

STAFF REPORT

April 4, 2002

No. 02AN004 - Petition for Annexation

ITEM 2

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 02AN004 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	Government Lot 1 (aka NE1/4 NE1/4); Government Lot 2 (aka NW1/4 NE1/4); the S1/2 of Government Lots 3 and 4 (aka S1/2 N1/2 NW1/4); SW1/4 NE1/4, SW1/4 NW1/4, all located in Section 3, T1N, R8E, BHM, Pennington County, South Dakota, and the SE1/4 NW1/4 less Lot 1 Block 13 of Big Sky Subdivision and less Lot 1 Block 14 of Big Sky Subdivision and less the adjacent platted Degeest Street R.O.W., all located in Section 3, T1N, R8E, BHM, Pennington County, South Dakota, and the SW1/4 SE1/4, Section 34, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 280 acres
LOCATION	East of Elk Vale Road and north of Degeest Street
EXISTING ZONING	Limited Agriculture and Suburban Residential by Pennington County
SURROUNDING ZONING	
North:	Limited Agriculture, General Agriculture (County)
South:	Limited Agriculture, Suburban Residential (County)
East:	General Agriculture, Limited Agriculture, Suburban Residential (County)
West:	General Commercial District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	03/08/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the property listed in the attached Petition for Annexation, an area of 280 acres, more or less, be approved for annexation contingent on payment of the necessary reimbursement to the Rapid Valley Fire District.

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

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of the registered voters and by owners of no less than three-fourths of the value of the area to be annexed. The original petition submitted by the applicant did not include the necessary signatures; however, on March 27, 2002 provided a revised petition that appears to meet all requirements for consideration under the provisions for a voluntary annexation. (Staff is continuing to review the petition to insure compliance with the requirements of State statute. If any inconsistencies are identified, Staff will notify the Planning Commission at the meeting on April 4, 2002). This property is located east of Elk Vale Road and north of Degeest Street.

STAFF REVIEW: This property is located east of Elk Vale Road adjacent to the City limits. The property is currently zoned Limited Agriculture and Suburban Residential by Pennington County. West of the subject property the land is located in a General Commercial Zoning District. The land is currently undeveloped; however residential homes, a church, and a school are proposed to be located on the subject property. Within the boundaries of the proposed annexation is a pair of radio towers and supporting equipment.

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 annexation diminishes their tax base. Lowell Heinrich, President of the Rapid Valley Volunteer Fire District, has indicated that there is an outstanding capital improvement loan requiring reimbursement. Staff has contacted the Rapid Valley Fire District for a determination of the necessary reimbursement and will provide that information to the Planning Commission as soon as it is available.

Staff has excluded the west section line right-of-way of Section 3 from this annexation. Pennington County Highway Department Staff have agreed to provide continuous maintenance of this right-of-way. When annexation of areas east and south of the proposed annexation takes place, this right-of-way will then be discussed again for annexation. In approving the annexation, the City Engineering Department is not approving the street designs or layouts as proposed.

Staff has not received any adverse comments regarding the requested annexation and as such finds this area appropriate for annexation.