

RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, the City Council of the City of Rapid City has conducted a study pursuant to SDCL 9-4-4.1 to determine the need for annexing the within described territory contiguous to the City of Rapid City and to determine and identify the territory, which study includes a document entitled "Deadwood Avenue/North Area Annexation Study," filed in the office of the City Finance Officer; and,

WHEREAS said study recommends that certain territory described therein, and legally described in this resolution, be annexed to and included within the boundaries of the City of Rapid City,

WHEREAS the City Council of the City of Rapid City conducted a public hearing at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota at 7:00 p.m. on the 7th day of October 2002, and adopted a Resolution entitled, "A Resolution Declaring Intent to Extend the Boundaries of the City of Rapid City by Annexing the Within Described Territory"; and,

WHEREAS the Pennington County Board of County Commissioners approved this Resolution of Annexation at the Pennington County Court House, Rapid City, South Dakota, at 9:00 a.m. on the 15th day of October 2002; and,

WHEREAS the City Council of the City of Rapid City held a public hearing to consider the adoption of this Resolution of Annexation at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota, at 7:00 p.m. on the 18th day of November 2002.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City Council of the City of Rapid City finds as follows:

1. That the territory to be annexed generally consists of 1031.73 acres and includes platted and unplatted lands in Section 16, 21, 22, 23, 26, and 27 of Township Two (2) North, Range Seven (7) East, of the Black Hills Meridian, all located in Pennington County, South Dakota.
2. That ample and suitable resources exist to accommodate the orderly growth and development of said territory and that municipal utilities and a major street network are, and have been, considered in terms of the proposed boundary extension.
3. That the following is the timetable upon which municipal service will be extended into said territory:

TIMETABLE

- A. **GENERAL SERVICES.** All services provided by the City, except as set forth below, will be provided to the annexed area on the same basis such services are provided to the rest of the City upon annexation.

- B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- C. FIRE. All services provided by the Rapid City Fire Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- D. WATER SERVICE. Water service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area upon annexation, on the following basis:

- (1) Acceptance of additions. The City will accept into its system for operation and maintenance additional water service facilities constructed in accordance with City standards. Additions may be constructed by developers as future development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.

- (2) Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:

- (a) the construction of such water lines as may be necessary and appropriate to serve such land; and

- (b) the assessment of the costs thereof as provided by law.

Such actions shall be undertaken in good faith and with all due dispatch; the City shall conduct all proceedings necessary for the adoption of a resolution of necessity within six (6) months from the date of receipt of written request; such improvements shall be constructed within two (2) years after the effective date of the resolution of necessity unless delayed by legal challenge. The written request need be in no particular form but need merely convey in good faith the nature of the request, the description of the land to be served, and the name of the person making the request.

Nothing in the foregoing shall be construed as obligating the City to construct any water service facilities at City expense; however, the City in its sole discretion may choose to participate in the cost of constructing all or any part of such facilities.

Nothing in the foregoing shall be construed as obligating the City to accept for operation or maintenance any water line extending from individual properties to the City system. Such individual service lines shall, as elsewhere in the City, be the responsibility of the owner of such individual property.

E. SEWER SERVICE. Sewer service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area upon annexation on the following basis:

(1) Acceptance of Additions. The City will accept into its system for operation and maintenance such additional sewer lines constructed in accordance with City standards. Such additions may be constructed by developers as further development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.

(2) Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:

(a) the construction of such sewer lines as may be necessary and appropriate to serve such land; and

(b) the assessment of the costs therefor as provided by law.

Such actions shall be undertaken in good faith and with all due dispatch; the City shall conduct all proceedings necessary for the adoption of a resolution of necessity within six (6) months from the date of receipt of written request; such improvements shall be constructed within two (2) years after the effective date of the resolution of necessity unless delayed by legal challenge. The written request need be in no particular form but need merely convey in good faith the nature of the request, the description of the land to be served, and the name of the person making the request.

Nothing in the foregoing shall be construed as obligating the City to construct any sewer service facilities at City expense; however, the City in its sole discretion may choose to participate in the cost of constructing all or any part of such facilities.

