

RESOLUTION NO. 11-506

RESOLUTION OF ANNEXATION

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, the City Council of Parkston approved and adopted a RESOLUTION OF INTENT TO EXTEND THE BOUNDARIES OF THE CITY OF PARKSTON BY ANNEXATION OF CONTIGUOUS TERRITORY on July 12, 2011.

NOW, THEREFORE, BE IT RESOLVED the City Council for the City of Parkston hereby annexes the following described territory and has make 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 Couty, 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 ó 4) & 165ø x 264ø North Extension L 10 (Block 5) & 66ø x 660ø West (Blocks 6 ó 9). Parcel # 99.60.18. POOC.

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

From Southwest Corner, L2 B1, Industrial Park: 299.8ø South, 350ø East, 266ø North, 69ø East, 33.8ø North, 421.6ø 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 # 99.6018.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:

150ø x 300ø of Southwest Corner of Southwest ¼ Southwest ¼. Parcel # 99.60.07.P001.

The South 90 acres of the Southwest ¼, Less about 50 acres of platted and deeded 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 # 99.60.07P0C2.

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.

BE IT FURTHER RESOLVED, that the corporate limits of the City of Parkston be and are hereby extended to include the above described property;

BE IT FURTHER RESOLVED, that this resolution of annexation shall be recorded at length in the minutes of the meeting at which said resolution is passed along with the statement of the number of votes for and against the same and then published in full as part of the minutes.

BE IT FURTHER RESOLVED, that on the twentieth day after publication of this resolution, a copy certified by the finance officer, and a map showing the property to be annexed, shall be recorded in the office of the Hutchinson County Register of Deeds and thereupon such territory shall become and be a part of the City of Parkston, South Dakota.

Dated this 20th day of September, 2011

APPROVED

David Hoffman, Mayor

ATTEST:

Brenda K. Huether, Finance Officer

Published: September 28th, 2011

Effective: October 18th, 2011