

STAFF REPORT

December 6, 2001

No. 01AN019 - Petition for Annexation

ITEM 2

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 01AN019 - Petition for Annexation
LEGAL DESCRIPTION	That portion of the S.D. Highway 44 right-of-way lying south of Lots H1 in Lots A and B of the Johnson School Subdivision located in the NE1/4 NW1/4 Section 9, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .62 Acres
LOCATION	S.D. Highway 44 right-of-way between School Drive and Twilight Drive
EXISTING ZONING	R.O.W.
SURROUNDING ZONING	
North:	Light Industrial (PDD)
South:	Suburban Residential District (County)
East:	R.O.W.
West:	R.O.W.
PUBLIC UTILITIES	N/A
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved.

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. The petition appears to meet all requirements for consideration under the provisions for a voluntary annexation of the State right-of-way.

This area, at the intersection of S.D. Highway 44 and Twilight Drive, was recently annexed on September 4, 2001. In the legal description, a portion of S.D. Highway 44 was omitted. Therefore, a letter was sent to the South Dakota Department of Transportation requesting that they consider signing a petition for voluntary annexation of this portion of SD Highway 44. This petition for annexation, submitted by the South Dakota Department of Transportation, encompasses that part of the highway omitted from the previous annexation.

STAFF REVIEW: In reviewing City limit boundaries, Staff has identified this right-of-way, contiguous to the City limits, which has not been included in previous area annexations. The process for annexation by petition, provided for under Section 9-4-1 SDCL states that

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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.

The annexation area is presently 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.

Staff received no adverse comments regarding the requested annexation and believes that the annexation of this property would provide more cohesive municipal boundaries.