Nothing in the foregoing shall be construed as obligating the City to accept for operation or maintenance any sewer line extending from individual properties to the City system. Such individual service lines shall, as elsewhere in the City, be the responsibility of the owner of such individual property.

F. STREETS. Street maintenance, sweeping, snow removal and roadside mowing shall be provided for future public streets within the annexed area on the same basis as such services are provided to the rest of the City upon annexation.

G. SOLID WASTE COLLECTION AND DISPOSAL. Within sixty (60) days after annexation the City will determine by ordinance whether the annexation area or

any portion thereof is to be included within the Garbage Service District. In any area included within the Garbage Service District solid waste collection and disposal will be provided on the same basis and at the rates provided by ordinance. (Solid waste collection services provided by the City are limited to residential structures.)

In any event, within sixty (60) days after receipt by the City Finance Officer of a written request for such service signed by more than 50% of the residents of the annexation area, solid waste collection and disposal service will be provided to the annexation area on the same basis as such services are provided to the Garbage Service District. Such written request need be in no particular form but need only convey in good faith the request being made and the name of the persons making the request. Nothing shall preclude the City from accepting petitions from less than the entire area or serving only a portion of the annexation area.

Use of the City Landfill will be available to residents of the annexed area upon annexation on the same basis such use is made available to the rest of the City.

- H. PARKS AND RECREATION. All services provided by the Parks and Recreation Department shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.
- I. LIBRARY. All services provided by the Rapid City Public Library shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.
- 4. That the appropriate costs of the extended service to the residents of the said territory and to the City are as follows:

APPROXIMATE COSTS

- A. GENERAL SERVICES. All services as set forth in Paragraph A of the Timetable may be provided to the annexed area without discernible additional cost to the residents of the annexed area or to the City of Rapid City; provided, however, that the use of services requiring the payment of fees shall be provided in return for payment of such fees in accordance with the applicable ordinances and regulations.
- B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area. The costs to the City are negligible.
- C. FIRE. All fire suppression services are now provided by the North Haines rural Fire Protection District through the North Haines Volunteer Fire Department and the Black Hawk rural Fire Protection District through the Black Hawk Volunteer Fire Department. Upon annexation the Rapid City Fire Department will provide emergency services (including fire suppression, medical/rescue services, and hazardous material handling) and non-emergency services (including fire inspection/investigation and public education). These costs to the City will be negligible. As this annexation diminishes Black Hawk Fire District's tax base,

Rapid City is obligated to compensate the district for their Capital Improvement debt in the amount of approximately \$2,772.98.

- D. WATER. The City's water system is operated on an enterprise fund basis, i.e., the revenue produced from water service charges are used to provide water supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of the annexed area and other water users for water supply and system maintenance would be the monthly water service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from water service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

Costs for constructing additions to the City's water system will be assessed according to law, if constructed by the City, or will be paid by the developer or other persons constructing such additions.

Connection charges to the existing water and sewer system will be pursuant to the adopted "Resolution of Necessity" for assessed projects or on the same basis as such services are provided to the rest of the City. Every application for a connection permit shall pay an additional sum for capital development as stated in Ordinance #3736.

The rate charged will be the City rate effective at first billing that occurs at least fifteen (15) days after annexation becomes effective.

- E. SEWER. The City's sewer system is operated on an enterprise fund basis, i.e., the revenue produced from sewer service charges are used to collect and treat wastewater and sewage and to maintain the system. The cost, not including costs to be assessed as set forth below, to residents of the annexed area and other users for collection, transportation, treatment and system maintenance would be the monthly sewer service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from sewer service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

All costs for constructing additions to the City's sewer system will be assessed according to law, if constructed by the City, repaid with hookup charges, or will be paid by the developer or other persons constructing such additions. Costs to the City do not include any estimated costs for acquisition of easements. Typically such easements are obtained for nominal consideration, particularly when the costs are to be assessed. To the extent the typical does not apply and the use of eminent domain is necessary, the resulting costs are highly speculative.

City costs also do not include the cost of constructing the private service lines from the City's system to individual properties. Construction of such lines and the subsequent maintenance thereof are the responsibility of the individual

property owners. Tap fees and permit fees are prescribed by ordinance. Such charges are roughly equivalent to the City's cost and are paid by the user.

