

STAFF REPORT

May 9, 2002

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**No. 02AN005 - Petition for Annexation**

**ITEM 3**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 02AN005 - Petition for Annexation</b>
EXISTING LEGAL DESCRIPTION	NW1/4 SW1/4; Lot A north of 1/16 line; Lot 1 of Tract D; Lot B of SW1/4 SW1/4 and Lot A of SE1/4 SW1/4; Tract D of W1/2 SW1/4 less BHP&L Substation Subdivision, less E Hoff Subdivision and less Lot H1 and Lot H1, Lot H2 and Lot H3 of W1/2 SW1/4, Lot H2 and Lot H3 of Lot C of W1/2 SW1/4, Lot H1 of Tract D of W1/2 SW1/4 less Lot 1 of BHPL Highway 79 Substation, Lot H1 in Lot E in the SW1/4 SW1/4, Lot H1 in Lot F in the SW1/4 SW1/4, Lot H1 in Lot B in the SW1/4 SW1/4, Lot H1 in Lot A in the SE1/4 SW1/4 Lot H5 of NW1/4 SW1/4, all located in Section 17, T1N, R8E, BHM, Pennington County, South Dakota and Lot H1 of E1/2 SE1/4, Section 18, T1N, R8E, BHM, Pennington County, South Dakota; All railroad rights-of-way, previously not annexed, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; and, all portions of property not annexed into the City of Rapid City lying west of the east boundary of the DM&E railroad right-of-way, including all rights-of-way, located in the SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 32.22 acres
LOCATION	East of SD Highway 79 and north of Folsom Road
EXISTING ZONING	Heavy Industrial (County) and Right-of-Way
SURROUNDING ZONING	
North:	Heavy Industrial/Light Industrial/General Commercial
South:	Light Industrial/Heavy Industrial/General Commercial/Heavy Industrial (County)
East:	Heavy Industrial/Light Industrial/General Commercial/General Agriculture
West:	Heavy Industrial/General Commercial
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	04/12/2002

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REPORT BY

Karen Bulman

**RECOMMENDATION:** Staff recommends approval of the annexation of That portion of the NW1/4 SW1/4, formerly known as Lots 8, 9, & 10 of Swander's Addition located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; That portion of Lot A a part of the SW1/4 of Section 17, T1N, R8E, BHM, lying in the NW1/4 of the SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1 of BHPL Hwy 79 Substation in Tract D in W1/2 of SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Lot B of SW1/4 SW1/4 and Lot A of SE1/4 SW1/4, Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Tract D of W1/2 SW1/4 less Lot 1 of BHPL Hwy 79 Substation in Tract D in W1/2 of SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota and less Lot 1A and Lot 1B of E. Hoff Subdivision of Section 17, T1N, R8E, BHM, Pennington County, South Dakota and less Lot H1 in Tract D of the W1/2 SW1/4 of Section 17 less Lot 1 of BHPL Hwy 79 Substation, T1N, R8E, BHM, Pennington County, South Dakota; Lot H1 and Lot H2 and Lot H3 of W1/2 SW1/4; Lot H2 and Lot H3 of Lot C of W1/2 SW1/4; Lot H1 of Tract D of W1/2 SW1/4 of Section 17 less Lot 1 of BHPL Hwy 79 Substation; Lot H1 in Lot E in the SW1/4 SW1/4; Lot H1 in Lot F in the SW1/4 SW1/4; Lot H1 in Lot B in the SW1/4 SW1/4; Lot H1 in Lot A in the SE1/4 SW1/4; Lot H5 of NW1/4 SW1/4; all located in Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Lot H1 of E1/2 SE1/4, Section 18, T1N, R8E, BHM, Pennington County, South Dakota; all railroad rights-of-way, not previously annexed, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; and all rights-of-way not previously annexed lying west of the east boundary of the DM&E railroad right-of-way located in the SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, an area of 32.2 acres, more or less, with the following stipulation:

1. That the payment of the necessary reimbursement to the Rapid Valley Fire District be made following City Council approval of the annexation.

**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 is located east of S.D. Highway 79 and north of Folsom Road. The property is currently zoned Heavy Industrial by Pennington County. West of the subject property the land is located in Heavy Industrial and General Commercial Zoning Districts. Land located east of the subject property is located in Heavy Industrial, Light Industrial, General Commercial, and General Agriculture Zoning Districts. Land north of the subject property is located in Heavy Industrial, Light Industrial, and General Commercial Zoning Districts. Land south of the subject property is located in Heavy Industrial, Light Industrial Zoning districts in the City and General Commercial and Heavy Industrial Zoning Districts by Pennington County. There is some heavy industrial development, some undeveloped property and several rights-of-way included in the annexation area.

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The annexation area is presently located in the Rapid Valley Fire Protection District. Under SDCL 31-31A-35 a municipality is obligated to compensate rural fire districts when annexation diminishes their tax base. Lowell Heinrich, President of the Rapid Valley Volunteer Fire District, has indicated that there is an outstanding capital improvement loan requiring reimbursement. Staff has contacted the Rapid Valley Fire District for a determination of the necessary reimbursement. They have indicated that \$278.00 is due to the Rapid Valley Fire District.

This annexation includes a northern portion of Folsom Road. The Pennington County Highway Department Staff has indicated that the County will continue to maintain Folsom Road until further annexation occurs.

Staff has not received any adverse comments regarding the requested annexation and as such finds this area appropriate for annexation.