The Filing Fee for a Vacation of Right-of-Way or Vacation of Section Line Highway request is $200.00

Description: A Vacation of Public Right-of-way or Vacation of Section Line Highway is used to eliminate public rights-of-way that are no longer needed for public improvements or access. The vacation requires the approval of a resolution by City Council including an Exhibit showing the area to be vacated.

Materials and actions required of the Petitioner:

1. The prospective applicant meets with the Department of Community Development staff to discuss the proposal.

2. An application which includes the legal description of the property for which the Vacation is requested and which is signed by the property owner is submitted along with four (4) copies of a Vacation Instrument marked "Exhibit A" prepared by a Registered Land Surveyor. The Vacation Instrument shall include book and page number of original plat dedicating right-of-way if applicable.

Note: An application for right-of-way vacation or vacation of section line highway must be signed by property owners whose property adjoins that part of the street, alley or public ground to be vacated. The petition for vacation must be notarized.

3. The applicant must send out utility letters and a vacation instrument to all utility companies in order to determine the impact of the proposed vacation on utilities. The utility companies are to reply directly to the Department of Community Development.

Procedure:

1. Upon receipt of a complete application, the Vacation Instrument and the letters from the utility companies, a Resolution is prepared by the Attorney’s Office.

2. Within fifteen (15) working days of receiving a complete application and supporting information, City staff will provide the applicant with a recommendation.

3. Staff’s recommendation will be forwarded to the next available Planning Commission agenda following the fifteen (15) working day review.

4. Planning Commission recommendation is forwarded to the next available Public Works Committee Meeting.

5. The Resolution is set for hearing at the following City Council meeting with formal action being taken at the next regularly scheduled meeting (approximately 30 days after Planning Commission.)

Publication Requirements

The Vacation of Right-of-Way and/or Vacation of Section Line Highway petition is a public hearing requiring publication of legal notice once each week for at least two successive weeks with the City Council taking formal action on the petition not less than 10 days from expiration of such publication. This publication requirement will result in formal action being taken by the City.
Vacation of Right-of-Way / Vacation of Section Line Highway Procedure

Council approximately 30 days following the action taken by the Planning Commission.

Suspended Timelines: If the Director determines that the application for the Vacation of Right-of-way does not contain the specified and required information, the review timeline shall be suspended and the owner and/or designated agenda shall be notified of the deficiency. When complete and sufficient information is provided by the owner and/or designated agent, the review timeline shall be re-engaged, with an additional three (3) working days added to the remaining balance of the review timeline. Incomplete applications will not be placed on the Planning Commission agenda. Applications suspended for more than 90 consecutive days shall be denied by the Director. Applicants may appeal to the City Council for extensions, providing that the appeal is heard within 90 days of the suspension.

Appeal of Suspended Timelines: When the owner and/or designated agent do not concur with the Director regarding the information required for the Vacation of Right-of-way, they can appeal to the City Council. The City Council may approve or deny the Vacation of Right-of-way in its entirety, upon the applicant's request, with consideration being given to the disputed item(s).
## APPLICATION FOR DEVELOPMENT REVIEW

### REQUEST (please check all that apply)
- [ ] Annexation
- [ ] De-Annexation
- [ ] Comprehensive Plan Amendment
- [ ] Fence Height Exception
- [ ] Planned Development (Overlay)
  - [ ] Designation
  - [ ] Initial Plan
  - [ ] Final Plan
- [ ] Major Amendment
- [ ] Minimal Amendment
- [ ] Subdivision
- [ ] Layout Plan
- [ ] Preliminary Subdivision Plan
- [ ] Development Engineering Plans
- [ ] Lot Line Adjustment/Consolidation Plat
- [ ] Final Plat
- [ ] Minor Plat
- [ ] Transfer Plat
- [ ] Rezoning
- [ ] Road Name Change
- [ ] Conditional Use Permit
- [ ] Major Amendment
- [ ] Minimal Amendment
- [ ] Vacation
- [ ] Utility / Drainage Easement
- [ ] R.O.W. / Section Line Highway
- [ ] Access / Non-Access
- [ ] Planting Screen Easement
- [ ] OTHER (specify) _______________________

