

## COMMUNITY PLANNING & DEVELOPMENT SERVICES

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 \$25.00

**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 Petitioner:

1. The prospective applicant meets with Community Planning & Development Services 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 Community Planning & Development Services. 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 Community Planning & Development Services Department.

**B. Vacation of Drainage Easement-** The applicant submits four (4) copies of a Drainage Report prepared by a Licensed Professional Engineer. The report shall determine the impact of the proposed vacation on the existing and future drainage.

### **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 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 1/2" must be furnished.
4. 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, Community Planning & Development Services 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 Community Planning & Development Services and filed with the Pennington County Register of Deeds.
4. A letter is sent to the petitioner regarding the application.

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 Suspended Timelines:** When the owner and/or designated agent do not concur with the Director regarding the information required for the Vacation of Easement, they can appeal to the City

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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

Print Name: \_\_\_\_\_

Title\*: \_\_\_\_\_

\*required for Corporations, Partnerships, etc.

Signature

Date

Print Name: \_\_\_\_\_

Title\*: \_\_\_\_\_

**FOR STAFF USE ONLY**

ZONING
Current
North
South
East
West
Planner
File No.
Comp Plan
Received By:

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

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

- ☐ RV Sanitary District  
☐ Green Valley Sanitary District  
☐ Finance  
☐ GIS  
☐ Historic Preservation  
☐ Parks & Recreation  
☐ School District  
☐ Other: \_\_\_\_\_

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 Community Planning & Development Services, 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 Power  
P O Box 1440  
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

Knology Communications  
809 Deadwood Avenue  
Rapid City, SD 57702

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

Mid-Continent Communications  
1624 Concourse Court  
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