

STAFF REPORT
July 1, 2008

No. 08VE013 - Vacation of Utility Easement

ITEM

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	DTH, LLC
REQUEST	No. 08VE013 - Vacation of Utility Easement
EXISTING LEGAL DESCRIPTION	Tract A of Block 2 of Northbrook Village, located in the SE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.29 acres
LOCATION	154 Viking Drive
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/30/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

1. Prior to Public Works Committee approval, the "Municipal Sanitary Sewer Easement and 10 foot wide Utility Easement" shall be recorded at the Register of Deed's Office. In addition, a copy of the recorded easement shall be submitted to the Growth Management Department.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Utility Easement to vacate an existing utility easement located on Tract A, Block 2, Northbrook Village. In addition, the applicant has

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submitted a Vacation of Drainage Easement (File #08VE014) to vacate a portion of an existing drainage easement located on Outlot C of Block 2, Northbrook Village.

The property was originally platted in 2002. All of Tract A was identified as a utility easement and all of Outlot C was identified as a drainage easement. The applicant is now proposing to vacate a portion of the utility easement and a portion of the drainage easement located on the two adjacent parcels in order to create building envelopes for residential use(s).

The property is located east of Three Rivers Drive and north of Viking Drive. Currently, a sanitary sewer "pigging" station and public and private utilities are located on Tract A. Outlot C is currently void of any structural development.

STAFF REVIEW:

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

Utilities: As previously noted, a sanitary sewer "pigging" station and gravity sewer main(s) are located in the southwest corner of the property. In addition, private utilities are located along the northern portion of the property. The applicant has submitted a copy of a "Municipal Sanitary Sewer Easement and a 10 foot wide Utility Easement" creating easements for the existing utilities. To date, the easement has not been signed by the property owner and recorded at the Register of Deed's Office. As such, staff is recommending that prior to Public Works Committee approval, the "Municipal Sanitary Sewer Easement and 10 foot wide Utility Easement" be recorded at the Register of Deed's Office. In addition, a copy of the recorded easement must be submitted to the Growth Management Department.

All of the utility companies have indicated concurrence with the proposed Vacation of Utility Easement. It also appears that vacating the utility easement as proposed will create a buildable area on the property.

Staff is recommending that the Vacation of Utility Easement request be approved with the stipulation as identified above.