

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 "Annexation Study - South Valley Drive Annexation Area," 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 2nd day of September 2008, 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 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 17th day of November 2008.

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 262.73 acres and includes platted lands in Sections 8 and 9 of Township One (1) North, Range Eight (8) East, Black Hills Meridian, 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 upon annexation on the same basis such services are provided to the rest of the City.
- 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 not included within the Rapid Valley Sanitary District, 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 9-47 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 not included within the Rapid Valley Sanitary District, 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 existing public streets within the annexed area on the same basis as such services are provided to the rest of the City upon annexation.

Traffic signs, controls, and markings for existing public streets within the annexed area will be maintained upon annexation. Additional traffic control will be provided as needed and on the same basis as provided to the rest of the City from the time of annexation.

Street lighting presently existing in the annexed area and which becomes the responsibility of the City will be continued upon annexation. Additional street

lighting in accordance with criteria generally employed through the City and with due consideration for the wishes of the residents will be provided within ninety (90) days after the streets to be lighted are paved; no lighting is expected to be provided on unpaved streets.

The City will accept for operation and maintenance as additions to the City street system such public streets constructed hereafter as are constructed to City standard and dedicated to the public, and accepted by the City.

- G. SOLID WASTE COLLECTION AND DISPOSAL. 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.)

By ordinance, all annexed areas are included within the City's garbage district. Annexed areas that are not served by a private garbage service are the sole responsibility of the City. Upon annexation, residents may request the City provide garbage service, in accordance with the City's Ordinances.

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 approximate 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 annual costs to the City would be approximately \$101,947 for service calls for this area.

- C. FIRE. All fire suppression services are now provided by the Rapid Valley Fire Protection District through the Rapid Valley 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). A future fire station for this area and the surrounding area is estimated to cost \$2,225,000 plus \$750,000 for 15 additional personnel. The annual estimate for providing services to the South Valley Drive annexation area is \$61,268.64.

The City is obligated to pay the Rapid Valley Fire Protection District for any debts that have been incurred. The Rapid Valley Fire District has indicated they do not have an outstanding debt and will not require reimbursement from Rapid City.

- 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 provided to the rest of the City.

Water Service Fees

New account charge for accounts within the city limits: \$15.00.

<u>Meter Size (Inches)</u>	<u>Current Monthly Charge</u>
5/8"	\$7.26
3/4"	\$10.15
1"	\$12.76
1.5"	\$22.86
2"	\$33.80
3"	\$44.81
4"	\$66.83
6"	\$112.56
8"	\$182.22

Monthly charge includes 200 cubic feet of water. There is an additional charge of \$1.63 per 100 cubic feet for 3-meter irrigation allowance and \$2.24 per 100 cubic feet for more than meter irrigation allowance per month. In addition, a surcharge pursuant to S.D.C.L. Chapter 9-40 applies as follows:

1. For water use less than 200 cubic feet in any billing cycle month: \$1.00.
2. For water used in excess of 200 cubic feet in any billing cycle month: \$0.35 per 100 cubic feet.

Annual State Environmental Tax Surcharge

<u>Meter Size (Inches)</u>	<u>Annual State Environmental Tax Surcharge</u>
5/8"	\$1.25
3/4"	\$1.40
1"	\$1.75
1.5"	\$2.25
2"	\$3.50
3"	\$13.75
4"	\$17.50
6"	\$26.25
8"	\$35.25

Tap Fees

1. For making each one-inch tap, the sum of ninety dollars (\$90.00);
 2. For making each one and one-half-inch tap, the sum of sixty dollars (\$60.00);
 5. For making each two-inch tap, the sum of sixty dollars (\$60.00);
 6. For making taps in excess of two inches, but less than eight inches, the following fee shall be collected:
 - a. For making each tap, the sum of two hundred fifty dollars (\$250.00) for labor and equipment;
 7. For making taps of eight inches or greater, the following fee shall be collected:
 - a. For making each tap, the sum of three hundred dollars (\$300.00) for labor and equipment.
 - b. In addition to the above fees, any person using the service of the machine and operator shall reimburse the city for any damage done to the equipment.
- 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.

SEWER FEES

\$2.68 per one hundred cubic feet; monthly minimum of \$5.00 per equivalent single family user.

