

STAFF REPORT  
September 8, 2005

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**No. 05AN010 - Petition for Annexation**

**ITEM 8**

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GENERAL INFORMATION:

PETITIONER	Stephen and Elizabeth McCarthy
REQUEST	<b>No. 05AN010 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	Lot 1, Tract K-1, Canyon Park Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.363 acres
LOCATION	5740 West Highway 44
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Flood Hazard District
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Canyon Sanitary District
DATE OF APPLICATION	8/4/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved contingent on any payment due to the Johnson Siding Fire Protection District being paid by the City of Rapid City.

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.

STAFF REVIEW: This undeveloped property contains approximately 2.363 acres and is located west of Magic Canyon Road and west of W. Highway 44. The property is currently in the process of annexation and is zoned No Use District upon annexation into the City limits. Land located north, south and west of the subject property is zoned Suburban Residential District by Pennington County. Land located east of the subject property is zoned Flood Hazard District.

The annexation area is located in the Johnson Siding Fire Protection District. Under SDCL 31-31A-35, a municipality is obligated to compensate Rural Fire Districts when annexation

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diminishes their tax base. The Johnson Siding Fire Protection District has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on payment due to the Johnson Siding Fire Protection District being paid by the City of Rapid City.

Staff recommends that the Petition for Annexation be approved contingent on any payment due to the Johnson Siding Fire Protection District being paid by the City of Rapid City.

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