

## STAFF REPORT

October 21, 2004

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**No. 04AN012 - Petition for Annexation**

**ITEM 3**

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GENERAL INFORMATION:

PETITIONER City of Rapid City

REQUEST **No. 04AN012 - Petition for Annexation**

EXISTING  
LEGAL DESCRIPTION

All of the eastern most 33 feet of section line right-of-way lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in the southeast quarter of Section 9, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the dedicated right-of-way and 12 foot vacated right-of-way adjacent to Lots 1 and 2 of Mullen Subdivision, Section 9, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the western most 33 feet of section line right-of-way lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in the southwest quarter of Section 10, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the dedicated right-of-way adjacent to Lot A-Revised, formerly Lot A of Plat No 1 in NW1/4SW1/4, lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in Section 10, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the western most 33 feet of section line right-of-way beginning at the northwest corner of Section 15, T1N, R8E, extending south approximately 1,230 feet lying adjacent to and in NW1/4 NW1/4 of Section 15, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota, also known as Jolly Lane; all of the dedicated right-of-way adjacent to Lots 1 through 9 of Lot A of the E1/2 SE1/4, also known as Martin Lane, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; all of the dedicated right-of-way adjacent to Lots 1 through 9 of Helmens Subdivision, also known as Toni Lane, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota

PARCEL ACREAGE Approximately 4.89 acres

LOCATION South of SD Hwy 44 East, east of the Southeast Connector and north of Elks Country Estates

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### SURROUNDING ZONING

North:	Low Density Residential District/General Commercial District
South:	Low Density Residential District/General Agriculture District
East:	General Commercial District (City)/Suburban Residential District (County)/Limited Agriculture District (County)
West:	Low Density Residential District/General Agriculture District

### PUBLIC UTILITIES

NA

### DATE OF APPLICATION

09/24/2004

### REVIEWED BY

Karen Bulman

**RECOMMENDATION:** Staff recommends that the Petition for Annexation be approved.

**GENERAL COMMENTS:** The process for annexation by petition is provided for under Section 9-4-1 SDCL. This statute 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 area known as Jolly Lane, Toni Lane, and Martin Lane contain approximately 4.89 acres and are located south of SD Hwy 44 East, north of Elks Country Estates and east of the Southeast Connector. Properties surrounding these rights-of-way were annexed April 4, 1988. In annexing that area, the legal description did not include the three roads. On September 20, 2004, the City Council directed staff to seek voluntary annexation of Jolly Lane. At the October 5, 2004 Pennington County Commission meeting, the Commission signed a petition of annexation requesting that the City consider annexation of Jolly Lane, Toni Lane and Martin Lane.

**STAFF REVIEW:** The subject rights-of-way are located adjacent to and within the Rapid City limits. The properties located north of the subject property are zoned Low Density Residential District and General Commercial District. The properties to the south and west are zoned Low Density Residential District and General Agriculture District. The properties located east of the subject property are zoned General Commercial District by the City, and Suburban Residential District and Limited Agriculture District by Pennington County.

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,

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this area has been identified as appropriate for annexation.

Staff believes that the annexation of these properties would provide more cohesive municipal boundaries and therefore recommends that the annexation be approved.

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