Residential Users. The wastewater flow from residential connections shall be determined each year from the metered water use for three winter months using the water meter readings taken in January, February and March. The average monthly winter use measured in hundreds of cubic feet, shall be multiplied by the applicable rate and the product will determine the monthly sewer use charge for the twelve-month period commencing April 1st for each year. New residential users or intermittent users shall pay a sewer use charge based on the average single-family residential water use of 700 cubic feet per month per dwelling unit served and this volume shall be used until the end of the next averaging period (December, January and February). For any of the three averaging months in which the meter is not actually read, the amount of 700 cubic feet times the number of dwelling units shall be inserted for that month to determine the average for the three months.

Commercial and Institutional Users Discharging Domestic Wastewater. The sewer use charge for commercial and institutional connections discharging wastewaters similar in physical, biological and chemical quality to domestic wastewater shall be determined by multiplying the monthly wastewater volume in 100 cubic feet by the rate established by subsection A of this section of the Rapid City Municipal Code per 100 cubic feet. The wastewater volume shall be determined from the monthly metered water, unless special allowances are made or the wastewater is metered as provided herein.

Industrial Users. The sewer charge for industrial connections shall be determined by multiplying the monthly wastewater volume measured in 100 cubic feet, by the rate established by subsection A of this section of the Rapid City Municipal Code per 100 cubic feet whenever the BOD concentration is less than 260 mg/l and the suspended solids concentration is less than 300 mg/l based on the average of flow proportioned, composite samples, collected at the times, frequencies and in the manner designated by the Director. Whenever the BOD concentration exceeds 260 mg/l or the suspended solids concentration exceeds 300 mg/l, based on the sampling and testing program

specified by the Director, a surcharge will be assessed at the following rates on the portion of wastes in excess of 260 ppm BOD or 300 ppm TSS: eleven cents per pound of BOD and seven cents per pound of TSS.

Non-residential users may receive an adjustment to their sewer charge for water that is not discharged to the sanitary sewer. Such an adjustment shall only be made if the amount of water that is prevented from being discharged into the sanitary sewer system is metered, or if the actual sewage flow is metered.

Any industrial user may choose to measure the actual wastewater flow in lieu of basing the wastewater use charges on the metered water. In such cases, the conditions set forth herein shall apply. If an industrial user has completed in-plant modifications which would change the users wastewater characteristics or flows, the user can request that the Director adjust the industrial users surcharge rate. The Director's decision can be appealed to the City Council in a manner designated in Section 13.08.420 of the Rapid City Municipal Code.

A surcharge pursuant to S.D.C.L. Chapter 9-40 of \$0.14 per one hundred cubic feet of wastewater discharge is charged.

An annual environmental tax surcharge applies as follows:

<u>Meter Size (Inches)</u>	<u>Annual State Environmental Tax Surcharge</u>
5/8"	\$3.15
3/4"	\$3.55
1"	\$4.35
1.5"	\$5.60
2"	\$8.75
3"	\$34.30
4"	\$43.75
6"	\$65.60
8"	\$87.47

- F. **STREETS.** Public 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. The annual costs to provide service to these areas would be approximately \$22,963.

- 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. The cost to the residents within the Garbage Service District would be the garbage service charges prescribed by Ordinance #3796. The fee for City service would be based on the size of the container used for collection and would be increased on April 1 each year based upon the annual percentage change in the consumer price index. The current rates are: \$15.49 per month per household for a 35 gallon container, \$17.49 per month per

household for a 65 gallon container, and \$19.49 per month per household for a 95 gallon container.

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.

- 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. The Parks and Recreation Department is reviewing the need for a public park and trail system in the area. Additional costs in the future with the addition of a park and trail system would be approximately \$45,000 per year.
- 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 residents of the annexed area. The City would have additional costs of \$44.79 per capita.
- 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 2007 costs.

5. Estimated difference in tax assessment rate:

A. *Owner occupied property:*

The estimated difference in the 2007 tax assessment rate applied to an owner occupied property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 2.96 and elimination of the combined Fire Administration, Library and Unorganized Road levy of 1.47 mills and the Rapid Valley Fire levy of .71 mills. The total levy for owner occupied property in the Rapid Valley Fire District would therefore increase by .78 mills, an estimated 4.89% (4.76% for the properties within the Rapid Valley Sanitary District).

