

STAFF REPORT
February 1, 2011

No. 11VE001 - Vacation of Utility and Drainage Easement

ITEM

GENERAL INFORMATION:

APPLICANT/ PROPERTY OWNER	Byron and Nancy Lowery
REQUEST	No. 11VE001 - Vacation of Utility and Drainage Easement
EXISTING LEGAL DESCRIPTION	Lot 26 of Block 6 of County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .19 acres
LOCATION	1606 Plateau Lane
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	1/12/2011
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

Staff recommends that the Vacation of Utility and Drainage Easement be approved.

GENERAL COMMENTS: The applicant has submitted a Vacation of Utility and Minor Drainage Easement request to vacate a portion of the utility easement as shown in Exhibit "A" located on Lot 26, Block 6 of County Heights Subdivision. In particular, the applicant is proposing to vacate a 25 foot by 1 foot section of the utility and minor drainage easement located along the southwest lot line of the property. The applicant has indicated that they would like to construct an attached garage onto the northeast side of the existing residence. Pennington County has required that the encroachment into the easement be rectified prior to issuance of a Building Permit for the proposed addition.

The property is located at 1606 Plateau Lane, on the east side of Plateau Lane and north of Twilight Drive. A single family residence is currently located on the property.

STAFF REVIEW: Staff has reviewed the Vacation of Utility Easement request and has noted the following issues:

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Justification: The property was platted in 1980 and included an 8 foot wide utility and minor drainage easement on all interior lot lines. The applicant has indicated that the existing house was constructed in 1985 and encroached into the easement upon construction. The applicant is proposing to construct an attached garage onto the opposite side of the existing house and Pennington County has required that the encroachment into the easement be rectified prior to issuance of a Building Permit for the proposed addition. The encroachment into the utility and minor drainage easement has existed since the house's construction with no adverse effects to utilities and/or drainage on the property. As such, staff recommends that the vacation of a portion of the utility and minor drainage easement be approved.

Utility Company Approval: The vacation of utility easement requires permission of all affected utility companies. Staff noted that all affected utility companies have been contacted. All affected utility companies have responded with no objections to the proposed vacation of the utility easement.

Drainage: Public Works staff has noted that the easement has not been developed for drainage purposes and the vacation of a portion of the easement will not impact drainage on the property. As such, the Public Works staff has recommended that the request to vacate a 1 foot wide by 25 foot long portion of the utility and minor drainage easement along the southwest lot line be approved.

Existing Easement(s): As previously stated, the property was platted in 1980 and included an 8 foot wide utility and minor drainage easement on all interior lot lines. The applicant has proposed to vacate a 1 foot wide by 25 foot long portion of the utility and minor drainage easement along the southwest lot line, resulting in a 7 foot wide easement being retained in that area. The previously platted 8 foot utility and minor drainage easement will remain in all other areas of the property.

Staff recommends that the Vacation of a portion of the Utility and Minor Drainage Easement be approved.