

STAFF REPORT

March 6, 2003

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**No. 03AN002 - Petition for Annexation**

**ITEM 2**

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GENERAL INFORMATION:

PETITIONER	Dakota, Minnesota and Eastern Railroad Corporation
REQUEST	<b>No. 03AN002 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	Lot H7 in the SW1/4 of Section 27, T2N, R8E, BHM and Lot H1 in Tract B in the NE1/4 SW1/4 of Section 27, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.97 acres
LOCATION	South of Interstate 90 and Exit 61
EXISTING ZONING	Railroad Right-of-Way
SURROUNDING ZONING	
North:	General Commercial District (City)/Heavy Industrial District (County)/Box Elder
South:	No Use District
East:	Railroad Right-of-Way
West:	Railroad Right-of-Way
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	02/26/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved contingent on any payment that may be due to the Box Elder Fire District being made by the City of Rapid City upon annexation.

GENERAL COMMENTS: The process for annexation by petition is provided for under Section 9-4-1 SDCL. This statute 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.

Properties surrounding this railroad right-of-way were annexed into the City in 1986, 1997, and just recently, February 6, 2003. This property is located east of Elk Vale Road and south of Interstate 90 and Exit 61.

STAFF REVIEW: The south, west and northwest boundaries of the subject property are adjacent to the Rapid City limits. The property to the north is zoned General Commercial in

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Rapid City, Heavy Industrial District by Pennington County, and is adjacent to a portion of the Box Elder City limits. The property to the west of the subject property is a continuation of the railroad right-of-way and is located within the Rapid City limit boundaries. The property to the east of the subject property is a continuation of the railroad right-of-way and is located within Box Elder's City limits. The property south of the subject property was recently annexed into Rapid City and is in a No Use District.

The annexation area is presently located in the Box Elder Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. Box Elder Fire District has indicated that there is an outstanding capital improvement loan but have not determined any costs that may need to be reimbursed.

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 believes that the annexation of this property would provide more cohesive municipal boundaries. Staff is recommending approval of this annexation contingent on any payment that may be due to the Box Elder Fire District being made by the City of Rapid City upon annexation.