

STAFF REPORT
July 22, 2004

No. 04AN007 - Petition for Annexation

ITEM 2

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Leigh Tange and James Adams c/o Nemo Road Properties
REQUEST EXISTING LEGAL DESCRIPTION	No. 04AN007 - Petition for Annexation the south 33 feet of the SW1/4 SE1/4 and the south 33 feet of the W1/2 SE1/4 SE1/4, Section 21, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.5 acres
LOCATION	North of I-90 and west of Elk Vale Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Light Industrial District
East:	No Use District
West:	General Agriculture District (County)
PUBLIC UTILITIES	NA
DATE OF APPLICATION	05/30/2004
REVIEWED BY	Karen Bulman / Sig Zvejnieks

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved contingent on any payment due to the North Haines Fire District being paid.

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. This petition appears to meet all requirements for consideration under the provisions for a voluntary annexation.

In addition to the Petition to Annex the subject property, the applicant has submitted a Vacation of Right-of-Way (04VR004) to vacate the section line right-of-way.

STAFF REVIEW: This undeveloped property is a portion of the section line right-of-way located north of I-90 and west of Elk Vale Road. This annexation area is a portion of the right-of-way requested to be vacated in the Vacation of Right-of-Way application. The property is currently zoned General Agriculture District by Pennington County. Land located south of the subject property is zoned Light Industrial District. Land located east of the

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subject property is zoned No Use District. Land located north and west of the subject property is zoned General Agriculture District by Pennington County.

The annexation area is presently located in the North Haines Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The North Haines Fire District has been contacted to determine any costs that may need to be reimbursed. As of this writing, the North Haines Fire District has not indicated that any reimbursement is due. Annexation will be contingent on any payment due to the North Haines Fire District being paid by the City of Rapid City.

Staff has not received any adverse comments regarding the requested annexation and as such finds this area appropriate for annexation. Staff is recommending that the annexation be approved contingent on any payment due to the North Haines Fire District being paid.