----------------------------|--|
| APPLICANT | Jeremy Walla |
| AGENT | Lee Geiger for Geiger Architecture |
| PROPERTY OWNER | Jeremy Walla |
| REQUEST | No. 07VE031 - Vacation of Minor Drainage and Utility Easement |
| EXISTING LEGAL DESCRIPTION | Lots 3 and 4 of Block 15 of Red Rock Estates Subdivision, located in the NW1/4 NE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 1.11 acres |
| LOCATION | 6438 and 6408 Prestwick Road |
| EXISTING ZONING | Low Density Residential District |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | Low Density Residential District |
| East: | General Agriculture District |
| West: | General Agriculture District |
| PUBLIC UTILITIES | Public |
| DATE OF APPLICATION | 9/7/2007 |
| REVIEWED BY | Jonathan Smith / Mary Bosworth |

RECOMMENDATION:

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

1. Prior to approval by Public Works Committee the applicant shall obtain a Developmental Lot Agreement.

GENERAL COMMENTS:

The applicant has submitted a request to vacate an eight foot Minor Utility and Drainage Easement. The property is Lot 3 and Lot 4 Block 15 of Red Rock Estates Subdivision. Staff has noted that both lots have been platted (#03PL117). Currently an eight foot Utility and Minor Drainage Easement lies on all interior sides of the lot lines of Lot 3 and Lot 4. The applicant has indicated they plan to construct a single family residential structure that will be located along the common boundary on Lot 3 and Lot 4. The vacation of this easement is needed in order to

STAFF REPORT
October 9, 2007

No. 07VE031 – Vacation of Minor Drainage and Utility Easement

ITEM

construct the proposed single family residence.

STAFF REVIEW:

Staff has reviewed the applicant's request to vacate a Minor Drainage and Utility Easement and noted the following considerations.

DEVELOPMENTAL LOT AGREEMENT:

Prior to Public Works Committee approval, the applicant is required to obtain a Developmental Lot Agreement. The Developmental Lot Agreement will allow the applicant to construct a structure that will be located on both Lot 3 and Lot 4. The applicant has submitted a Developmental Lot Agreement request from the Growth Management staff; however, as of this writing the agreement has not yet been signed and recorded. Staff recommends that prior to approval by the Public Works Committee the applicant obtain approval of a Developmental Lot Agreement.

DRAINAGE:

Staff has noted that drainage was approved during the platting process (#03PL117) for both Lot 3 and Lot 4. An eight foot utility and minor drainage easement is required on the interior sides of all lot lines. Currently there are no drainage features such as a ditch or drainage pipes located within the eight foot utility and minor drainage easement. Staff has noted that the vacation of this portion of a minor utility and drainage easement will not have an adverse effect on Lot 3, Lot 4, or any of the surrounding property.

UTILITIES:

The Vacation of Easement request requires the permission of all affected utility companies. Staff has noted that four of the five utilities companies: Black Hills Power, Mid-Continent, Prairie Wave, Qwest and Montana-Dakota Utilities have responded. Staff has noted that all of the affected utility companies concur with the applicant's request.

Staff finds that the vacation of the eight foot Utility and Minor Drainage Easement will not have an adverse effect on the property and surrounding properties, and therefore recommends that the Vacation of an eight foot Minor Drainage and Utility Easement be approved assuming compliance with the stated stipulations.