

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 EASEMENT PROCEDURE

The Filing Fee for a Vacation of Easement is \$250.00

Description: A Vacation of Easement is a process used to eliminate all or a portion of an easement for utilities, drainage, access, non-access, planting screens or any other easement designated on a plat.

Materials and actions required of the Application:

1. The prospective applicant meets with the Department of Community Development staff to discuss the proposed vacation.
2. Depending upon the Easement being vacated, one of the following procedures shall be followed:

A. Vacation of Utility Easement - The applicant receives a sample utility letter from the Department of Community Development. The applicant sends out the utility letter and vacation instrument to all affected utility companies in order to determine the impact of the proposed vacation on utilities. The utility companies shall be instructed within the letter to respond directly to the Department of Community Development.

B. Vacation of Drainage Easement- The applicant submits four (4) copies of Drainage Analysis prepared by a Licensed Professional Engineer for review and consideration by all affected departments and agencies. The Drainage Analysis must evaluate the impact of the proposed vacation on the

existing and future drainage and impacts to future maintenance of the easement.

C. Vacation of Access, Non-access, Planting Screen or Other Easements-

An application of vacation of an access, non-access, planting screen or other vacation easement shall be signed by all affected property owners requesting the easement vacation.

3. The applicant shall submit a completed original application signed by the property owner.
4. The applicant shall submit four (4) copies of a site plan showing all the existing development including building footprints, driveways, curb cuts, utility service lines, sidewalks, etc. The site plan must be drawn to a scale such as 1"=10' or 1"=20'. One copy of the site plan at 11" x 8 ½" must be furnished.
5. The applicant shall submit an original and three copies of a Vacation Instrument, drawn by a Registered Land Surveyor and marked "Exhibit A". The Vacation Instrument shall include book and page number of the original document dedicating the easement.

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Procedure:

1. Upon receipt of a complete application with the Vacation Instrument, site plan, drainage report and/or the letters from the utility companies, the Department of Community Development staff will route the information to all affected Departments and agencies.
2. Within thirteen (13) working days, the City shall either approve or deny the Vacation of Easement request.
3. Upon approval, a Resolution of Vacation is prepared by the Department of Community Development and filed with the Pennington County Register of Deeds.
4. A letter is sent to the petitioner regarding the application.

Easement, they can appeal to the City Council. The City Council may approve or deny the Vacation of Easement in its entirety, upon the applicant's request, with consideration being given to the disputed item(s).

Suspended Timelines: If the Director determines that the application for the Vacation of Easement 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. 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 Denial Timelines: When the owner and/or designated agent do not concur with the Director regarding the information required for the Vacation of

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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 style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">ZONING</td></tr> <tr><td>Current</td></tr> <tr><td>North</td></tr> <tr><td>South</td></tr> <tr><td>East</td></tr> <tr><td>West</td></tr> <tr><td>Planner</td></tr> <tr><td>File No.</td></tr> <tr><td>Comp Plan</td></tr> <tr><td>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: _____ | |
| ZONING | | | | | | | | | | | | |
| Current | | | | | | | | | | | | |
| North | | | | | | | | | | | | |
| South | | | | | | | | | | | | |
| East | | | | | | | | | | | | |
| West | | | | | | | | | | | | |
| Planner | | | | | | | | | | | | |
| File No. | | | | | | | | | | | | |
| Comp Plan | | | | | | | | | | | | |
| Received By: | | | | | | | | | | | | |

PIN No: _____

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VACATION OF UTILITY AND/OR DRAINAGE EASEMENT

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 City of Rapid City 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

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

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

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

Rapid Valley Sanitary District
4611 Teak Dr
Rapid City SD 57703

Vast Communications
809 Deadwood Avenue
Rapid City, SD 57702

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

Mid-Continent Communications
537 Century Road
Rapid City, SD 57703

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

SDN Communications
1089 Rand Road
Rapid City, SD 57702

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**UTILITY
CHECKLIST**

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

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

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

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

Rapid Valley Sanitary District
4611 Teak Dr
Rapid City SD 57703

Vast Broadband
809 Deadwood Avenue
Rapid City, SD 57702

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

Mid-Continent Communications
537 Century Road
Rapid City, SD 57703

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

SDN Communications
1089 Rand Road
Rapid City, SD 57702

Date Stamp:

Subdivision Name: _____

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**VACATION OF
EASEMENT
CHECK LIST**

| χ | APPLICANT | STAFF | χ |
|--------|---|--------------|--------|
| | Complete signed application | | |
| | Site Plan, to scale, showing all the existing development including building footprints, driveways, curb cuts, utility services lines, sidewalks, etc. | | |
| | An original and three copies of a Vacation Instrument, drawn by a Registered Land Surveyor and marked "Exhibit A". The Vacation Instrument shall include book and page number of the original document dedicating the easement. | | |
| | Letters of concurrence from utility companies. | | |
| | \$250.00 Fee | | |

| | | | |
|----------------------------|--------------|------------------------|--------------|
| APPLICANT SIGNATURE | DATE: | STAFF SIGNATURE | DATE: |
|----------------------------|--------------|------------------------|--------------|