

STAFF REPORT
March 6, 2008

No. 08AN001 - Petition for Annexation

ITEM 18

GENERAL INFORMATION:

APPLICANT	Paul Bradsky for Atlantis, LLC
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Ralph D. Newman
REQUEST	No. 08AN001 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	<p>A portion of Tract E of W-Y Addition located in the W1/2 SW1/4 of Section 27, T2N, R8E, BHM, Pennington County, South Dakota, as shown on the plat filed May 21, 1974 and recorded in Book 13 of Plats on Page 158, more fully described as follows: Beginning at the southwest corner of said Tract E of W-Y Addition, said point being located along the northerly line of adjoining railroad right-of-way and also coincident with the southeast corner of Lot 1 of Atlantis Subdivision, as shown on the plat filed December 15, 2005 and recorded in Book 33 of Plats on Page 123; thence, northwesterly along the west line of said Tract E of W-Y Addition and along the east line of said Lot 1 of Atlantis Subdivision, N14°48'51"W, a distance of 204.91 feet, more or less to the northeast corner of said Lot 1 of Atlantis Subdivision, said point being coincident with the southeast corner of Lot 2 of Davis Subdivision, as shown on the plat filed February 20, 2003 and recorded in Book 31 of Plats on Page 57; thence, N75°10'43"E a distance of 317.85 feet more or less, to a point on the east line of said Tract E of W-Y Addition, said point also being located on the west line of Lot 2 of Wal-East Subdivision, as shown on the plat filed August 17, 2000 and recorded in Book 29 of Plats on Page 88; thence southeasterly along the east line of said Tract E of W-Y addition and along the westerly line of Lot 2 of Wal-East Subdivision, S14°48'25"E a distance of 142.78 feet more or less to the southeast corner of said Tract E of W-Y Addition, said point being coincident with the southwest corner of Lot 2 of Wal-East Subdivision and also located along the northerly edge of the adjoining railroad right-of-way; thence, curving to the right along the southerly edge of said Tract E of W-Y Addition and along the northerly edge of the adjoining railroad right-of-way, along a curve with a radius of 5679.58 feet, a central angle of 3°16'03", an arc length of 323.90 feet, and a chord bearing and</p>

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distance of S64°07'04"W 323.86 feet more or less, to the point of beginning

PARCEL ACREAGE Approximately 1.28 acres

LOCATION 4301 South Interstate 90 Service Road

EXISTING ZONING Highway Service District (Pennington County)

SURROUNDING ZONING

 North: Highway Service District (Pennington County)

 South: General Commercial District

 East: Box Elder

 West: General Commercial District

PUBLIC UTILITIES City Water and Sewer

DATE OF APPLICATION 1/31/2008

REVIEWED BY Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved contingent on any payment due to the Box Elder Rural Fire Protection District being made 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 1.28 acres and is located at 4301 South Interstate 90 Service Road, south of U.S. Interstate 90 and east of the intersection of Elk Vale Road and Beale Street. The property has recently been zoned Highway Service District in Pennington County and will be zoned No Use District upon annexation into the City limits. Land located north of the property is zoned Heavy Industrial District by Pennington County. Land located south and west of the property is zoned General Commercial District. Land located east of the property is in the Box Elder City limits. The Adopted Comprehensive Plan indicates that this area may be appropriate for Industrial land use.

The proposed annexation area is presently located in the Box Elder Rural Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate Fire Districts when annexation diminishes their tax base. The Box Elder Fire District has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on payment due to the Box Elder Fire District being made by the City of Rapid City.

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