

STAFF REPORT  
November 18, 2010

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**No. 10AN004 - Petition for Annexation**

**ITEM 2**

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GENERAL INFORMATION:

APPLICANT Kelly Flannery

AGENT D.C. Scott Co. Land Surveyors

PROPERTY OWNER Ripple G, LLC

REQUEST **No. 10AN004 - Petition for Annexation**

EXISTING  
LEGAL DESCRIPTION

A parcel of land located in Lot 1 of the SE1/4 SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, said 1.72 acre of land being situated in the northwest corner of and adjoining the west boundary of said Lot 1 and adjoining the south right-of-way line of Sheridan Lake Road, a public road, and being more particularly described by metes and bound as follows: Commencing, for location purposes only at an iron rod with cap marked "FISK 1771" found for corner on the west sixteenth-section line of said SE1/4 SE1/4 of Section 29 at its intersection with the eastern right-of-way line of Croyle Avenue, a 66-foot wide public road, said corner also marking the intersection of the east boundary of Lot A of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of Lot B of Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along said sixteenth-section line, running within the right-of-way of Croyle Avenue, a distance of 390.92 feet to the Point of Beginning of the herein described tract, said Point of Beginning being located at another intersection with the eastern right-of-way line of Croyle Avenue and also being at the intersection of the east boundary of Lot B of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along the west sixteenth-section line and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29, a distance of 199.93 feet to a point for corner on the southern right-of-way line of Sheridan Lake Road, from which a surveyor's monument marking the northeast corner of Lot 23 of Block 12 of Countryside Subdivision on the west line of Lot 1 of Block 5 of Red Rock Estates bears N00°03'49"W a distance of 237.70 feet; Thence, N69°25'25"E, along the southern right-of-way line of Sheridan Lake Road, running parallel to and 33 feet from the centerline of said

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Sheridan Lake Road, a distance of 217.80 feet to a point of curvature; Thence, continuing along the southern right-of-way line of Sheridan Lake Road in a curve to the right having a central angle of 01°37'22", a radius of 1399.39 feet, and an arc length of 39.64 feet to a point for corner; Thence, S09°15'00"E, a distance of 246.84 feet to a point for corner; Thence, N87°30'00"E, a distance of 55.33 feet to a point for corner; Thence, S02°30'00"E, a distance of 61.00 feet to a point for corner; Thence, S87°30'00"W, a distance of 335.55 feet to a point for corner on the eastern right-of-way line of said Croyle Avenue; Thence, N07°07'11"W, along the eastern right-of-way line of Croyle Avenue, a distance of 27.13 feet to the Point of Beginning

PARCEL ACREAGE	Approximately 1.72 acres
LOCATION	7887 Sheridan Lake Road
EXISTING ZONING	Highway Service District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District
South:	Suburban Residential District (Pennington County)
East:	Highway Service District (Pennington County)
West:	Highway Service District (Pennington County)
PUBLIC UTILITIES	Colonial Pine Hills Sanitary District/Septic sewer system
DATE OF APPLICATION	10/22/2010
REVIEWED BY	Karen Bulman / Mary Bosworth

**RECOMMENDATION:**

Staff recommends that the Petition for Annexation be approved contingent on any payment due to the Whispering Pines Fire Protection District being made 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 property contains approximately 1.72 acres and is located at 7887 Sheridan Lake Road. A restaurant and a residence are currently located on the property. A Layout Plat (10PL062) has been submitted to subdivide a previously platted 27 acre parcel, creating two lots for the restaurant and residence, totalling 1.72 acres, and leaving a non-

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trasferable balance. In 1983, the City Council approved a resolution requiring that all properties being platted and contiguous to Rapid City, be annexed into the City limits of Rapid City prior to Preliminary Plat approval. The adjacent property to the north is within the City limits.

The property is zoned Highway Service District by Pennington County and will be zoned No Use District upon annexation into the City limits. Land located north of the property is zoned General Agriculture District. Land located south of the property is zoned Suburban Residential District by Pennington County. Land located east and west of the property is zoned Highway Service District by Pennington County. The City's Future Land Use Plan identifies the property as appropriate for General Commercial land use with a Planned Commercial Development and with a landscape buffer. Access to this property is from Sheridan Lake Road, a principal arterial street on the City's Major Street Plan. The property is served by the Colonial Pines Sanitary District and an on-site septic system.

The proposed annexation area is presently located in the Whispering Pines Fire Protection District. Under SDCL 34-31A-35, a municipality is obligated to compensate Fire Districts when annexation diminishes their tax base. The Whispering Pines Fire District has been contacted to determine any costs that may need to be reimbursed. Annexation will be contingent on payment due to the Whispering Pines Fire District being made 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.