

STAFF REPORT

December 4, 2003

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**No. 03AN011 - Petition for Annexation**

**ITEM 12**

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GENERAL INFORMATION:

PETITIONER

FMG, Inc. for Bill Freytag

REQUEST

**No. 03AN011 - Petition for Annexation**

EXISTING

LEGAL DESCRIPTION

A tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet , more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM: Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning

PARCEL ACREAGE

Approximately 5.326 acres

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LOCATION	Located along Nicole Street
EXISTING ZONING	Limited Agriculture District (County)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Mobile Home Residential District
East:	Mobile Home Residential District
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	09/26/2003
REPORT BY	Karen Bulman

**RECOMMENDATION:** Staff recommends that the Petition for Annexation be **continued to the December 18, 2003 Planning Commission meeting to allow the annexation to be considered in conjunction with a Layout, Preliminary and Final Plat and Subdivision Variance.**

**GENERAL COMMENTS:** This staff report has been revised as of November 21, 2003. All revised and/or added text is shown in bold print. This application was continued at the October 23, 2003 Planning Commission meeting at the applicant's request to allow the annexation to be considered in conjunction with a Layout, Preliminary and Final Plat (03PL099) and a Subdivision Variance (03SV040). Both of these applications are being continued to the December 18, 2003 Planning Commission meeting. The process for annexation by petition is provided for under Section 9-4-1 SDCL. This statute 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. The petition appears to meet all requirements for consideration under the provisions for a voluntary annexation.

This undeveloped property contains approximately 5.326 acres and is located along Nicole Street, west of Haines Avenue and north and west of Mall Ridge. The property adjacent to the subject property was annexed into the City in 2001. The approval of the annexation will place a No Use Zoning District designation on this property. The property owner plans to build residential structures, including townhomes, on this property and has submitted a request to rezone the property from No Use District to Low Density Residential II District (03RZ043).

**STAFF REVIEW:** The subject property is adjacent to the Rapid City limits and is currently zoned Limited Agriculture District by Pennington County. The properties to the north and west are zoned Limited Agriculture District by Pennington County. The properties to the

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south and east of the subject property are zoned Mobile Home Residential District.

The annexation area is presently located in the North Haines Fire Protection District. Under SDCL 34-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The North Haines Fire District has been contacted to determine any costs that may need to be reimbursed. To date the North Haines Fire District has not submitted a dollar amount. Annexation will be contingent on any payment due to the North Haines Fire District.

The process for annexation by petition, provided for under Section 9-4-1 SDCL 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. As such, this area has been identified as appropriate for annexation.

**Staff is recommending that the annexation be continued to the December 18, 2003 Planning Commission meeting at the applicant's request.**