B. *Non-agricultural property:*

The estimated difference in the 2007 tax assessment rate applied to a non-agricultural property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 2.96 mills and elimination of the combined Fire Administration, Library, and Unorganized Road levy of 1.47 mills and the Rapid Valley Fire levy of 0.71 mills. The total levy for non-agricultural property in the Rapid Valley Fire District would therefore increase by 0.78 mills,

an estimated 3.72% (3.64% for the properties within the Rapid Valley Sanitary District).

C. *Agricultural property:*

The estimated difference in the 2007 tax assessment rate applied to an agricultural property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 1.47 mills and elimination of the combined Fire Administration, Library, and Unorganized Road levy of 1.47 mills and the Rapid Valley Fire levy of 0.71 mills. The total levy for agricultural property in the Rapid Valley Fire District would therefore decrease by 0.71 mills, an estimated -4.95%. (A decrease of -4.81% for the properties within the Rapid Valley Sanitary District).

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:

Lot 6 – 7 less Lot H-1, Block 2, Johnson School Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Part of Tract D located in the NE1/4NW1/4 of Section 9 and the east 88 feet of Lot D of the NE1/4NW1/4 less Lot H-1 in Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lot H-3 and H-4 in NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lot H-1 in Lot E in NE1/4NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lots 1-6 of Lot D, Wood Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lot 1E of NE1/4NW1/4 and the south part of Lot E of the NE1/4NW1/4 lying south of access highway in Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lot 1, Lot B of Lot 2, Lot A of Lot 2-3, Lot 5 including Lot A of Lot 5, Lot 6, Lot 7, Lot W of Lot 8B & Lot 1 of Lot 9B, Lot 3A of Lot 3 and the balance of Lot 3, Lot 3D of Lot 3, Lot 3E of Lot 3, all of SW1/4NW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lots A-E , Lots 1 and 2 of Lot F, Lots G-P of Lot 2B of Lot 2 and south half vacated right-of-way adjacent to lots G, H, I, J, & K and including Sherman Drive and the north half vacated right-of-way adjacent to lots A-C, Lots 1-4 of Lot 2A in Lot 2, Lot 2C of Lot 2 less Lot 1, all in NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lots 3A-1, 3A-2, 3A-3 of Lot 3A Revised, W157 feet of Lot 3A Revised, Lots 3B and 3C of Lot 3, W1/2 of Lot 3D of Lot 3, Lot 3E and E1/2 of Lot 3D of Lot 3, Lot 3F of Lot 3, Lot 3G of Lot 3, Lot 3H of Lot 3, Lot 3J of Lot 3, Lot 3K Revised of Lot 3, Lot 3L Revised of Lot 4, Lot 5, Lot 6, all in Melody Acres located in the NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

All of Orchard Subdivision, Eden Gardens Addition, and Melody Acres Subdivision No. 2, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lot 3 of Tract A in E1/2SW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lots 1-10 of Fravel Tract Subdivision of Lot 1 of NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Lot 1 of Well Addition less Lot H1 and less dedicated right-of-way in Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

Garden Lane, Orchard Lane, Melody Lane, E. Fairmont Street, Cactus Drive, Scott Street, Eden Lane, School Drive, Lancer Drive, and S. D. Highway 44 including Lot H-1 and Lot H-2 in the NE1/4NW1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

The 100 foot railroad right-of-way of the South Dakota Department of Transportation acting through the Office of Railroads, lying in the N1/2NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota;

E. St. Patrick right-of-way located north of Lot H-3 in NW1/4 of Section 9 and north of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota;

All of Blocks 1 and 2, Blocks 5 and 6, Lots 1-12 of Block 3, Lots 7-12 of Block 4, all of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota;

All of Long Acres Square and Sedivy Subdivision, located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota;

Lot A of Watco Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota;

Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota;

Sedivy Lane adjacent to Lot 10-12, Block 4, Rapid Valley Subdivision, Lot 12, Block 5, Rapid Valley Subdivision, and E. St. Francis right of way, all located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; and,

Beechwood Lane, Pecan Lane, Olive Lane, E. St. Francis Street, Blanche Drive, Long Acre Drive, and Garden Lane, all located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota.

DATED this _____ day of November 2008.

THE CITY COUNCIL OF RAPID CITY

Mayor

Attest:

Finance Officer

(SEAL)

Published:

Effective:

(#08AN011)