

STAFF REPORT

December 19, 2002

No. 02AN011 - Petition for Annexation

ITEM 2

GENERAL INFORMATION:

PETITIONER	Black Hills Corporation
REQUEST	No. 02AN011 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	That portion of the NW1/4 SW1/4 lying south of highway right-of-way less Lot H1 and the SW1/4 SW1/4 less right-of-way, all located in Section 24, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 47.04 acres
LOCATION	South of Catron Boulevard, east of SD Highway 16 and west of SD Highway 79
EXISTING ZONING	General Agriculture District (County)/Limited Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	Highway Service (County)/Suburban Residential District (County)
West:	General Agriculture District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	11/21/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the petition for annexation be approved contingent on payment of any debt to the Whispering Pines Volunteer Fire District.

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.

STAFF REVIEW: This property is located south of Catron Boulevard, east of Highway 16 and west of SD Highway 79. The property is currently zoned General Agriculture District and Limited Agriculture District by Pennington County. East of the subject property the land is zoned Suburban Residential District and Highway Service District by Pennington County.

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Land located south of the subject property is zoned General Agriculture District by Pennington County. Lands north and west of the subject property are located in General Agriculture Zoning Districts. The north and west properties adjacent to the subject property were annexed into the City in 1993 and 1997 respectfully. An electric substation is located on the property. The balance of the property is undeveloped.

The annexation area is presently located in the Whispering Pines Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. Staff has contacted the Whispering Pines Fire District for a determination of any necessary reimbursement. Don Springhetti, Fire Chief for the Whispering Pines Volunteer Fire District, has stated that they are in the process of obtaining a capital improvement loan, but have not determined any costs that may need to be reimbursed. This information has been submitted to the City Attorney's Office for review and approval.

Staff received no adverse comments regarding the proposed annexation. 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. Staff is recommending approval of this annexation contingent on any payment that may be due to the Whispering Pines Fire District.