The rate charged will be the City rate effective at first billing that occurs at least fifteen (15) days after annexation becomes effective.

- F. **STREETS.** Paved streets are repaired as necessary. Asphalt streets are repaired only as required when pot holes, alligating or like problems make repairs necessary.

Streets developed as public streets within the subject territory will receive repair, sweeping, snow removal, traffic controls, street lighting and road side mowing on the same basis as the rest of the City. Costs will be dependent on the future street system.

- G. **SOLID WASTE COLLECTION AND DISPOSAL.** The City's sanitation system is operated on an enterprise fund basis. The sanitation system serves only residential occupancies. Some areas of the City presently are not included in the Garbage Service District at the request of the residents of those areas. If the annexed area is included within the Garbage Service District the cost to the residents would be the garbage service charges prescribed by ordinance, currently at the rate of \$13.75 per month per household.

The rates for garbage collection and disposal service are designed to be roughly equivalent to the long-run cost to the City of providing such service. No short-run capital expense as a result of service to the annexed area is anticipated.

The cost of providing use of the City's landfill to users outside the Garbage Service District is roughly equivalent to the fees charged therefor.

- H. **PARKS AND RECREATION.** All services provided by the Parks and Recreation Department will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area.

- I. **LIBRARY.** All services provided by the Rapid City Public Library will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area.

- J. The foregoing notwithstanding, the residents of the annexed area will be subject to all of the various fees and charges provided by ordinance, regulations, or administrative action for numerous services provided by the City. The incidence of such charges is highly speculative and largely within the choice of the person to be charged. Examples of such charges range from building permit fees to library book fines, from xerox copy charges to charges for swimming pool passes.

- K. All of the cost estimates set forth herein are based on 2002 costs.

5. *Owner occupied property:*

That the estimated difference in the 2002 tax assessment rate applied to an owner occupied property within the North Haines Fire District upon annexation would be the addition of the City of Rapid City levy of 3.4685 mills and elimination of the combined Fire Administration, Library and unorganized road levy of 1.8701 mills and the North Haines Fire levy of 0.814 mills. The total levy for owner occupied property in the North Haines Fire District would therefore increase by .7844 mills, an estimated 4.05%.

That the estimated difference in the 2002 tax assessment rate applied to an owner occupied property within the Black Hawk Fire District upon annexation would be the addition of the City of Rapid City levy of 3.4685 mills and elimination of the combined Fire Administration, Library and unorganized road levy of 1.8701 mills and the Black Hawk Fire levy of 0.637 mills. The total levy for owner occupied property in the Black Hawk Fire District would therefore increase by .9614 mills, an estimated 5.01%.

Non-agricultural property:

That the estimated difference in the 2002 tax assessment rate applied to a non-agricultural property within the North Haines Fire District upon annexation would be the addition of the City of Rapid City levy of 3.4685 mills and elimination of the combined Fire Administration, Library, and unorganized road levy of 1.8701 mills and the North Haines Fire levy of 0.814 mills. The total levy for non-agricultural property in the North Haines Fire District would therefore increase by .7844 mills, an estimated 2.93%.

That the estimated difference in the 2002 tax assessment rate applied to a non-agricultural property within the Black Hawk Fire District upon annexation would be the addition of the City of Rapid City levy of 3.4685 mills and elimination of the combined Fire Administration, Library, and unorganized road levy of 1.8701 mills and the Black Hawk Fire levy of 0.637 mills. The total levy for non-agricultural property in the Black Hawk Fire District would therefore increase by .9614 mills, an estimated 3.61%.

Agricultural property:

That the estimated difference in the 2002 tax assessment rate applied to an agricultural property within the North Haines Fire District upon annexation would be the addition of the City of Rapid City levy of .8671 mills and elimination of the combined Fire Administration, Library, and unorganized road levy of 1.8701 mills and the North Haines Fire levy of 0.814 mills. The total levy for agricultural property in the North Haines Fire District would therefore decrease by 1.817 mills, an estimated 10.76%.

