

STAFF REPORT

December 18, 2008

No. 08VE005 - Vacation of Access Easement

ITEM 36

GENERAL INFORMATION:

APPLICANT	Pete Lien and Sons
AGENT	Gary Renner for Renner & Associates
PROPERTY OWNER	GCC Dacotah
REQUEST	No. 08VE005 - Vacation of Access Easement
EXISTING LEGAL DESCRIPTION	50 foot wide Access Easement, located in the SE1/4 NE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximatey 140 Acres
LOCATION	Southwest of the intersection of Zenker Place and Sturgis Road
EXISTING ZONING	Heavy Industrial District (Pennington County)
SURROUNDING ZONING	
North:	Heavy Industrial District (Pennington County)
South:	Heavy Industrial District (Pennington County)
East:	Heavy Industrial District (Pennington County)
West:	Heavy Industrial District (Pennington County)
PUBLIC UTILITIES	None
DATE OF APPLICATION	3/14/2008
REVIEWED BY	Travis Tegethoff / Jonathan Smith / Ted Johnson

RECOMMENDATION:

Staff recommends that the Vacation of Access Easement be approved with the following stipulation:

- 1. Prior to City Council approval of the Vacation of Easement application, a miscellaneous document shall be recorded at the Pennington County Register of Deeds office and a copy submitted to the Growth Management Department providing an alternate means of access to Lot 1 of Limestone Subdivision.**

GENERAL COMMENTS: (Update, December 8, 2008. All revised and/or added text is shown in bold print.) This item was continued to the December 18, 2008 Planning Commission meeting at the applicant's request. On November 25, 2008 the applicant submitted a miscellaneous document for review and approval demonstrating an

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alternate means of access to the property with a 50 foot wide access easement meeting the requirements of a 49 foot wide right-of-way for a lane/place street. As such, staff recommends approval of the Vacation of Easement application with the above stated stipulation.

(Update, November 21, 2008. All revised and/or added text is shown in bold print.) This item was continued to the December 4, 2008 Planning Commission meeting at the applicant's request. As of this writing, all of the outstanding issues have not been addressed. Staff recommends that this item be continued to the December 18, 2008 Planning Commission meeting to allow the applicant to submit the related plat application.

(Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. As of this writing, all of the outstanding issues have not been addressed. Staff recommends that this item be continued to the December 4, 2008 Planning Commission meeting to allow the applicant to submit the related plat application.

The applicant has submitted a document identified as "Exhibit A" which identifies a 50 foot wide access easement to be vacated. The property on which the access easement is located is a 140 acre unplatted parcel that abuts Sturgis Road. The access easement serves as access to this parcel, as well as Lot 1 of Limestone Subdivision, which is located on the northern boundary of the unplatted 140 acre parcel. Currently, the first 75 feet of the access easement extending from Sturgis Road is a 25 foot wide gravel surface, the remainder of the access easement is unimproved. The property is not located within the municipal boundaries of the City of Rapid City, however the property is located within the City of Rapid City Three Mile Platting Jurisdiction. An associated Preliminary Plat application (#08PL016) to reconfigure 24 lots, including Lot 1 of Limestone Subdivision, into three lots identified as Lot 1 and Lot 2 of Keller Subdivision, and Tract 1 of Schaeferville Subdivision has been filed. A Variance to the Subdivision Regulations (#08SV010) to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional right-of-way and pavement along Sturgis Road, and the section line highway, Neiger Court, Zenker Place and the access easements has been submitted. However, as of this writing, the associated Preliminary Plat request and associated Variance to the Subdivision Regulations request have not been approved by the Planning Commission. The property is zoned Heavy Industrial District by Pennington County.

STAFF REVIEW:

As noted, the applicant is proposing to vacate a 50 foot wide access easement located on an unplatted 140 acre parcel. Lot 1 of Limestone Subdivision is located north of this unplatted balance and also abuts Sturgis Road. Currently, a non-access easement is located along the boundary of Lot 1 of Limestone Subdivision where it abuts Sturgis Road. The 50 foot wide access easement is in place to serve as access to Lot 1 of Limestone Subdivision. The associated Preliminary Plat (#08PL016) identifies Lot 1 of Limestone as being a portion of proposed Tract 1 of Schaeferville Subdivision. Access to this area can be

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obtained from Neigher Court and Zenker Place as identified on the Preliminary Plat.

Staff finds that the unplatted 140 acre parcel has legal access from Sturgis Road and the 50 foot access easement would not be needed to serve as means of access to Lot 1 of Limestone Subdivision when the property is replatted as Tract 1 of Schaeferville Subdivision. Staff recommends that the Vacation of Access Easement be continued until the Final Plat creating Tract 1 of Schaefville Subdivision is recorded.

On November 25, 2008 the applicant submitted a miscellaneous document for review and approval providing access to Lot 1 of Limestone Subdivision from the north with a 50 foot wide access easement. This meets the minimum requirements a of a lane/place street that requires a 49 foot wide right-of-way. As such, staff recommends that this item be approved with the stipulation that prior to City Council approval of the Vacation of Easement application a miscellaneous document shall be recorded at the Pennington County Register of Deeds office and a copy submitted to the Growth Management Department providing an alternate means of access to Lot 1 of Limestone Subdivision.