

STAFF REPORT
November 4, 2010

No. 10VR008 - Vacation of Right-of-Way

ITEM 30

GENERAL INFORMATION:

APPLICANT	Destination Rapid City
AGENT	Brad Burns for Chamberlin Architects
ADJACENT PROPERTY OWNERS	City of Rapid City, Kenneth & Shirley Kingsbury, Margaret Lally, McCarthy Properties LLC and The Robford Company LLC
REQUEST	No. 10VR008 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	A portion of the alley right-of-way adjacent to Lots 24 thru 32 of Block 75 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .01 acres
LOCATION	Alley adjacent to 502, 508, 510 and 512 Main Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/6/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall demonstrate that the remaining alley right-of-way is sufficient to accommodate the turning radius for vehicles exiting the parking garage located along the north side of the alley; and,
2. Prior to City Council approval, the applicant shall secure a utility easement for the proposed area to be vacated and shall enter an agreement which holds the private and public utilities harmless for any damages due to the construction or maintenance of utilities within this area.

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GENERAL COMMENTS:

The applicant has submitted a Vacation of Right-of-way request to vacate a two foot wide strip of right-of-way along the south side of the alley extending from 5th Street west a distance of approximately 228 feet. The existing alley right-of-way is currently 20 feet in width and serves as access to businesses along the south side of the alley and to the City's parking garage located on the north side of the alley.

The applicant has indicated that the alley is being vacated in order to improve the façade of the abutting buildings located along the south side of the alley and to construct awnings, lighting features and landscape boxes within this area.

STAFF REVIEW:

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

Utilities: Black Hills Power and Knology have indicated that they currently have utilities within this area of the alley. As such, they have requested that a utility easement be retained. The balance of the utility companies have indicated concurrence with the request. City sewer is located within the alley but outside the two foot area proposed for vacation.

Staff recommends that prior to City Council approval, the applicant secure a utility easement for the proposed area to be vacated and enter into an agreement which holds private and public utilities harmless for any damages due to the construction or maintenance of utilities within this area.

Turning Movements: As previously noted, the City's parking garage is located along the north side of the alley. In addition, the alley serves as access to the parking garage. Vacating the alley right-of-way as proposed will reduce the area to accommodate vehicle turning movements. As such, staff recommends that prior to City Council approval, the applicant demonstrate that the width of the remaining alley right-of-way is sufficient to accommodate the turning radius of vehicles exiting the parking garage located along the north side of the alley.

Staff recommends that the Vacation of Right-of-way request be approved with the stipulations of approval as identified above.