

STAFF REPORT

January 9, 2003

No. 02AN010 - Petition for Annexation

ITEM 2

GENERAL INFORMATION:

PETITIONER	City of Rapid City and the South Dakota Department of Transportation
REQUEST	No. 02AN010 - Petition for Annexation
EXISTING LEGAL DESCRIPTION	The balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Orchard Lane in the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 109.85 acres
LOCATION	South of SD Highway 44 East and South Valley Drive
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	General Agriculture District/Light Industrial District with Planned Development (City)
South:	General Agriculture District (city)/Limited Agriculture District (County)
East:	General Agriculture District/General Commercial District (City)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	08/09/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends the annexation of the above described property be **denied without prejudice and authorize Staff to proceed with an involuntary annexation.**

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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 owner's signatures are on the petition; however, the signatures of the registered voters have not yet been obtained. **It does not appear that the signatures for a voluntary annexation will be obtained, therefore the staff is requesting the authorization to proceed with an involuntary annexation.**

STAFF REVIEW: This property is located south of S.D. Highway 44 East and South Valley Drive. The property is currently zoned Suburban Residential District by Pennington County. West of the subject property the land is zoned Suburban Residential Zoning District by Pennington County. Land east of the subject property is located in General Commercial and General Agriculture Zoning Districts. Land north of the subject property is located in General Agriculture Zoning District and Light Industrial with a Planned Light Industrial Development Zoning District. Land south of the subject property is zoned General Agriculture Zoning district in the City and Limited Agriculture Zoning District by Pennington County. The annexation area includes several rights-of-way and the City's property, which includes a life estate residence and undeveloped property. The Southeast Connector is located within the annexation area.

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. The Rapid Valley Fire District has determined the dollar amount due is approximately \$553.55. Payment will be made following City Council approval.

As noted above, the signatures have not been obtained for a voluntary annexation. Therefore, Staff is recommending this item be denied without prejudice and authorize staff to proceed with an involuntary annexation.