

STAFF REPORT  
November 23, 2005

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**No. 05AN014 - Petition for Annexation**

**ITEM 6**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 05AN014 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	The NE1/4 SE1/4 of Section 29, T1N, R7E, BHM being more particularly described as follows: Beginning at the East ¼ corner of said Section 29 being the true point of beginning; thence S00°18'07"E 38.41 feet; thence N89°59'26"W 704.61 feet; thence along a curve to the left having a radius of 462.00 feet, a central angle of 34°54'46" and a arc distance of 281.52 feet and a chord bearing and distance of S72°33'11" W 277.18 feet; thence along a curve to the right having a radius of 338.00 feet, a central angle of 23°20'37" 137.71 and arc distance of 137.71 and a chord bearing and distance of S66°46'06"W 136.76 feet; thence S78°26'24"W 227.39 feet; thence N00°18'05"W 220.36 feet to the center east 1/16 corner; thence N89°58'35"E 1318.44 feet; to the Point of Beginning; containing 2.47 acres more or less.
PARCEL ACREAGE	Approximately 35.66 acres
LOCATION	Adjacent to Portrush Road between Muirfield Drive and Dunsmore Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Planned Unit Development (Pennington County)
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	10/28/2005
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION:

Staff recommends that the Petition for Annexation be approved contingent on any payment due to the Whispering Pines 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

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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 this application for a Petition for Annexation (05AN014), the applicant has submitted a request for a Rezoning from No Use District to Low Density Residential District (05RZ058).

STAFF REVIEW: This undeveloped property contains approximately 35.66 acres and is located adjacent to Portrush Road between Muirfield Drive and Dunsmore Road. The property owner has submitted a request for voluntary annexation. The property will be zoned No Use District upon annexation into the City limits. Land located north, east and west of the subject property is zoned Low Density Residential District. Land located south of the subject property is zoned Planned Unit Development District by Pennington County. The applicant has applied to rezone the subject property from No Use District to Low Density Residential District (05RZ058) in conjunction with the Petition for Annexation.

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. The Whispering Pines Fire Protection District has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on any payment due to the Whispering Pines 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 Whispering Pines Fire Protection District being paid by the City of Rapid City.