

STAFF REPORT  
October 7, 2004

---

**No. 04VR007 - Vacation of Public Right-of-Way**

**ITEM 13**

---

GENERAL INFORMATION:

PETITIONER	M. James and Kristine J. Brekhus
REQUEST	<b>No. 04VR007 - Vacation of Public Right-of-Way</b>
EXISTING LEGAL DESCRIPTION	Lot 9, Forest Park Estates, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .0589 acres
LOCATION	4295 Rosemary Lane
EXISTING ZONING	Low Density Residential District (PRD)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District (PRD)
East:	Low Density Residential District
West:	Low Density Residential District (PRD)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/27/2004
REVIEWED BY	Renee Catron-Blair / Curt Huus

RECOMMENDATION:

**Staff recommends that the Vacation of Public Right-of-Way be denied without prejudice at the applicant's request:**

GENERAL COMMENTS:

**(Update September 30, 2004. All revised and/or added text is shown in bold text.)  
On September 29, 2004, the applicant requested that his application be denied without prejudice.**

The applicant is proposing to vacate approximately 1,034.74 square feet of an existing 66 foot wide right-of-way to build a retaining wall as it would currently be in the public right-of-way.

The subject vacation request is located on Wonderland Drive as it abuts the subject property at 4295 Rosemary Lane.

STAFF REVIEW:

Staff has reviewed the proposed Vacation of Right-of-Way request and noted the following considerations:

STAFF REPORT  
October 7, 2004

---

**No. 04VR007 - Vacation of Public Right-of-Way**

**ITEM 13**

---

Utilities: Black Hills Power has indicated that currently they have underground power lines that exist along the same alignment of the requested vacation area. The applicant is currently coordinating with Black Hills Power to ensure a utility easement is in place if the vacation is granted. Montana Dakota Utilities has also indicated that a gas main currently crosses the north end of the property and requested vacation area. Montana Dakota Utilities has no objection as long as provisions for a utility easement are in place or they are reimbursed for any relocation costs.

Right-Of-Way: The existing right-of-way is currently 66 feet wide with an approximate 22 foot wide paved surface and provides legal access to properties in the area. The adjacent property owner has signed the petition for the vacation. No items shall be placed or built in public right-of-ways. Any large rocks placed for decoration in the right-of-ways must be removed. Wonderland Drive is a Subcollector Street classification. A Subcollector classification has a minimum 52 foot wide right-of-way and 27 foot wide paved surface.

Survey Plan: The applicant must submit additional survey information for the property along the proposed vacation. A site plan must show the proposed location for the retaining wall, utilities and pavement width on the plan.

**Staff recommends the Vacation of Right-of-Way request be denied without prejudice at the applicant's request.**