

**Resolution 2018-023**

**RESOLUTION DECLARING INTENT TO EXTEND THE BOUNDARIES OF THE CITY OF  
RAPID CITY BY ANNEXING THE WITHIN DESCRIBED TERRITORY**

WHEREAS, the City Council of the City of Rapid City has conducted a study pursuant to SDCL 9-4-4.1 to determine the need for annexing the within described territory contiguous to the City of Rapid City and to determine and identify the territory, which study includes a document entitled "Prairie Acres South Mobile Home Park Annexation Study," filed in the office of the City Finance Officer; and,

WHEREAS, said study recommends that certain territory described therein, and legally described in this resolution, be annexed to and included within the boundaries of the City of Rapid City,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City of Rapid City hereby declares its intent to annex the following described territory:

The W1/2 of the E1/2 of the SE1/4 of the SW1/4 Less Tract 1 of Vetsch Subdivision; the E1/2 of the W1/2 of the SE1/4 of the SW1/4; all of the section line right-of-way and dedicated right-of-way lying north of Seger Drive including plat of Lot H1 and dedicated right of way in the W1/2 of the E1/2 of the SE1/4 of the SW1/4 less Tract 1 Vetch's Subdivision and the E1/2 of the W1/2 SE1/4 of the SW1/4; plat of Lot H1 in the E1/2 of the E1/2 of the SE1/4 of the SW1/4; plat of Lot H1 in the SE1/4 less lots A, B, C and D; all of the dedicated right-of-way in Lot D of the Golden Eagle Subdivision in the SW1/4 of the SE1/4; plat of Lot H1 in Lot B in the SW1/4 of the SE1/4; plat of Lot H1 in W400' of Lot A in the S1/2 of the SE1/4; and plat of Lot H2 in Lot A Less W400' in the S1/2 of the SE1/4, all located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota

BE IT FURTHER RESOLVED that the City Council of the City of Rapid City finds as follows:

1. That the territory to be annexed generally consists of 21 acres and includes unplatted lands in Section 20 of Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota. This area is more generally described as lying north of Seger Drive, east of 143 Avenue and west of Dyess Avenue.
2. That ample and suitable resources exist to accommodate the orderly growth and development of said territory.
3. That municipal utilities and a major street network are and have been considered in terms of the proposed boundary extension and that the following is the timetable upon which municipal service will be extended into said territory:

## TIMETABLE

- A. GENERAL SERVICES. All services provided by the City, except as set forth below, will be provided to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- C. FIRE. All services provided by the Rapid City Fire Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- D. WATER SERVICE. Public water mains are available in the Seger Drive right-of-way. At the time connection to water services are requested, or at such time as the City requires connection, water services shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City.
- E. SEWER SERVICE. Sewer service is currently being provided to the subject property through a connection agreement with the City. Sewer services shall continue to be made available to the residents of the annexed territory on the same basis as such services are provided to the rest of the City.
- F. STORMWATER DRAINAGE SERVICE. All services and facilities used in whole or in part for collecting and conveying stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, any of the following: conduits and appurtenant features, channels, ditches, streams, gulches, gullies, flumes, culverts, streets, alleys, curbs, gutters, crosspans, and pumping stations, shall be made available to the residents of the annexed territory upon annexation on the same basis such services are provided to the rest of the City.
- G. STREETS. Street maintenance, sweeping, and snow removal shall be provided for Seger Drive upon annexation on the same basis as such services are provided to the rest of the City.

Any traffic signs, controls, and markings for existing public streets within the annexed area will be maintained upon annexation. Additional traffic control will be provided as needed and on the same basis as provided to the rest of the City from the time of annexation.

The City will accept for operation and maintenance as additions to the City street system such public streets constructed hereafter as are constructed to City standard and dedicated to the public, and accepted by the City.

- H. SOLID WASTE COLLECTION AND DISPOSAL. Upon annexation into the City limits, the subject property will be required to become a licensed mobile home park. Under the definition and provisions for "Family Domestic Units" found in the Rapid City Municipal Code, sections 8.08.010 and 8.08.030, the City will not provide solid waste refuse service to the subject property. Residential units larger than four units in size,

and all commercial, industrial, and institutional entities will continue to be serviced by privately licensed commercial garbage haulers.

Use of the City Landfill will be available to residents of the annexed area upon annexation on the same basis such use is made available to the rest of the City.

- I. PARKS AND RECREATION. All services provided by the Parks and Recreation Department shall be made available to the residents of the annexed territory upon annexation on the same basis such services are provided to the rest of the City.
  - J. LIBRARY. All services provided by the Rapid City Public Library shall be made available to the residents of the annexed territory upon annexation on the same basis such services are provided to the rest of the City.
4. That the approximate costs of the extended service to the residents of the said territory and to the City are as follows:

#### APPROXIMATE COSTS

- A. GENERAL SERVICES. All services as set forth in Paragraph A of the Timetable may be provided to the annexed area without discernible additional cost to the residents of the annexed area or to the City of Rapid City; provided, however, that the use of services requiring the payment of fees shall be provided in return for payment of such fees in accordance with the applicable ordinances and regulations.
- B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area. The costs to the City are negligible.
- C. FIRE. Upon annexation, the Rapid City Fire Department will provide emergency services (including fire suppression, medical/rescue services, and hazardous material handling) and non-emergency services (including fire inspection/investigation and public education). The cost to the City will be negligible.
- D. WATER. A public water main is constructed in the Seger Drive right-of-way. The City's water system is operated on an enterprise fund basis, i.e., the revenue produced from water service charges are used to provide water supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of the annexed area and other water users for water supply and system maintenance would be the monthly water service charges prescribed by Council for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from water service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

Costs for constructing additions to the City's water system will be assessed according to law, if constructed by the City, or will be paid by the developer or other persons constructing such additions.

