

STAFF REPORT
May 5, 2005

No. 05AN004 - Petition for Annexation

ITEM 11

GENERAL INFORMATION:

PETITIONER	Pennington County
REQUEST	No. 05AN004 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	Fifty (50) foot West Nike Road right-of-way located north of Government Lot 4 and west of Lot 4, Four-M Subdivision, and south of Tract 2, 3, 4, & 5 of Sletten Addition, all located in the SW1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, as shown on the "Plat of a portion of Sletten Addition, which includes: Lot B revised; Tract 3; Tracts 1,2, 4, and 5; dedicated public right-of-way, all located in Government Lot 3 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota"; located in Book 13, Page 255
PARCEL ACREAGE	Approximately 2.1467 acres
LOCATION	North of Country Road, east of Haines Avenue
EXISTING ZONING	Right-of-Way
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Low Density Residential District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	NA
DATE OF APPLICATION	3/24/2005
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION: Staff recommends that the Petition for Annexation be continued to the **May 26, 2005** Planning Commission meeting.

GENERAL COMMENTS: This right-of-way contains approximately 2.1467 acres and is located north of Country Road and east of Haines Avenue. The property is currently in the process of annexation and is zoned No Use District upon annexation into the City limits. Land located west of the subject property is zoned Low Density Residential District with a Planned Residential Development. Land located north and south of the subject property is zoned General Agriculture District by Pennington County. Land located east of the subject property is zoned Low Density Residential District by Pennington County.

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Pennington County has requested that adjacent rights-of-way be annexed in conjunction with any property being annexed into the City limits. As such, this application for a Petition to Annex has been submitted by Pennington County in response to a request for voluntary annexation of property located adjacent and south of the subject right-of-way.

STAFF REVIEW: 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. This petition appears to meet all requirements for consideration under the provisions for a voluntary annexation.

The annexation area is presently located in the North Elk Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The subject property is right-of-way and not taxed; therefore, no reimbursement is due to the North Elk Fire Protection District.

Staff has not received any adverse comments regarding the requested annexation and as such finds this area appropriate for annexation. However, as the annexation application for the property located adjacent and south of this right-of-way has been continued to the **May 26, 2005** Planning Commission meeting, staff is recommending that the subject annexation be continued to the **May 26, 2005** Planning Commission meeting to be heard in conjunction with the voluntary annexation of the adjacent property.

STAFF REPORT
April 21, 2005

No. 05AN004 - Petition for Annexation

ITEM
