

STAFF REPORT

December 18, 2003

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**No. 03AN012 - Petition for Annexation**

**ITEM 12**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 03AN012 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	The west 1321.62 feet of the sixty six foot wide section line highway lying between Sections 24 and 13, T2N, R7E, BHM; 2657.06 feet of the sixty six foot wide section line highway lying between Section 24 and 23, T2N, R7E, BHM; and the south 2644.24 feet of the sixty six foot wide section line highway lying between sections 14 and 13, T2N, R7E, BHM; located in Section 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.0 acres
LOCATION	Located north of US Interstate 90 and west of Haines Avenue
EXISTING ZONING	General Agriculture District(County)/Mobile Home District
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Public District/General Agriculture District (County)
East:	Mobile Home District/General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	11/21/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Petition for Annexation be approved with a revised legal description.

GENERAL COMMENTS: The process for annexation by petition is provided for under Section 9-4-1 SDCL. This statute 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

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under the provisions for a voluntary annexation.

This undeveloped property contains approximately eight acres and is located west of Haines Avenue and north and west of Mall Ridge. The property owner plans to vacate the rights-of-way and then relocate roads in conjunction with platting the property into a residential housing development. As such, the applicant is annexing the section line highway and has submitted a request to vacate the section line highway (03VR014).

STAFF REVIEW: The subject property is adjacent to the Rapid City limits and is currently zoned Mobile Home Residential District and General Agriculture District by Pennington County. The properties to the north and west are zoned General Agriculture District by Pennington County. The property to the east of the subject property is zoned Mobile Home Residential District and General Agriculture District by Pennington County. The property to the south of the subject property is zoned Public District and General Agriculture District by Pennington County.

The north/south section line between Section 13 and 14 and the east/west section line between Section 13 and 24 are identified as a collector street on the Major Street Plan. As such, any proposed relocation of the north/south section line will require the submission of a master plan to the west to ensure that adequate road connections are available. Subsequently, the applicant met with staff to review the submitted master plan. As a result of this meeting, the applicant is requesting that a portion of the north/south section line between Section 13 and 14 be removed from this annexation request. In addition, the legal description on the Petition of Annexation included portions of section line highway already located within the City limits of Rapid City and portions of section line highway that are part of another annexation application (03AN011). As such, upon approval by the City Council, the legal description should be modified to remove property as requested by the applicant and property already located within City limit boundaries. A revised legal description must be submitted prior to annexation by the City Council.

The annexation area is presently located in the North Haines Fire Protection District. Under SDCL 34-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. The North Haines Fire District has been contacted to determine any costs that may need to be reimbursed. The Fire District has plans to obtain a capital improvement loan in the future; however, currently they have no debt requiring reimbursement.

The process for annexation by petition, provided for under Section 9-4-1 SDCL 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. As such, this area has been identified as appropriate for annexation.

Staff is recommending that the annexation with the revised legal description be approved.