

STAFF REPORT
September 8, 2005

No. 05AN012 - Petition for Annexation

ITEM 9

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Walter and Sandra Bebout
REQUEST	No. 05AN012 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	The west 33 feet of Tract 5, Sletten Addition, located in the W1/2 NW1/4 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	North and west of West Nike Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	8/12/2005
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved for the west 33 feet of Tract 5, Sletten Addition, located in the W1/2 NW1/4 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota less the southern most portion of the section line right-of-way located within Tract 5 of Sletten Addition in the SW1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, already located in the City limits, contingent on any payment due to the North Elk Fire Protection District being paid by the City of Rapid City.

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

STAFF REVIEW: This undeveloped property contains approximately 1.0 acres and is located at north and west of West Nike Road. The property is currently in the process of annexation and is zoned No Use District upon annexation into the City limits. Land located north, south

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and east of the subject property is zoned Limited Agriculture District by Pennington County. Land located west of the subject property is zoned Low Density Residential District with a Planned Residential Development.

The applicant would like to annex the section line highway as part of residential development in the area.

The annexation area is located in the newly formed (by contract) 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 North Elk Fire Protection District has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on payment due to the North Elk Fire Protection District being paid by the City of Rapid City.

The staff recommends that the Petition for Annexation be approved contingent on any payment due to the North Elk Fire Protection District being paid by the City of Rapid City.

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