

STAFF REPORT  
April 29, 2008

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**No. 07VE033 - Vacation of a 30 Foot Utility Easement**

**ITEM**

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GENERAL INFORMATION:

APPLICANT	Robert Akers
AGENT	Eric Howard for Renner & Associates
PROPERTY OWNER	Robert W. Akers
REQUEST	<b>No. 07VE033 - Vacation of Utility Easement</b>
EXISTING LEGAL DESCRIPTION	A 30 foot wide utility easement located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.33 Acres
LOCATION	Between Disk Drive and East Mall Drive and east of Lacrosse Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	9/18/2007
REVIEWED BY	Jonathan Smith / Ted Johnson / Jared Ball

RECOMMENDATION:

**Staff recommends that the Vacation of a Utility Easement be approved.**

GENERAL COMMENTS:

**(Updated: April 23, 2008. All revised and/or added text is shown in bold.) This item has been continued since September 18, 2007. All of the additional required information has been submitted and reviewed. As such, staff recommends that the Vacation of Utility Easement be approved.**

The applicant has submitted a request to vacate a Utility Easement. The property is located at the northeast intersection of Disk Drive and LaCrosse Street. The property is currently vacant. Staff has noted the easement was previously located within the right-of-way. The applicant has submitted documentation identifying that the aforementioned right-of-way was vacated on November 11, 1999. The property is currently zoned General Commercial District.

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STAFF REVIEW:

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

UTILITY EASEMENT:

The applicant is requesting to vacate an existing Utility Easement that measures 30 feet by 480 feet. As noted the easement once was located within right-of-way that has been vacated.

The easement was originally provided to serve sanitary sewer to the area located south of the property. Currently those properties located south of the property are served by a private collection system and lift station for sewer service. In conjunction with the extension of East Mall Drive the City of Rapid City will be providing sewer service to this area within the near future. Staff has noted that a Master Utility Plan of all existing utilities within the vicinity is needed to determine whether the Utility Easement shall be needed in the future. Staff recommends that the applicant submit a Master Utility Plan. Once that information is submitted, a determination can be made as to whether the utility easement is needed. **Staff met with the applicant on April 19, 2008 and received a utility plan showing the existing utilities.**

UTILITY LETTERS:

The Vacation of Easement request requires the permission of all affected utility companies. Staff has noted that four of the five utilities companies: Mid-Continent, Montana- Dakota Utilities, Black Hills Power, and Qwest have responded and concur with the applicant's Vacation of Easement request. Staff has noted that as of this writing Prairie Wave has not responded to the applicant's request. Prior to approval by Public Works Committee, staff recommends that all of the affected utility companies concur with the applicant's request. **Staff met with the applicant on April 19, 2008 and received the letter of permission from Prairie Wave.**

**Staff recommends that the Vacation of a 30 foot Utility Easement be approved.**