That the estimated difference in the 2002 tax assessment rate applied to an agricultural property within the Black Hawk Fire District upon annexation would be the addition of the City of Rapid City levy of .8671 mills and elimination of the combined Fire Administration, Library, and unorganized road levy of 1.8701 mills and the Black Hawk Fire levy of 0.637 mills. The total levy for agricultural

property in the Black Hawk Fire District would therefore decrease by 1.64 mills, an estimated 9.81%.

6. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing city limit lines, existing features, existing property boundaries, and existing occupancies and uses.
7. That there is reasonable present and demonstrable future need for annexing said territory.
8. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.
9. That there exists a commonality between the within described territory and the existing City of Rapid City.
10. That there are no significant physical barriers between the within described territory and the existing City of Rapid City.
11. That annexation of the within described territory to the City of Rapid City will result in a more compact, integrated City.

BE IT FURTHER RESOLVED by the City of Rapid City that the following described territory be and is hereby annexed to and included within the boundaries of the City of Rapid City:

Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5, and dedicated right-of-way, Farrar Business Park, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

That portion of N1/2 SE1/4 lying north and east of the right-of-way line of Interstate Highway 90, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

That portion of SE1/4 SE1/4 lying north & east of highway right-of-way, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Lot H1 of the SE1/4 of Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Lot H1 of the SW1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Lots 1 thru 4 of Tract A of Lien Subdivision located in E1/2 of NE1/4 and in NE1/4 of SE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota.

Lot H1 of the NE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota.

Lot H1 of the SE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota.

NW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

Lot X of Lot H-2 of SW1/4 less Lot H1 of Lot X of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

Lot Y of Lot H-2 of SW1/4 less Lot H-1 of Lot Y of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

Lot B of the NW1/4 SW1/4 and SW1/4 SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

W1/2 W1/2 NE1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

E1/2 SE1/4 SE1/4 SW1/4 SW1/4 and the SW1/4 SW1/4 SE1/4 SW1/4 and the W1/2 SE1/4 SW1/4 SE1/4 SW1/4 and the S1/2 NW1/4 SW1/4 SE1/4 SW1/4 and the SW1/4 NE1/4 SW1/4 SE1/4 SW1/4, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

E1/2 NE1/4; and the E1/2 W1/2 NE1/4; and the SE1/4; and the Unplatted Balance of SW1/4 lying north and east of Highway I-90 right-of-way and including a strip of land 80 feet in width adjacent and parallel to the southeast boundary of R & L Subdivision and also including a strip of land 100 feet in width adjacent and parallel to the northern boundary of Highway I-90 right-of-way, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

SW1/4 NW1/4 and the W1/2 SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota.

NW1/4 NW1/4 and that part of the SW1/4 NW1/4 lying north of Interstate I-90 right-of-way, Section 26, T2N, R7E, BHM, Pennington County, South Dakota.

NE1/4 NE1/4 and the NW1/4 NE1/4 and the SE1/4 NE1/4 and the NE1/4 NW1/4 and the NW1/4 NW1/4 lying north of Highway I-90 right-of-way, Section 27, T2N, R7E, BHM, Pennington County, South Dakota.

That portion of the Section line highway lying north of Interstate 90 known as Deadwood Avenue lying within 33 feet either side of the north-south section line between the Southeast quarter of Section 21 and the Southwest quarter of Section 22 and including the 17 foot wide dedicated right-of-way adjacent to Lot 1R Revised of Summit Industrial Park located in the NW1/4 SW1/4 of Section 22, T2N, R7E, BHM, Pennington County, South Dakota. That portion of the Section line highway known as Deadwood Avenue lying within 33 feet either side of the north-south section line between the Northeast quarter of Section 21 and the Northwest quarter of Section 22, T2N, R7E, BHM, Pennington County, South Dakota. That portion of the Section line highway known as Deadwood Avenue lying within 33 feet either side of the north-south line between the Southwest quarter of Section 15 and the Southeast quarter of Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

DATED this _____ day of November 2002.

THE CITY COUNCIL OF RAPID CITY

Mayor

Attest:

Finance Officer

(SEAL)

Approved By: CITY ATTORNEY'S OFFICE

Initials: _____

Attorney

Date