

RESOLUTION NO. 11-504

RESOLUTION DECLARING INTENT TO EXTEND THE BOUNDARIES OF THE CITY OF PARKSTON BY ANNEXATION OF CONTIGUOUS TERRITORY

WHEREAS, the City Council of the City of Parkston has conducted a study pursuant to SDCL 9-4-4.1 to determine the need for annexing contiguous territory and to identify the resources necessary to extend the municipal boundaries to the area described in a document entitled "City of Parkston 2011 Annexation Study," which is attached and incorporated by this reference. A copy of the Annexation Study is available for public review at City Hall; and,

WHEREAS, the "City of Parkston 2011 Annexation Study" (hereinafter referred to as the "Annexation Study") recommends that certain contiguous territory described therein, and legally described in this resolution, be annexed to and included within the boundaries of the City to provide for the orderly growth and development of the City;

WHEREAS, approval of this resolution by the Hutchinson County Commissioners is required pursuant to SDCL 9-4-5 because unplatted territory or agricultural land is proposed for annexation.

NOW, THEREFORE, BE IT RESOLVED the City Council for the City of Parkston hereby declares its intent to annex the following described territory and has made the following determinations:

1. The territory considered in this annexation contains approximately 193.11 acres of platted Non Agricultural and Agricultural territory as defined at SDCL 9-4-5 and 10-6-31, and includes the following properties:

Legal Descriptions/Parcel Numbers

Section 18, Township 99 North, Range 60 West of the 5th P.M., Hutchinson County, South Dakota:

SE Fractional Quarter Less Tracts A & B & A portion of Mary St. of Industrial Park Addition to Parkston. Parcel # 99.60.18.4010.

Lot 10 & Extension Lot 10 (Block 1 of 4) & 165' x 264' North Extension L 10 (Block 5) & 66' x 660' West (Blocks 6 of 9). Parcel # 99.60.18. POOC.

Beginning 400' East of Center of Railroad Track Then E 75' Then North 366' Then West 75' Then South 366' Parcel # 99.60.18.AOSH.

From Southwest Corner, L2 B1, Industrial Park: 299.8' South, 350' East, 266' North, 69' East, 33.8' North, 421.6' West, Southwest ¼ Southeast ¼. Parcel # 99.60.18.A102.

Part of Lots 9, 9 ½, 10 & 12. Parcel # 99.60.18.P001

West 10ø of N 80ø of Lot 12 of Northwest ¼, Southeast ¼ less Block 1 and Lot X. Parcel # 99.60.18.PO12.

S 194.84ø of Lot 13 in the Northwest ¼ Southeast ¼. Parcel # 99.60.18.PO13.

Lot A of Out Lot 117 of Southeast ¼, Southwest ¼. Parcel # 99.60.18.A00A.

North 320ø South 741.33ø Out Lot 117 in Southwest ¼ and Southeast ¼. Parcel # 99.60.18.N117.

Out Lot 117 Less Lot A & Less North 320ø of South 741.33ø in Southwest ¼ Southeast ¼. Parcel # 99.60.18.A117.

Out Lot 116. Parcel # 99.60.18.A116.

Lot 1, Block 1, Tiede Addition. Parcel # 99.60.18.A101.

Out Lot 2, Tiedeø Out Lot in Southwest 1/4 Southwest 1/4. Parcel # 99.60.18.4AOL2.

Tiede Tract # 8 From Lot 1, Block 1 (Neuheisel 2nd Addition). Parcel 99.60.18B1T8.

Lot 1, Block 1 (Less Tiede Tract #8) and Lot 2, Block 1 (Less North 71.5ø) (Neuheiselø 2nd Addition). Parcel # 99.60.18B101.

North 71.5ø of Lot 2, Block 1 (Neuheisel 2nd Addition). Parcel # 99.60.18.B171.

Lot 3, Block 1 (Neuheisel 2nd Addition. Parcel # 99.60.18.B103.

Lot 4, Block 2 (Neuheisel 2nd Addition) (Quonset). Parcel # 99.60.18.B204.

Lot 5, Block 2 (Neuheisel 2nd Addition). Parcel # 99.60.18.B205

Govø Lot 3, Less Platted Area and Less Reiser Tract 1 and Part of Tract 2 (Neuheisel 2nd). Parcel # 99.60.18.B203.

Lot 1, Block 2 (Neuheisel 2nd Addition). Parcel # 99.60.18.B201.

Lot 4, Block 1 Neuheiselø 2nd Addition of Govø Lot 3 in Northwest ¼ Southwest ¼. Parcel # 99.60.18.B104.

Section 7, Township 99 North, Range 60 West of the 5th P.M., Hutchinson County, South Dakota:

150øx 300øof Southwest Corner of Southwest ¼ Southwest ¼. Parcel # 99.60.07.P001.

The south 40 acres of Southwest ¼, Less All Platted Areas. Parcel # 99.60.07.3010.

The south 20 acres of that part of Southeast ¼ west of Railroad Right-of-Way Except Out Lots 9 and 10 and VanZee Tract # 1 Therein. Parcel # 99.60.07.4025

Moran Tracts 1 and 2 in Southwest ¼. Parcel 99.60.07.P002.

Mechtenbergs Tracts 2, 3 and 6 (Cemetery). Parcel # 99.60.07POC2.

Cemetery as described in M6-536 AW-24 and BP-472, all located in the Southeast 1/4 Southwest 1/4. Parcel # 99.60.07.P00C.

A map depicting the boundaries of the proposed annexation is included within the Annexation Study that is attached and is incorporated by this reference.

