

STAFF REPORT

March 7, 2002

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**No. 02AN003 - Petition for Annexation**

**ITEM 3**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 02AN003 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	The 80 foot wide vacated Brave Heart Street right-of-way on the southern boundary of Lot 1 and Lot 2 of Deblen Subdivision and the northern boundary of Block 1 and 4 as shown on the plat of Block 1 and 4 of Lot 2 of NW1/4 NW1/4 and of Lot 3 of SW1/4 NW1/4 and Blocks 2 and 3 of Lot 3 of SW1/4 NW1/4, Section 17, T1N, R8E, and the 80 foot wide vacated Red Cloud street right-of-way lying within Lot A and B of Tract 2 of Kormylo Subdivision and Block 1 and 2 as shown on the plat of Blocks 1 and 4 of Lot 2 of NW1/4 NW1/4 and Lot 3 of SW1/4 NW1/4 and Blocks 2 and 3 of Lot 3 of SW1/4 NW1/4 Section 17, T1N, R8E, all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 32.1217 acres
LOCATION	East of SD Highway 79, south of Fairmont Boulevard and north of Minnesota Street
EXISTING ZONING	Heavy Industrial District
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	Heavy Industrial District
East:	Heavy Industrial District/Railroad Right-of-Way
West:	Heavy Industrial District/Right-of-Way
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	02/08/2002
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

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to be annexed. The petition appears to meet all requirements for consideration under the provisions for a voluntary annexation.

The properties surrounding these vacated rights-of-way were annexed into the City in November 1956 by legal description. The rights-of-way in that annexation were not included in the legal description and thereby not annexed. After the annexation, Red Cloud Street was vacated in July 1957 and Brave Heart was vacated in July 1986. The properties were returned to the adjoining property owners. A letter was sent to the property owners surrounding the two vacated rights-of-way requesting that they consider signing a petition for voluntary annexation. This petition for annexation, submitted by the property owners, encompasses the vacated Brave Heart Street and Red Cloud Street rights-of-way.

STAFF REVIEW: In reviewing the City limit boundaries, Staff identified the two vacated street rights-of-way, which were not included in previous area annexations. The rights-of-way are surrounded by City limits on four sides. The fact that the rights-of-way were not included in the legal description appears to be an oversight from the previous annexation. As the area is wholly surrounded by the City limits and has been assumed to be part of the City, it would appear to be appropriate to proceed with this annexation.

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