

STAFF REPORT

February 7, 2002

No. 02AN001 - Petition for Annexation of Fairmont Boulevard right of way, formerly called Short Bull Street **ITEM 10**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 02AN001 - Petition for Annexation of Fairmont Boulevard right of way, formerly called Short Bull Street
EXISTING LEGAL DESCRIPTION	Fairmont Boulevard right-of-way formerly known as Short Bull Street located in the SW1/4 of Section 8 and the NW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .79 acres
LOCATION	West of SD Highway 79 and south of East St. Patrick Street
EXISTING ZONING	Right-of-Way
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	Heavy Industrial District
East:	Railroad Right-of-Way District
West:	Right-of-Way
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	01/08/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Petition for Annexation of Fairmont Boulevard right-of-way, formerly called Short Bull Street, be approved.

GENERAL COMMENTS: The process for annexation by petition is provided for under Section 9-4-1 SDCL, which states that by resolution, the City may annex a contiguous area, if the written petition describing the boundaries of the area is signed by no less than three-fourths of the registered voters and by owners of no less than three-fourths of the value of the area to be annexed. The petition appears to meet all requirements for consideration under the provisions for a voluntary annexation.

The property surrounding this right-of-way was annexed in 1957 by legal description. The

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rights-of-way in that annexation were not included in the legal description and thereby not annexed. A letter was sent to the Pennington County Commissioners requesting that they consider signing a petition for voluntary annexation. This petition for annexation, submitted by the Pennington County Commissioners, encompasses the Fairmont Boulevard right-of-way.

STAFF REVIEW: In reviewing the City limit boundaries, Staff identified a small piece of Fairmont Blvd right-of-way, which was not included in the previous area annexations. The right-of-way is surrounded by City limits on four sides. The fact that the right-of-way was not included in the legal description appears to be an oversight from 1957. As the area is wholly surrounded by the City limits and has been assumed to be part of the City, it would appear to be appropriate to proceed with this annexation.

The process for annexation by petition, provided for under Section 9-4-1 SDCL states that by resolution, the City may annex a contiguous area, if the written petition describing the boundaries of the area is signed by no less than three-fourths of the registered voters and by owners of no less than three-fourths of the value of the area to be annexed. As such, this area has been identified as appropriate for annexation.

Staff received no adverse comments regarding the requested annexation and believes that the annexation of this property would provide more cohesive municipal boundaries.