



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

## Community Planning & Development Services

300 Sixth Street

Dale Tech, Interim Community Planning and Development  
Services Director, Interim Public Works Director and City  
Engineer

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Karissa Steiger  
4418 Duckhorn Street  
Rapid City, SD 57703

RE: **File #16VE022** - Vacation of a major drainage easement located on Lot 22 in Block 9 of Elks Crossing, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

Dear Ms. Steiger:

The Vacation of a Major Drainage Easement request has been denied by City staff based on the following criteria:

- The development of Elks Crossing was designed to have drainage from the lots on the east side of Duckhorn Street and west side of Vinecliff Drive drain to the rear of the lots. The Rapid City Infrastructure Design Criteria Manual Section 4.1.6 states "Drainage easements shall be established for the 100 year runoff when the drainage way conveys the runoff from two or more lots.". There are 29 lots that are served by this major drainage easement. A major drainage easement has restrictions and limitations to the easement area so that it may function as intended. A minimum 20 foot wide major drainage easement is a City standard as 20 feet is the minimum width to allow equipment to reasonably access the area for maintenance. If the easement width is reduced to something less than 20 feet, the City will not be able to access the easement for maintenance, if needed. The 20 foot wide major drainage easement was dedicated in this location as per City design criteria and requirements with the original platting of these lots. The developer chose to create the rear yard drainage swale so that lots with walkout basements or garden homes could be constructed. The 8 foot wide interior lot line minor drainage and utility easement that is platted on a typical lot in Rapid City is not meant to carry drainage from more than two lots. It is meant to carry drainage from abutting properties only, and thus has fewer restrictions and limitations within the easement. This major drainage easement in Elks Crossing takes drainage from the immediately adjacent 29 lots, drains to the north, and collects at an area inlet on the north end just before it intersects with Vinecliff Drive. A drainage swale was constructed centered within the major drainage easement with the original subdivision grading.



EQUAL OPPORTUNITY EMPLOYER

- The major drainage easement in the rear yard of these lots was dedicated as a miscellaneous document at the Pennington County Register of Deeds, Document #A201304859. This easement was also shown on the plat dedicating these lots, as also recorded at the Pennington County Register of Deeds. On both plat documents the following note is included: "Any Major Drainage, Water Main or Sanitary Sewer Easement shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees, and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect and repair such improvements and structures as deems expedient to facility drainage from any source." A fence, playground equipment, and sheds are considered obstructions and cannot be located within a major drainage easement. When fences, playground equipment, and sheds are located within a major drainage easement they could impact or impede drainage flows and/or create drainage issues on adjacent lots by not allowing the water to drain as intended. It is also very difficult, if not impossible for anything more than routine maintenance to occur. Routine maintenance would consist of mowing vegetation.
- There is no supporting information provided by an engineer for the request to vacate the entire major drainage easement. The information provided by the engineer proposes three alternatives, but does not go as far as to say that it is appropriate to vacate the entire major drainage easement. It should be noted that Public Works Staff does not agree that any of the three alternatives proposed by the property owners engineer are reasonable. The major drainage easement was dedicated to meet minimum City design standards. Reducing the width of the major drainage easement or allowing structures to be located within the major drainage easement restricts access to and maintenance of the easement and could impact or impede drainage flows and/or create drainage issues on adjacent lots.
- Only 15 of the 29 lots that are located in this area and are served by the major drainage easement have submitted requests to vacate the major drainage easement. Vacating the requested major drainage easement would leave a dis-contiguous easement which would not function as intended.

Please note that the denial of this Vacation of a Major Drainage Easement (File #16VE020) may be appealed to the City Council by submitting a written request to the Community Planning and Development Services Director within 10 days of the denial of the request. The ten day appeal period ends at 5:00 p.m. on October 20, 2016.

If you have any questions or wish to discuss this matter further, please feel free to contact me at (605) 394-4120.

Sincerely,



10-7-16

Dale Tech, P.E., L.S.  
Interim Community Planning and Development Services Director,  
Interim Public Works Director,  
and City Engineer