

STAFF REPORT  
December 18, 2008

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**No. 08VR005 - Vacation of Right-of-way**

**ITEM 38**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	N/A
REQUEST	<b>No. 08VR005 - Vacation of Right-of-way</b>
EXISTING LEGAL DESCRIPTION	The entire Second Street Right-of-way from the South Street Right-of-way south of the south lot line of Lots 16 thru 18 of Block 5 of Kellogg Addition, and a 60 foot wide portion of the Second Street Right-of-way located on the east side of Block 5 of Flormann Addition, from the south lot line of Lots 16 thru 18 of Block 5 of Kellogg Addition south to 12 foot north of the northeast corner of Tract Y of Flormann Addition located in the S1/2, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.23 Acres
LOCATION	Second Street north of the intersection of Second Street and Signal Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/20/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-way be approved with the following stipulation:

1. Prior to City Council approval, the Vacation Exhibit shall be revised retaining the right-of-way as a utility easement or written documentation shall be provided showing that all of the affected utility companies concur with the Vacation of Right-of-way request.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate approximately

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1,640 feet of Second Street located between South Street and Signal Drive. In addition, the applicant has submitted a Vacation of Right-of-way request (File #08VR006) to vacate approximately 1,500 feet of South Street located east of the intersection of Third Street and South Street. The applicant has also submitted a Vacation of Right-of-way request (File #08VR007) to vacate approximately 180 feet of Saint James Street located west of the intersection of Second Street and St. James Street.

The applicant had previously submitted a SDCL 11-6-19 Review (File #08SR060) to construct two new control vaults at the City's existing Signal Hill reservoir site. In particular, two 15 foot by 14.5 foot below ground control vaults are being constructed to improve operation of the Low Level Pressure Zone. During the review of the SDCL 11-6-19 Review, it was noted that the two existing water reservoirs appear to be partially located within the adjacent Second Street, South Street and St. James Street rights-of-way. As such, the applicant has submitted the Vacation of Right-of-way requests as noted above to eliminate the encroachments.

The property is located north of the intersection of Second Street and Signal Drive. Currently, a portion of a water reservoir and fencing is located within the Second Street right-of-way.

**STAFF REVIEW:**

Staff has reviewed the Vacation of Right-of-way Request and has noted the following considerations:

**Utilities:** To date, the applicant has not submitted written documentation from all of the affected utility companies indicating concurrence with the Vacation of Right-of-way request. As such, staff recommends that prior to City Council approval, the Vacation Exhibit must be revised retaining the right-of-way as a utility easement or written documentation must be provided showing that all of the affected utility companies concur with the Vacation of Right-of-way request.

**Street Networking:** This portion of Second Street currently serves as a secondary access to the properties located directly east of the street. As such, the applicant is proposing to retain the eastern 20 foot of right-of-way along Second Street as it abuts the adjacent lots. The 20 foot wide right-of-way will function similar to an alley and ensure that a secondary access is being maintained to the adjacent properties.

The balance of the adjacent properties currently has alternate means of access. In addition, the adjacent property owners have signed the Vacation Petition request. Second Street is not identified on the Major Street Plan as an arterial and/or collector street. As such, staff recommends that the Vacation of Right-of-way request be approved with the stipulation of approval as identified above.