

## **RESOLUTION #2014-090**

### **RESOLUTION ADOPTING A POLICY REGARDING DEANNEXATION**

WHEREAS, the design, construction, and maintenance of public roads constitutes a considerable investment on the part of private developers and local government; and

WHEREAS, the design, construction, and maintenance of public utility services constitutes a considerable investment on the part of private developers and local government; and

WHEREAS, the Common Council of the City of Rapid City has adopted Plan Rapid City, Rapid City's Comprehensive Plan, in order to plan for orderly growth and development; and

WHEREAS, the health, safety and welfare of local citizens depends on the proper design, construction and maintenance of dedicated public roads and public utility service; and

WHEREAS, the City of Rapid City has extended its platting jurisdiction into the three mile area surrounding the corporate limits of the City pursuant to state law; and

WHEREAS, the coordination of zoning, platting, Capital Improvements Programming, Comprehensive Planning and Building Inspection are important to the orderly growth and development of Rapid City; and

WHEREAS, the building codes as adopted by the City are at present not in force outside the City limits; and

WHEREAS, orderly growth and development requires sufficient building regulations and comprehensive planning; and

WHEREAS, appropriate inspection of subdivision improvements to determine if materials and design are in accordance with quality planning principles or public works standards is lacking outside the City limits; and

WHEREAS, private and public dollars may be wasted in the absence of proper inspection and maintenance; and

WHEREAS, the City of Rapid City after approving boundary adjustments may from time to time consider requests to exclude properties from its city corporate limits.


NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that it is the policy of the Common Council that at any time a request relating to exclusion from the city corporate limits is put before the Common Council, the Council shall consider the following items:

1. The subject property is located outside the Urban Services Boundary established by Plan Rapid City, Rapid City's Comprehensive Plan adopted April 2014, or subsequent updates;
2. The City has not expended significant funds to benefit property by bringing utilities to the subject property, addressing drainage on the subject property or other improvements to benefit the subject property
3. The subject property is located outside any "doughnut hole" the Common Council has identified within its annexation priorities to close;
4. The subject property is located at least 500 feet from any municipal utility service;
5. The subject property is located at least 500 feet from any municipally maintained transportation facility;
6. The subject property is located within 500 feet of platted property;
7. The subject property is located outside the focused growth areas as identified in Plan Rapid City;
8. The subject property is located outside any active tax increment financing district boundary;
9. The exclusion of the subject property creates an irregular boundary creating difficulty for the City of Rapid City to administer services;
10. The subject property is located outside an area where there is a tendency for imminent growth of the city;
11. The subject property is located at least 500 feet from any project identified within the Rapid City 5-year Capital Improvements Program;
12. The exclusion of the subject property creates portions of the remaining corporate limits to be discontinuous;
13. The subject property does not include residences for any person(s) who utilize City services; or
14. The subject property is primarily agricultural in character or used for agricultural purposes only.

BE IT FURTHER RESOLVED by the City of Rapid City that this corporate limits exclusion policy shall direct the actions of the Common Council when considering exclusion requests.

DATED this \_\_\_\_\_ day of October, 2014.

CITY OF RAPID CITY

  
\_\_\_\_\_  
Mayor


Attest:

  
\_\_\_\_\_  
Finance Officer

(SEAL)

Published: 10-18-14  
Effective: 11-7-14

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

  
\_\_\_\_\_  
Attorney      10-3-14  
Date

9-4-7. Publication of petition for exclusion of territory. No final action shall be taken by the governing body upon any petition presented in pursuance of the provisions of § 9-4-6 until notice of the presentation of such petition has been given by the petitioners by publication at least once each week for two successive weeks.

**Source:** SL 1887, ch 104, § 3; CL 1887, § 1116; RPolC 1903, § 1510; RC 1919, § 6556; SDC 1939, § 45.2902.

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9-4-6. Exclusion of territory from municipality on petition or by vote of governing body. Upon a two-thirds vote of the governing body, or on petition in writing signed by not less than three-fourths of the legal voters and by the owners of not less than three-fourths in value of the property in any territory within any municipality being upon the border thereof, the governing body may by resolution exclude the territory from the municipality. However, if all the land sought to be excluded is more than one-half mile from any platted portion of the municipality, the petition must be signed by the owner only.

**Source:** SL 1887, ch 104, § 2; CL 1887, § 1115; RPolC 1903, § 1509; RC 1919, § 6555; SDC 1939, § 45.2901; SL 1939, ch 191; SL 2016, ch 52, § 4.

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