

STAFF REPORT
January 26, 2023

No. 22VR008 - Vacation of Right-of-Way

ITEM 6

GENERAL INFORMATION:

APPLICANT	Peerless Tyre Company
AGENT	Janelle Finck for KTM Design Solutions Inc.
PROPERTY OWNER	Goldenvue Properties, LLC
REQUEST	No. 22VR008 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Cherry Avenue adjoining Blocks 1 and 2 of Nicholl's 2nd Subdivision and Lots 2 and 3 of the SW1/4 SE1/4 of Section 6, T1N, R6E; Alley adjoining Blocks 1 and 2 of Nicholl's 2nd Subdivision; and St. Andrew Street adjoining Blocks 2 and 3 of Nicholl's 2nd Subdivision, located in Section 6, T1N, R8E, BHM, Rapid City, South Dakota
PARCEL ACREAGE	Approximately 0.57 acres
LOCATION	1221 E. Saint Joseph Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/28/2022
REVIEWED BY	Kip Harrington/Dan Kools

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be approved.

GENERAL COMMENTS:

The applicant has submitted this Vacation of Right-of-Way request to vacate the entire portion of Cherry Avenue measuring 35 feet wide by 360 feet long located north of E. Saint Andrew Street, along with the entire adjoining alley east of Cherry Avenue, measuring 20 feet wide by 74 feet long. Additionally, the applicant has included the entire portion of E. Saint Andrew Street lying east of Cherry Avenue, which measures 70 feet wide by 170 feet long in the vacation request. The proposed area of vacation is located north of E. Saint Patrick Street and west of E. Saint Joseph Street.

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The right-of-way proposed to be vacated appears to have been previously vacated and buildings have been constructed within the right-of-way. However, no record of the vacation has been identified through property and title searches. As such, the proposed vacation of right-of-way will create a legal record of the previous vacation.

STAFF REVIEW: Staff has reviewed the proposed Vacation of Right-of-Way and has noted the following issues:

Street Networking: Cherry Avenue and E. Saint Andrew Street are classified as local streets and are not identified on the Major Street Plan. The existing buildings located in the right-of-way preclude the use of the streets for transportation purposes.

Utilities: The Public Works Departments has not identified any concerns with vacating the right-of way. All of the affected private utility companies have been contacted regarding the proposed Vacation of Right-of-Way and have concurred with the proposed vacation of right-of-way.

Petition to Vacate Public Right-of-Way: The applicant and the adjacent property owner have signed the required petitions.