

STAFF REPORT  
March 15, 2011

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**No. 11VE005 - Vacation of a portion of a Utility Easement**

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GENERAL INFORMATION:

APPLICANT	Richard Rangel
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Richard Rangel
REQUEST	<b>No. 11VE005 - Vacation of a portion of a Utility Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 4-A and Lot 4-B of Block 2 of Grandview Tract, located in the SW1/4 NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1 acre
LOCATION	At the southern terminus of Lee Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	2/14/2011
REVIEWED BY	Patsy Horton / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Vacation of a portion of a Minor Drainage and Utility Easement be approved with the following stipulation:

1. Prior to Public Works approval, the applicant shall sign a Developmental Lot Agreement indicating that both properties are under the same ownership; and
2. Prior to Public Works approval, the applicant shall submit a revised exhibit reflecting vacation of 30 foot width beginning approximately 80 feet east of the property pin located between Lot 4-A and Lot 4-B in lieu of the requested 76.02 foot easement vacation or submit proposed structural expansion documentation justifying the 76.02 foot easement request.

GENERAL COMMENTS: The applicant has submitted a Vacation of a Utility Easement request to vacate a portion of the utility easement as shown in Exhibit "A" located on Lot 4-A

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and Lot 4-B, Block 2 of Grandview Tract. The property is located at 4790 Lee Drive, southwest of the intersection of Cliff Drive and Canyon Drive. The property is zoned Low Density Residential. All of the surrounding properties are also zoned Low Density Residential.

The applicant owns both properties and is proposing to utilize the two lots as one, requiring that the applicant sign a Developmental Lot Agreement. This will allow him to utilize a larger portion of the two combined lots in order to expand the existing residential structure.

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

Developmental Lot Agreement: The property owner is proposing to expand the existing residential structure on the two lots. This expansion does not satisfy the requirements of the City's subdivision and/or zoning ordinances. Because the two lots are held under the same ownership, the property owner can request consideration of the two lots as a Developmental Lot and sign a Developmental Lot Agreement in accordance with Section 17.04.180 of the Rapid City Municipal Code. This Agreement would allow the property owner to construct structural improvements not otherwise permitted by various City ordinances. As such, prior to Public Works approval, the applicant must sign a Developmental Lot Agreement indicating that both properties will be maintained under the same ownership.

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.

Existing Easement(s): The property was platted into the current configuration in March 1974 inclusive of the 6 foot utility easement along each interior lot line. The applicant is requesting a 76.02 foot utility vacation. Based on the information submitted, the existing encroachment into the utility easement appears to necessitate a 30 foot easement vacation, not 76.02 feet. Unless the applicant provides documentation regarding proposed structural expansions justifying the need for a 76.02 foot easement vacation, staff has indicated support for only a 30 foot easement vacation.

Staff recommends that the Vacation of a portion of the Utility Easement be approved as stipulated above.