

STAFF REPORT

April 29, 2003

**No. 03VE004 - Vacation of Utility Easement**

GENERAL INFORMATION:

PETITIONER	John R. Barley, Jr.
REQUEST	<b>No. 03VE004 - Vacation of Utility Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 12, Block 1, County Heights Subdivision, Section 3, T1N, R8E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .26 acres
LOCATION	4710 Hamlin Court
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	03/28/2003
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends approval of the vacation of easement for the portion of the easement that is occupied by the existing attached deck with the following stipulation:

Engineering Division Recommendations:

1. Prior to approval by the City Council, the applicant shall submit a revised Exhibit A identifying the portion of the easement occupied by the existing deck as the portion of the easement proposed for vacation.

GENERAL COMMENTS: The applicant intends to construct an attached garage at the subject property. Before a building permit can be issued by Pennington County, the encroachment of the existing attached deck into the side building setback must be resolved. Additionally, the existing attached deck occupies approximately 30 feet by eight feet of an existing eight foot wide utility easement located along the south lot line of the subject property. The applicant is proposing to vacate a portion of the easement along the south property line where the existing deck encroaches into the easement.

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If this application is approved by the City Council, the applicant will need to obtain a variance to the building setback requirement from Pennington County. This will resolve the encroachment of the existing attached deck into the side building setback.

STAFF REVIEW: Letters were submitted by the applicant to utility companies serving the subject property area. Review of the letters indicates approval of the vacation of easement by all utility companies contacted.

The Pennington County Highway Department staff does not support the vacation of easements; however, they indicated that if the City were to proceed with the vacation, they would recommend approval of the vacation of only the portion of the easement that is occupied by the existing deck.

The Exhibit A submitted by the applicant identifies an area proposed for vacation that exceeds the area of the easement occupied by the existing deck. Staff recommends that prior to City Council approval, the applicant submit a revised Exhibit A identifying only the portion of the utility easement occupied by the existing deck.

Based on the information referenced above, Staff recommends approval of the vacation of easement for only the portion of the easement that is occupied by the existing attached deck.