

STAFF REPORT  
November 13, 2007

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**No. 07VE036 - Vacation of a portion of a Major Drainage Easement**      **ITEM**

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GENERAL INFORMATION:

APPLICANT	Aaron Klapkin
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
REQUEST	<b>No. 07VE036 - Vacation of a portion of a Major Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lot A of Lot 27 of Block 1 of Elks Country Estates, located in the E1/2, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.58 acres
LOCATION	3911 Jolly Lane
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	9/25/2007
REVIEWED BY	Jonathan Smith / Ted Johnson

RECOMMENDATION:

**Staff recommends that the Vacation of a portion of a Major Drainage Easement be approved.**

GENERAL COMMENTS:

**(Update November 1, 2007. All revised text is shown in bold). On November 1, 2007 the applicant submitted data demonstrating that vacating a portion of the Major Drainage Easement would not negatively affect the drainage. The applicant has provided an updated Flood Insurance Rate Map (panel 465420-0017-G), which was revised in February 1998. The updated map shows the relocated 100 year flood plain boundary and identifies the structure as not being located within the Federally Designated 100 year flood plain. Because the portion of the single family dwelling is no longer identified as being within the Federally Designated 100 year flood plain staff recommends that the request to vacate a portion of the Major Drainage Easement be approved.**

The applicant has submitted a Vacation of a portion of a Major Drainage Easement request.

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The property is located at 3911 Jolly Lane. The property consists of a 0.58 acre lot with a single family residence located on the property. A Major Drainage Easement currently covers approximately 74 percent of the property. The property was platted on September 9, 1997. An affidavit, which identifies the property as Lot A of Lot 27 Block 1 of Elk Country Estates was recorded with the Pennington County Register of Deeds Office on November 21, 1997. The property is currently zoned Low Density Residential District.

STAFF REVIEW:

Staff has reviewed the request to vacate a portion of a Major Drainage Easement and noted the following considerations:

SITE SURVEY:

A Major Drainage Easement is currently located on approximately 74 percent of the property. Staff has noted that the federally designated 100 year flood plain lies concurrent with the Major Drainage Easement. Currently approximately 980 square feet of the single family residence encroaches into the Major Drainage Easement. The applicant has submitted a request to vacate the area of the Major Drainage Easement in which the structure encroaches.

DRAINAGE:

Staff has noted that the applicant has not submitted any drainage calculations or additional information that demonstrates that if the portion of the Major Drainage Easement were to be vacated that it would not negatively impact the property, or property within the vicinity. Staff recommends that the applicant submit additional information for review and approval that demonstrates that a portion of the Major Drainage Easement may be vacated without negatively impacting public health or safety or negatively impacting real property in the area.

Staff has noted that the majority of the property is located within the federally designated 100-year flood plain. Staff recommends that prior to approval by Public Works Committee that the applicant obtain a Flood Plain Development Permit or demonstrate that the property is not located within the federally designated 100 year flood plain, or obtain a Letter of Map Revision from the Federal Emergency Management Agency. **As noted the applicant has submitted information that shows that the property is no longer within the Federally Designated 100 year flood plain.**

Staff recommends that this request be continued to the November 27, 2007 Public Works Committee meeting to allow the applicant time to submit additional information.