

DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Rapid City
300 Sixth Street, Rapid City, SD 57701-2724
Phone: (605) 394-4120 Fax: (605) 394-6636 Web: www.rcgov.org

VACATION OF RIGHT-OF-WAY / VACATION OF SECTION LINE HIGHWAY PROCEDURE

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

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*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).

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APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- 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
- 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 _____ E-mail _____

City, State, Zip _____

PROJECT PLANNER - AGENT

Name _____ Phone _____

Address _____ E-mail _____

City, State, Zip _____

OWNER OF RECORD (If different from applicant)

Name _____ Phone _____

Address _____ E-mail _____

City, State, Zip _____

Property Owner Signature	Date	Property Owner Signature	Date
Signature	Date	Signature	Date
Print Name: _____		Print Name: _____	
Title*: _____		Title*: _____	

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><th style="text-align: center;">ZONING</th></tr> <tr><td style="text-align: center;">Current</td></tr> <tr><td style="text-align: center;">North</td></tr> <tr><td style="text-align: center;">South</td></tr> <tr><td style="text-align: center;">East</td></tr> <tr><td style="text-align: center;">West</td></tr> <tr><td style="text-align: center;">Planner</td></tr> <tr><td style="text-align: center;">File No.</td></tr> <tr><td style="text-align: center;">Comp Plan</td></tr> <tr><td style="text-align: center;">Received By:</td></tr> </table>	ZONING	Current	North	South	East	West	Planner	File No.	Comp Plan	Received By:	<ul style="list-style-type: none"> <input type="checkbox"/> Public Works/Engineering <input type="checkbox"/> Fire Department <input type="checkbox"/> Transportation Planning <input type="checkbox"/> Building Inspection <input type="checkbox"/> Air Quality <input type="checkbox"/> Police <input type="checkbox"/> City Attorney <input type="checkbox"/> City Code Enforcement <input type="checkbox"/> SD DOT <input type="checkbox"/> BHP&L <input type="checkbox"/> ESCC <input type="checkbox"/> Register of Deeds <input type="checkbox"/> County - Planning <input type="checkbox"/> County - Fire <input type="checkbox"/> County - Highway <input type="checkbox"/> County - Code Enforcement <input type="checkbox"/> Auditor - Annexation <input type="checkbox"/> RV Sanitary District <input type="checkbox"/> Green Valley Sanitary District <input type="checkbox"/> Finance <input type="checkbox"/> GIS <input type="checkbox"/> Historic Preservation <input type="checkbox"/> Parks & Recreation <input type="checkbox"/> School District <input type="checkbox"/> Other: _____ 	<p>PIN No: _____</p>
ZONING												
Current												
North												
South												
East												
West												
Planner												
File No.												
Comp Plan												
Received By:												

PETITION TO VACATE PUBLIC RIGHT-OF-WAY OR SECTION LINE HIGHWAY

We, the undersigned, constituting all of the owners of the property adjacent to 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.

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**VACATION OF RIGHT
OF WAY OR SECTION
LINE HIGHWAY**

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