Connection charges to the existing water and sewer system will be pursuant to the adopted "Resolution of Necessity" for assessed projects or on the same basis as such

services provided to the rest of the City. Estimated water construction fees are identified in the associated Annexation Study.

- E. SEWER. A public sewer main is constructed in the Seger Drive right-of-way. The City's sewer system is operated on an enterprise fund basis, i.e., the revenue produced from sewer service charges are used to collect and treat wastewater and sewage and to maintain the system. The cost, not including costs to be assessed as set forth below, to residents of the annexed area and other users for collection, transportation, treatment and system maintenance would be the monthly sewer service charges prescribed by resolution for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from sewer service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

All costs for constructing additions to the City's sewer system will be assessed according to law, if constructed by the City, repaid with construction fees, or will be paid by the developer or other persons constructing such additions. Costs to the City do not include any estimated costs for acquisition of easements. Typically such easements are obtained for nominal consideration, particularly when the costs are to be assessed. To the extent the typical does not apply and the use of eminent domain is necessary, the resulting costs are highly speculative.

City costs also do not include the cost of constructing the private service lines from the City's system to individual properties. Construction of such lines and the subsequent maintenance thereof are the responsibility of the individual property owners. Tap fees and permit fees are prescribed by ordinance. Such charges are roughly equivalent to the City's cost and are paid by the user.

The rate charged will be the City rate effective at first billing that occurs at least fifteen (15) days after annexation becomes effective.

- F. STORMWATER DRAINAGE. All real property within the contiguous territory of the city shall be charged the annual fee for the operation, maintenance, and capital improvements of the stormwater drainage system. The fee for each such property shall be based on the lot area, a runoff weighting factor, and a unit financial charge, and which fee is determined as follows: Stormwater Drainage Utility Fee equals the runoff weighting factor multiplied by parcel area (in square feet) multiplied by unit financial charge (in dollars per square foot). The estimated Stormwater Drainage Utility fee for the subject area is \$3,365.66 per year. However, the owners may apply for a site specific fee calculation.
- G. STREETS. Upon annexation, the City shall provide street cleaning, snow removal, and general roadway maintenance services on Seger Drive in the same manner as provided to the rest of the City. The addition of these services will not incur measurable added costs to the City. The City will not provide services to Country Village Place, the private road serving the interior of the Mobile Home Park.
- I. PARKS AND RECREATION. All services provided by the Parks and Recreation Department will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area. The Parks and

Recreation Department will provide the current level of service for parks and recreation facilities until need is dictated by development and community desire.

- J. LIBRARY. All services provided by the Rapid City Public Library will be provided to the residents of the annexed area with no discernible additional cost to the residents of the annexed area.
  - K. The foregoing notwithstanding, the residents of the annexed area will be subject to all of the various fees and charges provided by ordinance, regulations, or administrative action for numerous services provided by the City. The incidence of such charges is highly speculative and largely within the choice of the person to be charged. Examples of such charges range from building permit fees to library book fines, from xerox copy charges to charges for swimming pool passes.
  - L. All of the cost estimates set forth herein are based on 2017 costs.
5. Estimated difference in tax assessment rate:
- A. *Non-agricultural property:*

The estimated difference in the 2017 tax assessment rate applied to a non-agricultural property within the North Haines/North Elk Rural Fire District upon annexation would be the addition of the City of Rapid City levy of 3.196 mills and elimination of the combined Fire, Fire Admin, Library, and Unorganized Road levy of 2.365 mills. The total levy for non-agricultural property in the annexation area would therefore increase by 0.831 mills, an estimated 4.4% increase.

The Study Area is located within the North Haines/North Elk Fire District. The North Haines volunteer fire department is the responding department. According to SDCL 34-31A-35 any portion or area of land which was part of a rural fire district and which is annexed into a bordering municipality is liable for any indebtedness incurred while within the boundaries of the Fire District. The property owner should be aware that the North Haines Fire District has a capital loan from the United States Department of Agriculture for buildings and land. The property owner may be liable for a proportion of the Fire District's debt through a tax levy as determined by the County Auditor.

- 6. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing city limit lines, existing features, existing property boundaries, and existing occupancies and uses.
- 7. That there is reasonable present and demonstrable future need for annexing said territory.
- 8. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.
- 9. That there exists a commonality between the within described territory and the existing City of Rapid City.
- 10. That there are no significant physical barriers between the within described territory and the existing City of Rapid City.

11. That annexation of the within described territory to the City of Rapid City will result in a more compact, integrated City.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

THE CITY COUNCIL OF RAPID CITY

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Finance Officer  
(SEAL)