

STAFF REPORT
November 20, 2008

No. 08AN011 - Resolution of Annexation - South Valley Drive

ITEM 56

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Multiple Property Owners
REQUEST	No. 08AN011 - Resolution of Annexation - South Valley Drive
EXISTING LEGAL DESCRIPTION	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; Portion of the N1/2NW1/4 less Lot H5 of NE1/4NW1/4 and the N1/2SE1/4NW1/4 less Lot H1, all 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 3, Lot 3M of Lot 3, Lot 3N of Lot 3, Lot 3P of Lot 3, Lot 3Q of Lot 3, Lot 3R of Lot 3, 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

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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; Hawthorne Ditch located in the NW1/4NW1/4 in 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; SW1/4NE1/4NE1/4, W1/2SE1/4NE1/4, S1/2SW1/4NE1/4, E1/2SE1/4NE1/4 less Block 1 & 2 and Lot 7 of Sedivy Subdivision, W1/2SE1/4, W1/2NE1/4SE1/4, E1/2NE1/4SE1/4 less Watco Subdivision and less Jepsen Subdivision, SE1/4SE1/4 less Jepsen Subdivision, all in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; 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; Sedivy Lane, that portion not in the City limits of Rapid City, located in the NE1/4 of Section 8, T1N, R8E, BHM, Pennington County, South Dakota; NW1/4 less Lot H-1 as recorded in Book 9 Hwy of Plats – Page 54 and less Lot H-1 as recorded in Book 9 Hwy of Plats – Page 52 (Elk Vale Road right-of-way) in

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Section 16, T1N, R8E, BHM, Pennington County, South Dakota, T1N, R8E, BHM, Pennington County, South Dakota; NE1/4 and the N1/2SE1/4 including Lot H-2 of the NE1/4SE1/4 and less lot H1 of NE1/4SE1/4 otherwise known as Elk Vale Road right-of-way, all in Section 17, T1N, R8E, BHM, Pennington County, South Dakota; and, That portion of the Section line highway known as South Valley Drive lying within 33 feet each side of the north-south line between Section 9 and Section 8 and between the Northwest quarter of Section 16 and the Northeast quarter of Section 17, and the north 550 feet of the 33 feet section line highway on the east boundary of the NE1/4SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota.

LOCATION North and south of S.D. Highway 44 and east and west of South Valley Drive

EXISTING ZONING General Commercial District - Limited Agriculture District-Suburban Residential District (Pennington County)

SURROUNDING ZONING

North: General Commercial District – General Agriculture District – No Use District

South: General Agriculture District – Office Commercial District (Planned Commercial Development) – Low Density Residential II District (Planned Residential Development)

East: Office Commercial District (Planned Commercial Development) – General Agriculture District – Light Industrial District (Planned Industrial Development)

West: Light Industrial District – Heavy Industrial District – General Agriculture District – General Commercial District - General Commercial District (Planned Commercial Development)

PUBLIC UTILITIES Rapid Valley Sanitary District

DATE OF APPLICATION 7/25/2008

REVIEWED BY Karen Bulman / Ted Johnson

RECOMMENDATION: The Annexation Committee recommends that the property listed in the attached Resolution of Annexation, an area of 262.73 acres more or less, be approved for annexation to the City of Rapid City for the following legal description:

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

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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 3, Lot 3M of Lot 3, Lot 3N of Lot 3, Lot 3P of Lot 3, Lot 3Q of Lot 3, Lot 3R of Lot 3, 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;

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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;

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; and,

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

GENERAL COMMENTS: (Update, November 10, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. The Annexation Subcommittee recommends that the annexation be approved for the legal description as noted above. This request has been made by the City of Rapid City for a City-initiated annexation as allowed under South Dakota Codified Law (SDCL) 9-4. The annexation territory is located north and south of S.D. Highway 44 and east and west of South Valley Drive. The "South Valley Drive Area Annexation Study" provides extensive information regarding this annexation request. The Resolution of Intent to Annex South Valley Drive Area was approved by the City Council on September 2, 2008.

STAFF REVIEW: As discussed in the enclosed Annexation Study, Staff has performed an extensive review of this proposed annexation. As of this writing, there have been no amendments to the content of the resolution relative to the services to be provided.

The Pennington County Commissioners did not approve the annexation of the unplatted lands into the City limits at their public meeting on October 21, 2008. State Statute requires the County Commission's approval of the involuntary annexation of all unplatted properties. As such, the annexation area has been reduced from 897.47 acres to 262.73 acres. Since the unplatted lands are not included in the Resolution of Annexation, portions of South Valley Drive cannot be annexed. To have continuity of services for snow plowing and road repair, South Valley Drive has been excluded from the Resolution of Annexation. Platted

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and dedicated public streets that will be maintained by the City included in the annexation are: Blanche Drive, Garden Lane in Section 8, Melody Lane, Eden Lane, Orchard Lane, Long Acre Drive, Beechwood Lane, Olive Lane, Pecan Lane, Sedivy Lane, E. St. Francis Street, E. St. Patrick Street, School Drive, Lancer Drive and S. D. Highway 44. Streets that have been platted but do not appear to have been dedicated as public right-of-way include: Scott Street, Cactus Drive, Sherman Drive, Garden Lane in Section 9, and E. Fairmont Boulevard. Additionally, Fire and Street Department costs have been reduced from those identified in the Resolution of Intent to Annex as a result of the reduction in land area. These changes are reflected in the Resolution of Annexation.

The City has adopted an Annexation Policy to ensure the continued orderly growth of the City and the equitable development of our infrastructure.

Rapid City's Annexation Policy Document states:

1. When an area contiguous with and adjacent to a given city is developed to such an extent that the area requires urban services, that area should be considered for annexation by the city.
2. Areas which share a community of interest and an economic interrelationship with a city should be considered for annexation. Residential areas which are designated as "bedroom communities" by the Bureau of the Census, that is, unincorporated communities the residents of which are heavily dependent upon a city's proximity for their livelihoods, should be considered for annexation.
3. County government is not designed to coordinate municipal powers.
4. All taxpayers in a county, including those within city limits and those who live in the rural areas of the county, must bear the cost of the services which the county provides to urbanized and urbanizing areas. This results in an unfair tax burden being placed both on the residents of the city and on the rural residents of the County.
5. The residents of Rapid City have a previous investment in facilities such as the water treatment plant and the wastewater treatment plant which will not be assessed to the residents of areas which are annexed. This tax inequity is further intensified by the fact that the residents of the urbanized areas are likely to avail themselves of facilities which are supported by taxes paid solely by the residents of the city, such as airports, civic centers, and recreational facilities. The alleviation of this tax inequity is a fair and proper consideration which must be taken into account in an annexation request.

Services are more adequately and efficiently provided to a cohesive service area rather than a scattered service area. As stated, when citizens of the City are bearing the costs of services to developing areas, such as the airport, civic center, and recreational facilities used by residents of developed areas not located within the City limits, it sets up an unfair tax burden. The annexation of the area will preserve an equitable tax base.

The annexation area is presently located in the Rapid Valley Fire Protection District. Under SDCL 31-31A-35, a municipality is obligated to compensate Rural Fire Districts when annexations diminish their tax base. The Rapid Valley Fire Protection District has indicated that there are no outstanding capital improvements requiring reimbursement.

The Annexation Committee has recommended that the Resolution of Annexation be

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approved based on conformance with the goals established by the City for annexing land, as well as all provisions of State Statute.

Notification Requirement: City staff is mailing new legal notification letters to the affected property owners as required notifying them of the change in hearing date.