

STAFF REPORT  
April 26, 2012

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**No. 12AN001 - Petition for Annexation**

**ITEM 2**

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GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Pennington County
REQUEST	<b>No. 12AN001 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	The west 33 feet of Section Line Right-of-way within the S1/2 NE1/4 and SE1/4 less Lots A, B, C, and D in the S1/2 SE1/4 and less dedicated right-of-way, all located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.6 acres
LOCATION	Dyess Avenue right-of-way located north of Seger Drive and south of Country Road
EXISTING ZONING	Right-of-Way
FUTURE LAND USE DESIGNATION	Residential, Floodway, Industrial
SURROUNDING ZONING	
North:	Right-of-Way
South:	Right-of-Way
East:	Light Industrial District - Mobile Home Residential District
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	3/23/2012
REVIEWED BY	Karen Bulman

RECOMMENDATION:

Staff recommends that the Petition for Annexation be approved.

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. Rapid City is proposing to install a sewer line along this right-of-way and as such sent a letter requesting voluntary annexation to the Pennington County Commissioners. The petition for annexation has been submitted by Pennington

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STAFF REVIEW: This property contains approximately 2.60 acres and is located north of Seger Drive and south of Country Road. This property, a portion of Dyess Avenue, is the west 33 feet of a Section Line right-of-way. The east 33 feet of this right-of-way of Dyess Avenue is within City limits and was annexed to the center of the section line as part of a larger annexation of property in 2008. North and south of this property is the continuation of Dyess Avenue right-of-way.

The proposed annexation area is presently located in the North Elk Fire Protection District. Under SDCL 34-31A-35, a municipality is obligated to compensate Fire Districts when annexation diminishes their tax base. The property is right-of-way and not taxed; therefore, no reimbursement is due to the North Elk Fire Protection District.

Staff recommends that the Petition for Annexation be approved.