### LEGAL DESCRIPTION (Attach additional sheets as necessary)

## EXISTING

## PROPOSED

### LOCATION

Size of Site–Acres

Square Footage

Proposed Zoning

### DESCRIPTION OF REQUEST:

Utilities: Private / Public

- Water
- Sewer

## APPLICANT

Name ____________________________________________ Phone ______________________

Address ______________________________________________________________________

City, State, Zip ________________________________ E-mail _______________________

## PROJECT PLANNER - AGENT

Name ____________________________________________ Phone ______________________

Address ______________________________________________________________________

City, State, Zip ________________________________ E-mail _______________________

## OWNER OF RECORD (If different from applicant)

Name ____________________________________________ Phone ______________________

Address ______________________________________________________________________

City, State, Zip ________________________________ E-mail _______________________

### Property Owner Signature

Signature ______________________________________ Date ____________

Print Name: ____________________________________ Date ____________

Title*: ________________________________________

*required for Corporations, Partnerships, etc.

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### FOR STAFF USE ONLY

**ZONING**

- [ ] Public Works/Engineering
- [ ] Fire Department
- [ ] Transportation Planning
- [ ] Building Inspection
- [ ] Air Quality
- [ ] Police
- [ ] City Attorney
- [ ] City Code Enforcement
- [ ] SD DOT

**PROJECT**

- [ ] BHP&L
- [ ] ESCC
- [ ] Register of Deeds
- [ ] County - Planning
- [ ] County - Fire
- [ ] County - Highway
- [ ] County - Code Enforcement
- [ ] Auditor - Annexation

**OTHER**

- [ ] RV Sanitary District
- [ ] Green Valley Sanitary District
- [ ] Finance
- [ ] GIS
- [ ] Historic Preservation
- [ ] Parks & Recreation
- [ ] School District
- [ ] Other: _______________________

**FILE**

- [ ] File No.
- [ ] Comp Plan

**RECEIVED BY**

- [ ] PIN No.

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Revised 01/2020
PETITION TO VACATE PUBLIC RIGHT-OF-WAY OR SECTION LINE HIGHWAY

We, the undersigned, constituting all of the owners of the property adjoining the within described part of public right-of-way or section line highway and consent to such vacation.

Legal description of area to be vacated:

This petition is based upon the following facts:

Name:
Address:     City:     State:     Zip:

Legal Description:

Signature:    Date:

______________________________, being first duly sworn on oath, states that he or she has read the foregoing petition, knows the contents of such petition, and that said petition is in all things true and correct to the best of his or her knowledge and belief.

Subscribed and sworn to before me on this _____ day of ______________________, 20_____.

My commission expires: ___________________  Notary Public

Name:
Address:     City:     State:     Zip:

Legal Description:

Signature:    Date:

______________________________, being first duly sworn on oath, states that he or she has read the foregoing petition, knows the contents of such petition, and that said petition is in all things true and correct to the best of his or her knowledge and belief.

Subscribed and sworn to before me on this _____ day of ______________________, 20_____.

My commission expires: ___________________  Notary Public

Revised: 4/2022
SAMPLE LETTER

To whom it may concern:

RE: *(insert legal description here)*

We are proposing to vacate the utility and/or drainage easement on the above described property.

In order to act on this proposal, the Common Council needs to have the comments of any affected utility. I would appreciate your prompt consideration of this proposal. Your comments may be made on this letter and returned to the Department of Community Development, City of Rapid City, 300 6th Street, Rapid City, South Dakota 57701.

For your further information, a copy of the vacation instrument is included herein.

Sincerely,

*(insert Petitioner’s signature here)*

Depending on service area this letter is to be mailed to:

- Black Hills Energy
  - P O Box 1400
  - Rapid City, SD 57709

- Vast Communications
  - 809 Deadwood Avenue
  - Rapid City, SD 57702

- West River Electric Assn
  - 3250 E Hwy 44
  - Rapid City SD 57703

- Century Link Communications
  - 612 Mt Rushmore Road
  - Rapid City, SD 57701

- Black Hills Electric Co-op
  - Box 792
  - Custer SD 57730-0792

- Mid-Continent Communications
  - 1624 Concourse Court
  - Rapid City, SD 57703

- Montana-Dakota Utilities
  - P O Box 1060
  - Rapid City, SD 57709

- Golden West Engineering Department
  - P O Box 411
  - 415 Crown Street
  - Wall, SD 57790

- Rapid Valley Sanitary District
  - 4611 Teak Dr
  - Rapid City SD 57703

- SDN Communications
  - 1089 Rand Road
  - Rapid City, SD 57702