

STAFF REPORT  
June 9, 2009

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**No. 09VE002 - Vacation of Utility and Drainage Easement**

**ITEM**

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GENERAL INFORMATION:

APPLICANT/AGENT	Code Works
PROPERTY OWNER	Doyle Estes and Kathryn Johnson
REQUEST	<b>No. 09VE002 - Vacation of Utility and Drainage Easement</b>
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Lot C of Block 5 of Owen Mann Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.5428 acres
LOCATION	3220 West Main Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/9/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of Utility and Drainage Easement be denied without prejudice at the applicant's request.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Utility and Drainage Easement request. In particular, the applicant is proposing to vacate the existing 8 foot wide utility and drainage easement along the west lot line of Lot 2 and to vacate a portion of the 16 foot wide utility and drainage easement located along the common lot line of Lots 1 and 2.

The property is located north of Sturgis Road and south of W. Rapid Street. Currently, a commercial building is located on Lot 1 and a shed is located on Lot 2. The applicant has indicated that upon vacation of the easement as requested, the shed will be removed from Lot 2 and the commercial building located on Lot 1 will be expanded.

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**STAFF REVIEW:**

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

Utility/Drainage: To date, a drainage plan has not been submitted for review and approval to determine if the easement can be vacated or if it must be retained to accommodate drainage through the site. In addition, utilities currently exist within the easement. The applicant has indicated that they are currently reviewing the cost of relocating the existing utilities. Depending upon the cost of relocating the utilities, the applicant may not proceed with this request. As such, the applicant has requested that this item be denied without prejudice.

Staff recommends that the Vacation of Utility and Drainage Easement request be denied without prejudice at the applicant's request.