

STAFF REPORT

October 15, 2002

**No. 02VE013 - Vacation of a portion of the Utility Easement and
Minor Drainage Easement** **ITEM**

GENERAL INFORMATION:

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| PETITIONER | Walt Cannon for John McDonald |
| REQUEST | No. 02VE013 - Vacation of a portion of the Utility Easement and Minor Drainage Easement |
| EXISTING LEGAL DESCRIPTION | Lot 13, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately .23 acres |
| LOCATION | 4909 Butte Circle |
| 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 | Water and Sewer: Rapid Valley Sanitary District |
| DATE OF APPLICATION | 09/13/2002 |
| REPORT BY | Tom Kurtenbach |

RECOMMENDATION:

Staff recommends denial of the vacation easement.

GENERAL COMMENTS:

The improvement location exhibit submitted by the applicant indicates that a garage occupies approximately one half foot by 24 feet of an existing eight foot wide utility and drainage easement located along the west lot line of the subject property. The exhibit also indicates the presence of a shed located wholly within the easement and beyond the lot line onto Lot 11 approximately one half foot.

The applicant is proposing to vacate a one foot strip of the easement along the western property line. This is the area where the existing garage encroaches into the easement.

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STAFF REVIEW:

The shed identified on the exhibit has been removed as of September 30, 2002.

Letters were submitted by the applicant to utility companies serving the subject property area. Review of the letters returned to City Planning indicates approval of the vacation easement by all utility companies contacted.

The Pennington County Highway Department does not support the variance of the drainage easement. For that reason, staff is recommending denial of the proposed utility and drainage easement vacation.