



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

## Public Works Department Engineering Services Division

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TO: Public Works Committee

FROM: Nicole Lecy, Project Engineer

DATE: December 10, 2013

RE: Appeal of Denial of Request for Exception to Allow a 10' Pedestrian and Utility Easement to be granted in lieu of dedicating an additional 10' of right-of-way along the south side of Minnesota Street, as required by IDCM Figure 2-1, and allow the 8' wide minor drainage and utility easement to be located within the Pedestrian and Utility Easement.

Associated with a proposed lot split of Lot 2 of Block 2 of Minnesota Park Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

City File # 13EX257

A request was submitted by FMG, Inc, on behalf of GWH Properties, LLC on November 13, 2013 requesting an exception to Figure 2-1 of the Rapid City Infrastructure Design Criteria Manual (IDCM) to dedicate a 10' Pedestrian and Utility Easement in lieu of 10' of right-of-way with the required 8' wide minor drainage and utility easement located within the 10' Pedestrian and Utility easement along Minnesota Street. The exception request was denied by Staff on November 21, 2013. Per Section 16.04.060 of the Rapid City Municipal Code, the applicant has filed a written request of appeal to the City Council for the denial of this exception request, received by Staff on December 2, 2013.

The applicant is proposing to subdivide existing Lot 2 of Blk 2 of Minnesota Park Subdivision that has frontage along Minnesota Street. Minnesota Street is a minor arterial street, requiring 100' of dedicated right-of-way per IDCM Figure 2-1. Minnesota Street exists today in 80' of dedicated right-of-way adjacent to the proposed plat. An additional 10' of right-of-way is required from the proposed plat. The additional right-of-way width may be needed in the future to accommodate additional pavement width and/or utilities.

Staff is in support of the property owner dedicating a 10' pedestrian and utility easement in lieu of 10' of additional right-of-way, consistent with what has been done on previous plats along this portion of Minnesota Street. However, if the pavement is widened, public improvements would be located within the 10' pedestrian and utility easement, essentially serving as right-of-way, and a corridor for private utility companies is needed outside of



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pedestrian and utility easement. It is important to maintain a separate corridor for private utilities (MDU, BHP, etc.) to be located that is not in conflict with the corridor for public utilities (City water, City sewer, City storm sewer). Staff would support the dedication of a 10' pedestrian and utility easement along with the dedication of an 8' minor drainage and utility easement adjacent; however the request as presented cannot be supported. It is appropriate to obtain the easement at the time of platting for probable future improvements.

**Staff Recommendation: Staff recommends denial of the request to allow a 10' Pedestrian and Utility Easement to be granted in lieu of dedicating an additional 10' of right-of-way along the south side of Minnesota Street, as required by IDCM Figure 2-1, and allow the 8' wide minor drainage and utility easement to be located within the Pedestrian and Utility Easement.**