

STAFF REPORT

August 22, 2002

No. 02AN006 - Petition for Annexation

ITEM 2

GENERAL INFORMATION:

PETITIONER	John Nooney for Rodney and Norman McKie/Williston Basin Interstate Pipeline
REQUEST	No. 02AN006 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	Annexation of Parcel 4A, 4B, and 4C on the "Plat showing; Tracts 4-B & 4-C, of Parcel #4; and Tracts 4-A, C and D; of the SE1/4 NW1/4 of Scetion 25, T2N, R7E, BHM, Pennington County, South Dakota", as shown in Plat Book 10 Page 21; and Parcel No. 5 as shown on the "Plat for Montana-Dakota Utilities Co., a coproration with principal offices at 831 Second Avenue South, Minneapolis 2, Minnesota, showing lands in Sections 25 and 26 of T2N, R7E, BHM, Pennington County, South Dakota, acquired by Warranty Deed from Oldfield and Butterfield, Grantors, of Rapid City, South Dakota", dated January 5, 1959; and Parcel No. 8 found in Right-of-Way Book 7 Page 173, dated January 26, 1959, described as "A tract or strip of land in the North Half of the North-west Quarter (N1/2 NW1/4) of Section 25, T2N, R7E, BHM in Pennington County, South Dakota; said strip of land being Fifty (50) feet wide, Twenty Five (25) feet on each side of the following described center-line, with both sides of the strip terminating at the South boundary of the NW1/4 NW1/4 of said Section 25: Beginning at the North Quarter corner of said Section 25, thence South along the quarter line a distance of 886.5 feet to the TRUE POINT OF BEGINNING, thence South 76 degrees 15 feet West a distance of 1846.9 feet to the East-West one-sixteenth line at a point 1794 feet West of the North-South one-quarter line.
PARCEL ACREAGE	Approximately 3.585 acres
LOCATION	North of US Interstate 90 and west of Haines Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District

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West:	General Commercial District
PUBLIC UTILITIES	NA
DATE OF APPLICATION	07/26/2002
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 to be annexed. The petition appears to meet all requirements for consideration under the provisions for a voluntary annexation.

The properties surrounding the subject property were annexed into the City on September 18, 1967 by legal description. The subject property in that annexation was not included in the legal description and thereby not annexed.

A possible Tax Increment District to extend Disc Drive is under consideration. The subject property would be included in the boundaries of the proposed district. A Tax Increment District can only be applied to lands within the corporate limits of Rapid City.

STAFF REVIEW: In reviewing the City limit boundaries, Staff identified the subject property, which was not included in previous area annexations. The subject property is surrounded by City limits on four sides. The fact that the subject property was 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.