

STAFF REPORT

January 14, 2003

No. 03AN001 - Petition for Annexation

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc. for Tamara Pier
REQUEST	No. 03AN001 - Petition for Annexation
LEGAL DESCRIPTION	<p>A parcel of land located in part of the NE1/4 SW1/4 and S1/2 SW1/4 of Section 27, and all of the N1/2 NW1/4 of Section 34, all in T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as follows: Beginning at the center north 1/16 corner of said Section 34, a pin and cap stamped Arleth and Assoc., RLS 3977, this being the point of beginning; thence N89°52'24"W along the south line of said N1/2 NW1/4, 2526.27 feet to a point lying on the easterly right-of-way line of Elk Vale Road; thence N00°01'02"W along said easterly right-of-way line, 1501.22 feet to a point lying on the southerly railroad right-of-way line, said point is lying on a curve concave to the northwest and whose chord bears N71°31'11"E, 767.24 feet, thence northeasterly along said southerly railroad right-of-way line the following four courses; thence continuing along the arc of said curve to the left whose radius is 5829.58 feet and having a central angle of 07°32'46", an arc length of 767.79 feet to a point on said curve; thence N22°15'13"W, 50.00 feet to a point lying on a curve concave to the northwest and whose chord bears N60°03'38"E, 1545.97 feet, thence continuing along the arc of said curve to the left whose radius is 5779.58 feet and having a central angle of 15°22'19", an arc length of 1550.61 feet to a point of tangency; thence N52°22'28"E, 208.14 feet; thence departing said southerly railroad right-of-way line, S89°40'45"E, 319.90 feet; thence S00°14'20"W, 1374.57 feet to the northeast corner of said N1/2 NW1/4; thence S00°01'50"W along the easterly line of said N1/2 NW1/4, 1318.56 feet to the point of beginning; and, Lot H5 and Lot H6 in the SW1/4 of Section 27, T2N, R8E, BHM, Pennington County, South Dakota; and, Lot H9 in that part of the S1/2SW1/4 of Section 27 lying south of the relocation of the Chicago and Northwestern Transportation Company right-of-way in T2N, R8E, BHM, Pennington County, South Dakota; and, Lot H2 in the NW1/4NW1/4 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, Lot H2 in the SW1/4NW1/4 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, Lot H2 in the N1/2W1/2SW1/4 of Section 34, T2N, R8E, BHM,</p>

STAFF REPORT

January 14, 2003

No. 03AN001 - Petition for Annexation

Pennington County, South Dakota as recorded in Highway Book 9 page 125; and, Lot H3 in the S1/2SW1/4 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, Lot H-1 in the W1/2SW1/4 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, Lot H2 in the N1/2 of Government Lot 4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H-1 in the NW1/4NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota.

PARCEL ACREAGE	Approximately 130.728 acres
LOCATION	Along Elk Vale Road
EXISTING ZONING	Heavy Industrial District (County)
SURROUNDING ZONING	
North:	General Commercial District (City)/Heavy Industrial District (County)
South:	General Agriculture District (County)
East:	Box Elder
West:	General Commercial District/General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	12/20/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the petition for annexation be approved contingent on payment of any debt to the Box Elder Volunteer Fire District.

GENERAL COMMENTS: The process for annexation by petition is provided for in 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. The petition appears to meet all requirements for consideration under the provisions for a voluntary annexation.

STAFF REVIEW: This property is located south of Interstate 90 and the Dakota Minnesota Eastern Railroad and east of Elk Vale Road. The property is currently zoned Heavy Industrial District by Pennington County. West of the subject property the land is zoned General Commercial District and General Agriculture District. Land located south of the subject property is zoned General Agriculture District by Pennington County. Land north of the subject property is zoned General Commercial District in the City and Heavy Industrial District by Pennington County. The east side of the subject property is adjacent to Box Elder City limits. The property is currently undeveloped, but a Layout Plat is being

STAFF REPORT

January 14, 2003

No. 03AN001 - Petition for Annexation

processed for approval to develop this property. Staff has included H Lots adjacent to Elk Vale Road in this voluntary annexation to provide continuity to the City limits of Rapid City by including Elk Vale Road right-of-way and the possibility for future utility locations.

The annexation area is presently located in the Box Elder Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. Staff has contacted the Box Elder Volunteer Fire District for a determination of any necessary reimbursement. Barb Frerichs, the President of the Box Elder Volunteer Fire District has stated that they have a capital improvement loan, but have not, as of this writing, determined any costs that may need to be reimbursed.

Staff received no adverse comments regarding the proposed annexation. Staff is of the opinion that the annexation conforms to the goals established by the City for annexing land, as well as all provisions of State Statute. Staff is recommending approval of this annexation contingent on any payment that may be due to the Box Elder Volunteer Fire District.