Case No. 17VR009

Legal Description:

Right-of-way adjoining Lot 12 and 1/2 of the vacated alley, Lot E, Lot 13 and Lots 33 thru 43, all located in Block 6 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
January 19, 2018

Dale Tech, PE/LS – Director
Public Works Department
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

RE: Proposed Vacation of Kansas City Street Right-of-Way

Dale:

On behalf of owners Northwestern Engineering Company, Harney Lumber Company and The Robford Company, we have submitted a request for vacation of 22’ of the north portion of Kansas City Street right-of-way adjoining portions of Block 6 of Boulevard Addition.

Historically, NWE has operated seven residential structures along Kansas City Street. Recently two of those structures were torn down. The remaining five residential properties on Kansas City Street contain 15 separate low income rental units. The remaining five structures are near the limit of their service life and will need to be replaced at some point.

The existing structures have been in place for several years and the location of the structures on the properties would be considered “legal non-conforming” – with front building setbacks of between four and nine feet. Additionally, all parking for these units is on-street and does not meet the current requirements for off-street parking.

In our preliminary right-of-way vacation meeting with staff (11-18-16) it was determined that a minimum of 10’ of clearance would be required for the existing water main. Additional utility locate requests and mapping were completed to determine the location of the existing water main and the proposed 22’ of vacation provides the required 10 clearance.

The street classification was determined to be Local – which by current IDC M Figure 2-1 requires a minimum of 52’ of right-of-way. The proposed vacation of 22’ will leave a 78’ right-of-way. Even if the 22’ of vacation were matched on the south side of street there would be 56’ of right-of-way remaining (exceeding the current development requirement by 4’).

Based on the extreme terrain of this area and the current development requirements, the requested vacation of right-of-way is needed to allow for re-development of the parcel.

Our request is based on the following specific circumstances:
1. By current IDCM requirements Kansas City Street has an excess of 48' of right-of-way. The requested vacation of 22' will leave a remaining right-of-way that is 26' in excess of the current 52' requirement.

2. The existing structure locations do not comply with current building setback requirements and incorporation of the additional vacated right-of-way will allow for compliance with the current ordinance.

3. The existing uses utilize on-street parking and the proposed right-of-way vacation would provide the opportunity to comply with current off-street parking requirements.

4. The topography of these lots provides limited development area — with elevations falling from between 10' and 30' from the street to the rear of the lots.

5. Based on development issues associated with the site topography, utilization of the excess right-of-way is necessary to allow for redevelopment of affordable housing.

6. Utility company consent has been provided with one stipulation from Black Hills Energy requiring 8’ of easement along the adjoining right-of-way to provide additional clearance for their existing overhead line — which will remain within the right-of-way. The requested easement can be granted separately or as part of standard 8’ Utility and Minor Drainage Easements associated with anticipated replatting/reconfiguration of lot lines.

7. As part of the request for Vacation the owners would be amenable to the specification and reservation of an “8’ Wide Utility and Public Water Main Easement” adjoining the southerly edge of the vacated right-of-way —which would secure additional area for future replacement of the water main. The easement would not impact the required building setbacks or create conflict with proposed off-street parking.

Based on the above information and on behalf of the landowners, we request your support and approval of the requested vacation of Kansas City Street right-of-way.

Sincerely,

FISK LAND SURVEYING & CONSULTING ENGINEERS, INC.

Janelle L. Finck
President

jif

cc  Pat Tlustos – Northwestern Engineering Company (NWE)
    David Crabb – NWE & Harney Lumber Company
    James Adelstein – The Robford Company
EXHIBIT A

VACATION OF KANSAS CITY STREET RIGHT-OF-WAY
ADJOINING LOT 12 AND 1/2 OF THE VACATED ALLEY, LOT E, LOT 13, AND LOTS 33 THRU 43 OF LOT 13, ALL IN BLOCK 6, BOULEVARD ADDITION, LOCATED IN SECTION 2, T1N, R7E, BHM RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

1"=100'

Kansas City Street

22' Kansas City Street Right-of-Way (vacated this document)

Registered Land Surveyor

PREPARED BY:
FISK LAND SURVEYING & CONSULTING ENGINEERS, INC.
P.O. BOX 8154, RAPID CITY, SD 57709 (605) 348-1538 July 24, 2017, Revised 11-16-17

NO. 16-11-02