

STAFF REPORT

March 8, 2001

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**No. 01AN003 - Petition for Annexation**

**ITEM 17**

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GENERAL INFORMATION:

PETITIONER

FMG, Inc. for Commerford LLP

REQUEST

**No. 01AN003 - Petition for Annexation**

LEGAL DESCRIPTION

A tract of land located in the NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, SE 1/4 of NW 1/4, SW 1/4 of NW 1/4 of Section 35, T1N, R7E, BHM and in the SE 1/4 of NE 1/4 of Section 34, T1N, R7E, BHM, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a 5/8" rebar which is the northwest corner of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, Thence N89°53'06"E a distance of 283.67', more or less, along the section line to the Point of Beginning which is a 5/8" rebar with cap marked 4225 set on the north section line of Section 35, T1N, R7E and the easterly right-of-way line of U.S. Highway 16; Thence N89°53'06"E a distance of 1,042.05', more or less, along the north section of line of Section 35, T1N, R7E, to a point; Thence S89°42'56"E a distance of 1,327.92', more or less, along the north section line of Section 35, T1N, R7E, to a point at the N 1/4 corner of Section 35, T1N, R7E; Thence S00°00'06"E a distance of 1,338.24', more or less, along the section 1/4 line of Section 35, T1N, R7E, to a point; Thence S00°01'17"E a distance of 668.30', more or less, along the section 1/4 line of Section 35, T1N, R7E, to a point; Thence S00°01'54"E a distance of 668.47', more or less, along the north-south section 1/4 line of Section 35, T1N, R7E, to a point at the center of Section 35, T1N, R7E; Thence N89°24'46"W a distance of 1,326.32', more or less, along the east-west section 1/4 line of Section 35, T1N, R7E, to a point; Thence N89°24'46"W a distance of 1,326.32', more or less, along the east-west section 1/4 line of Section 35, T1N, R7E, to a point at the W 1/4 corner of Section 35, T1N, R7E and E 1/4 corner of Section 34, T1N, R7E; Thence S89°42'51"W a distance of 104.64', more or less, along the east-west section 1/4 line of Section 34, T1N, R7E, to a point at the intersection of the east-west section 1/4 line of Section 34, T1N, R7E and easterly right-of-way line of U.S. Highway 16; Thence northeasterly along said easterly right-of way of U.S. Highway 16 on a curve with a radius of 2,492.00' and an arc length of 692.47', more or less, to a point; Thence N82°41'04"W a distance of 50', more or less, along the east right-of-way line of U.S. Highway 16

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to a point; Thence N07°18'56"E a distance of 658.85', more or less, along the easterly right-of-way line of U.S. Highway 16 to a point; Thence N07°18'56"E a distance of 1,338.03', more or less, along the easterly right-of-way line of U.S. Highway 16 to the Point of Beginning; and Lot H2 of the E1/2 of the NE1/4 of Section 34, T1N, R7E, BHM, Pennington County, South Dakota

PARCEL ACREAGE                      Approximately 152.9 Acres

LOCATION                                      Approximately 1/2 mile south of the intersection of Catron Boulevard and U.S. Highway 16

EXISTING ZONING                      General Agriculture District (County)

SURROUNDING ZONING

    North:                                      General Commercial District - Low Density Residential District

    South:                                      General Agriculture District (County)

    East:                                        Limited Agriculture District (County)

    West:                                        General Commercial District (City)

PUBLIC UTILITIES                      NA

REPORT BY                                Blaise Emerson

RECOMMENDATION: Staff recommends approval of the Petition for Annexation with the following stipulations:

Pennington County Fire Coordinator Recommendations:

1. Prior to City Council approval, the City shall provide any required compensation to the Whispering Pines Fire Protection District;

Pennington Highway Department Recommendations:

2. Prior to City Council approval, the applicant shall provide documentation on the location of the centerline of Sammis Trail and,

Urban Planning Division Recommendations:

3. Prior to City Council approval, the applicant shall provide documentation on the partners in the Commerford LLP.

GENERAL COMMENTS: The property in question is located one half mile south of the intersection of Catron Boulevard and U.S. Highway 16 on the east side of U.S. Highway 16 South. The property is currently vacant. The property located directly to the north was annexed in March of 2000 and the property to the west was annexed in June of 2000. The remaining property surrounding the subject site is located outside the corporate limits of the City of Rapid City.

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STAFF REVIEW: Staff has reviewed this proposed 152.9 acre annexation from the perspective of the City's ability to service this area and the appropriateness of the area for urban density development.

This property is located outside of any adopted Future Land Use Neighborhood Plan. However, this area is currently being reviewed as part of the South U.S. Highway 16 Corridor Plan. The most recent update of the Comprehensive Plan for this area, The Rapid City Area 2000 Comprehensive Plan, was conducted in 1980 and identifies the year 2000 land use for this area as Limited Agriculture, Agriculture or Forest use. It should be noted that the 1980 plan does not reflect the significant growth that has actually occurred in the past 24 years. In fact, that plan identified the southern limit of urban density development as being near the intersection of Catron Boulevard and U.S. Highway 16 South.

The City of Rapid City formally adopted four annexation goals as part of the Rapid City Annexation Policy Document. Those are:

- 1) The annexation of lands which are necessary for the orderly growth and development of the City;
- 2) The annexation of lands which are urbanized or urbanizing to the extent that they require an urban level of services;
- 3) The annexation of lands the development of which effects the health and/or safety of the residents of the City; and,
- 4) The annexation of lands to ensure an equitable tax base.

Staffs review of the requested annexation suggests that the proposed annexation is a natural extension of the existing development along U.S. Highway 16 South. Further, the annexation will facilitate the development of additional residential areas south of U.S. Highway 16B, Catron Boulevard. Annexation of the area will allow the extension of the municipal sewer and water services necessary to support urban density development as required to protect the public health and safety. Further, the annexation of this area will provide for an equitable tax base.

Staff is requesting that the applicant provide information on the location of the center line of Sammis Trail. It is not clear if Sammis Trail is part of the proposed annexation request. Sammis Trail was established in 1901 by Pennington County and a court case in 1970 verified the legal status of the road as a public easement. Staff is requesting that the applicant provide a copy of their roadway survey information to clarify the road's location relative to the annexation area. With that information, Staff will be able to determine if Pennington County is responsible for maintenance of the road or if the City will become responsible for maintenance of the street as a result of the annexation request.

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The annexation area is presently located in the Whispering Pines Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexations diminish their tax base. Staff is in the process of contacting the Whispering Pines Fire District to determine if there are any capital improvements requiring reimbursement. Staff will insure that this issue is resolved prior to Council approval of the annexation resolution.

The process for annexation by petition is provided for under Section 9-4-1 SDCL.. It requires that a petition is sign by not less than three-fourths of the register voters and by the owners of not less than three-fourth of the value of the territory sought to be annexed to the municipality. Since the ownership of the property is a Limited Liability Partnership, staff is requesting that documentation is provided on all the partners of the Partnership to insure that the petition has the adequate signatures.

Staff received no adverse comments regarding the requested annexation. Based on compliance with the four criteria for the review of annexation requests and compliance with the requirements for annexation by petition, staff recommends approval of the annexation of the previously described property.