

STAFF REPORT

September 5, 2002

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**No. 02AN009 - Petition for Annexation**

**ITEM 3**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 02AN009 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	The 50 foot E. St. Charles Street right-of-way lying north of Lots A, C, & D of Tract A of SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the 50 foot E. St. Charles Street right-of-way lying north of Lots E and F of Tract A, Schlottman Addition of SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the 50 foot E. St. Charles Street right-of-way lying north of Lots G and H of Tract A, Schlottman Addition of SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, the 66 foot E. St. Andrew Street right-of-way lying north of Lot O Revised of Tract A of Schlottman Addition, the 66 foot E. St. Andrew Street right-of-way lying north of Lots P, Q, R, and T of Tract A of Schlottman Addition, the 66 foot E. St. Andrew Street right-of-way lying north of Lots 1 and 2 of Lot S of Tract A of Schlottman Addition, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the east half of Sedivy Lane lying in the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and adjacent to Lot 4 in the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.
PARCEL ACREAGE	Approximately 5.3946 acres
LOCATION	North of E. St. Patrick Street and south of SD Highway 44
EXISTING ZONING	No Use District / Right-of-Way
SURROUNDING ZONING	
North:	Light Industrial District/ General Commercial District/Right-of-Way
South:	Light Industrial District/General Commercial District
East:	Heavy Industrial District / Right-of-Way
West:	Light Industrial District

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PUBLIC UTILITIES	N/A
DATE OF APPLICATION	08/06/2002
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 in 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 these rights-of-way were annexed by legal description into the City from the year 1977 through 1996. The rights-of-way in those annexations were not included in the legal description and thereby not annexed. A letter was sent to the Pennington County Commissioners requesting that they consider signing a petition for voluntary annexation. This petition for annexation has been submitted by the Pennington County Commissioners and encompasses portions of the Sedivy Lane, E. St. Charles Street and E. St. Andrew Street rights-of-way.

STAFF REVIEW: In reviewing the City limit boundaries, Staff identified the three small pieces of street rights-of-way, which were not included in previous annexations. These rights-of-way are surrounded by City limits on four sides. The fact that the rights-of-way were not included in the legal descriptions appears to be oversights from the previous annexations. 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 proposed annexation and believes that the annexation of this property would provide more cohesive municipal boundaries. Staff is of the opinion that the annexation conforms to the goals established by the City for annexing land, as well as all provisions of State Statute, and is recommending that the annexation be approved.