2. That ample and suitable resources exist to accommodate the orderly growth and development of the described contiguous territory as evidenced by the City's current provision of many of the City services to the area and as described in the Annexation Study.
3. That municipal utilities and a major street network are, and have been, considered in terms of the proposed boundary extension in accordance with the Annexation Study.
4. That the City has established a definite timetable upon which municipal services will be extended into the described contiguous territory in the Annexation Study subject to the City's reasonable policies, ordinances, regulations, terms and conditions in accordance with South Dakota Codified Law. A summary of this timetable is as follows:

Municipal Service Estimated Delivery Schedule

| <u>Municipal Service</u> | <u>Estimated Delivery Schedule</u> |
|---------------------------------|---|
| Street/Road Maintenance | Service to begin upon effective date of annexation |
| Street Development/Construction | There is not an apparent need or desire for this service in the immediate future. Street construction cannot be provided immediately upon annexation but will be extended according to the following time table: Preparation of engineering plans and specifications will begin upon receipt of a petition signed by one or more property owners within the area requesting construction. The desired construction will be done within 24 months of the City's receipt of a petition unless delayed by legal challenge. |

| | |
|-------------------------------------|--|
| Water and Sewer Service | There is not an apparent need or desire for this service in the immediate future. Water and sewer construction cannot be provided immediately upon annexation but will be extended according to the following time table: Preparation of engineering plans and specifications will begin upon receipt of a petition signed by one or more property owners within the area requesting construction. The desired construction will be done within 24 months of the City's receipt of a petition unless delayed by legal challenge. |
| Solid Waste Collection and Disposal | Private haulers licensed by the City. Service to begin upon effective date of annexation. |
| Fire and EMS Services | Provided by the Parkston Rural Fire District and Parkston Rural Ambulance District. Both districts serve city and proposed annexation area. |
| Police Protection Services | Service to begin upon effective date of annexation |
| Zoning and Ordinance Enforcement | Service to begin upon effective date of annexation |
| Library Services | Currently available to the proposed area via annual membership fee. Membership fee discontinued upon effective date of annexation. |

The procedure for submitting a petition for municipal services is as follows:

- a. The petition shall be a written document containing a description of the requested utility and the legal description of the land to be served by the described utility.
 - b. The petition shall be signed by the property owner or property owners making the request. It shall include the names and addresses of the requesting property owners. The petition need not be notarized.
 - c. The petition shall be submitted to the City of Parkston at 207 West Main St., Parkston, South Dakota
5. That the approximate costs of the extended services to the residents in the described contiguous territory and to the City are set forth in detail in the Annexation Study subject to the City's reasonable policies, ordinances, regulations, terms and conditions in accordance with South Dakota Codified Law. A summary of these estimated costs is as follows:

Improvement Estimated Cost

| <u>Improvement</u> | <u>Estimated Cost</u> |
|----------------------------------|---|
| Street/Road Maintenance | Seal coat (chip/seal) \$3.35 per running foot. Applied 2 -3 year intervals. Snow removal. \$150.00 per hour. 2 hours per snow event |
| Street Development/Construction | Curb & Gutter (includes radius, PCC sidewalk, topsoil and engineering. \$23.00 L.F. Street Construction (includes unclassified excavation, base course, asphalt, engineering and other misc. costs. \$56.00 per abutting lot footage. All costs in this section are based on the 09 Maple/Ash St. project. Costs to be recovered via special assessments against the benefited properties. |
| Water Service | 6ö Distribution Main with bedding material. \$26.00 L.F. 8ö Distribution Main with bedding material \$32.00 L.F. Fire Hydrants (complete in place) \$3,000 Ea. Costs to be recovered via special assessments against the benefited properties. Water services will be provided at the applicable rates charged for in town water service. |
| Sewer Service | \$2,572 per acre. Estimated cost per West Highway 37 cost study prepared by McLaury Engineering, 1/11/2010 Costs to be recovered via special assessments against the benefited properties. Sewer services will be provided at the applicable rates charged for in town water service. |
| Solid Waste Collection/Disposal | Service provided by private haulers at applicable rates. |
| Fire and EMS Service | No incremental costs. Area already served by the Parkston Rural Fire District and Parkston Rural Ambulance District |
| Police Protection Services | Negligible incremental costs (fuel & maintenance) for extending service to area |
| Zoning and Ordinance Enforcement | No incremental costs anticipated |
| Library Services | No incremental costs anticipated |

In lieu of development and cost recovery by the city, the city may allow infrastructure development referred to in the Municipal Service Estimated Delivery Schedule and Improvement Estimated Cost sections of this resolution, by the petitioners. All infrastructure development by the petitioners must be done in accordance with the City of Parkston Subdivision Ordinance in effect at the time the petition is filed.

6. The estimated difference in tax assessment rate for the residents and property in the contiguous territory will be a net increase of 9.14 for Non Agricultural Property and no increase in Agricultural Property.

7. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing city boundaries, existing geographical features, physical barriers, existing property boundaries, and existing occupancies and uses.

8. That there is reasonable present and demonstrable future need for annexing said contiguous territory in accordance with the Annexation Study.

9. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.

NOW, THEREFORE BE IT FURTHER RESOLVED by the Parkston City Council that the City does hereby set the following time and place for a public hearing on said annexation:

7:30 p.m., July 12th, 2011 at the Parkston City Hall, Council Chambers, 207 West Main St., Hutchinson County, Parkston, South Dakota.

IT IS FURTHER RESOLVED that a true and correct copy of this Resolution, and notice of a public hearing on a Resolution of annexation shall be sent to the Hutchinson County Commission and the affected landowners within the area to be annexed by certified mail and first class mail pursuant to the terms of South Dakota Codified Law.

Dated this 12th day of July, 2011

APPROVED

David Hoffman, Mayor

ATTEST:

Brenda K. Huether, Finance Officer