

STAFF REPORT

September 26, 2002

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**No. 02AN007 - Petition for Annexation**

**ITEM 2**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 02AN007 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the previously unplatted portion of the NW1/4 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; described by metes and bounds as commencing at the 1/4 corner common to Sections 3 and 4, T1N, R8E, BHM. Said corner being marked by a rebar with survey cap marked LS 1771, thence South 52°31'58" East a distance of 1093.41 feet to the Point of Beginning; continuing from the Point of Beginning; thence South 00°12'42" West a distance of 662.60 feet; thence North 89°42'42" West a distance of 362.69 feet; thence North 00°05'41" East a distance of 314.08 feet; thence North 89°33'05" West a distance of 165.99 feet; thence North 00°13'30" East a distance of 347.44 feet; thence South 89°46'40" East a distance of 529.24 feet; returning to the Point of Beginning
PARCEL ACREAGE	Approximately 6.8476 acres
LOCATION	The cul-de-sacs at the west end of Sweetbriar Street and Avenue A
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Low Density Residential District w/Planned Residential Development (City)
PUBLIC UTILITIES	Rapid Valley Sanitary Sewer and Water
DATE OF APPLICATION	07/26/2002
REPORT BY	Lisa Seaman

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RECOMMENDATION:

**Staff recommends that the Petition for Annexation be continued to the October 24, 2002 Planning Commission meeting at the applicant's request.**

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This item was continued from the September 5, 2002 Planning Commission meeting to allow the Rapid Valley Fire Protection District to determine the amount of the reimbursement to the Rapid Valley Fire Protection District. In addition, the petition submitted with the annexation request did not contain all of the signatures of the owners of the subject property. The subject property is being purchased under a contract for deed. The deed holder continues to have an interest in the property and must also sign the annexation petition. The Rapid Valley Fire Department has identified the amount of reimbursement; however, the applicant has not submitted an annexation petition that contains all the required signatures. On September 16, 2002 the applicant's engineer requested that the Petition for Annexation be continued to the October 24, 2002 Planning Commission meeting. 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 for the requested annexation contains the signatures of all the owners of the area to be annexed. The subject property is located at the west terminus of Sweetbriar Street and Avenue A in Rapid Valley.

In conjunction with the Petition for Annexation, the applicant has submitted a rezoning request (File #02RZ042) to rezone the subject property from No Use to Low Density Residential, a Preliminary and Final Plat request (File #02PL083) to subdivide the property into 13 residential lots and a Subdivision Regulations Variance request (File #02SV036) to allow for residential lots that are twice as long as they are wide.

STAFF REVIEW: This property is located east of Elk Vale Road adjacent to the Children's Home Society facility. The property is currently zoned Suburban Residential District by Pennington County. The property is currently undeveloped; however, the applicant has indicated that the property will be developed into residential homes.

The annexation area is presently located in the Rapid Valley Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. Lowell Heinrich, President of the Rapid Valley Volunteer Fire District, has indicated that there is an outstanding capital improvement loan requiring reimbursement. Staff has contacted the Rapid Valley Fire District for a determination of the necessary reimbursement and will provide that information to the Finance Office for payment as soon as the amount is available.

Staff's review of the requested annexation suggests that the proposed annexation is a natural extension of the existing residential development along East 39<sup>th</sup> Street and Race Track Road. Annexation of the area will allow for the extension of the municipal sewer and

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water services necessary to support urban density development as required to protect public health and safety. Further the annexation of this area will provide for an equitable tax base.

Staff has not received any adverse comments regarding the requested annexation and as such finds this area appropriate for annexation.