

STAFF REPORT

April 27, 2004

No. 03VE018 - Vacation of Drainage Easement

ITEM

GENERAL INFORMATION:

PETITIONER	Leroy and Sue Schlomer
REQUEST	No. 03VE018 - Vacation of Drainage Easement
EXISTING LEGAL DESCRIPTION	Lots 34 and 35 of Block 5 of Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	6915 Green Valley Drive
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Private well and septic system
DATE OF APPLICATION	10/06/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Vacation of Drainage Easement be approved.

GENERAL COMMENTS: The applicants are proposing to vacate a drainage easement located in an east/west direction in the center of the subject properties. This recorded easement is not within the actual drainage flow. A new thirty foot wide drainage easement in an east/west direction that identifies the actual drainage area located north of the current easement was recorded at the Register of Deeds Office on October 1993. In addition, a second drainage easement has been submitted to the Register of Deeds Office on April 5, 2004, that indicates drainage easements on the west and east side of the subject property connecting the new recorded drainage easement of October 1993 to the adjacent drainage easements located on the adjoining properties to the east and to the west.

STAFF REVIEW: Staff reviewed this application to vacate the existing drainage easement located on the subject property as well as the new 30 foot recorded easement provided by the applicant. Staff noted that the new 30 foot recorded easement would have no

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connection to the existing easements located on the properties adjacent to the east and west of the subject property. The applicant has now provided a second drainage easement that connects the new recorded easement of October 1993 and the existing easements adjacent to the subject property. Staff has reviewed this second easement and states that the easement meets the needs for a required connection of the recorded easement of October 1993 and the existing easements on property adjacent to the subject property.

Relocating the existing drainage easement to the new recorded easement along with the additional easements to connect the adjacent property's drainage easements is more consistent with the actual flow of the water through the subject property. Staff recommends approval of the Vacation of Drainage Easement as shown on Exhibit "A".