

Notice of Hearing: NA
Date of Hearing: 04/17/18
Date Adopted: 04/17/18
Date Published: 04/21/18
Date Effective: 05/11/18

RESOLUTION NO. 39-18

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION AGREEMENT WITH THE PLEASANT VIEW ACRES ADDITION.

WHEREAS, the City of Sioux Falls, SD, is authorized, pursuant to SDCL 9-4-1.1, to establish an agreement with any landowner specifying the conditions under which the landowner's property may be annexed; and

WHEREAS, current landowners shown on Exhibit A for the Pleasant View Acres Addition properties are not contiguous with the current city limits of Sioux Falls, but are within the growth area for the city of Sioux Falls, and access is available through existing developed rural subdivisions within the growth area for the city of Sioux Falls; and

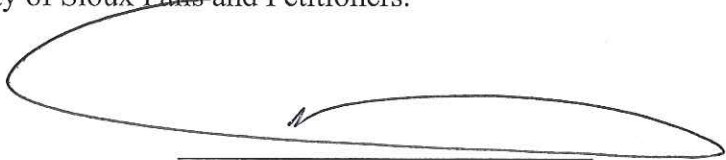
WHEREAS, current landowners are willing to enter into in the future an Annexation Agreement and/or Development Agreement, provided the City is willing to satisfy the general terms of the attached preannexation petition; and

WHEREAS, the City of Sioux Falls and the current landowners agree to the general terms of the Petition for Preannexation Agreement shown on Exhibit B, including future annexation stipulations, costs, and potential assessments as will more fully appear in any future Annexation Agreement and/or Development Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it approves the Pleasant View Acres Addition Preannexation Agreement, which is attached hereto as Exhibits A-D and made part of this Resolution as if set out in full, and shall serve as the Preannexation Agreement between the City of Sioux Falls and Petitioners.

Date adopted: 04/17/18 .



Mayor

ATTEST:


City Clerk



**Exhibit A—
Petition for Preannexation Agreement
Pleasant View Acres Addition**

We, the Petitioners, the undersigned landowners for the property located within Exhibit C known as the Pleasant View Acres Addition do hereby petition to enter into a Preannexation Agreement with the City of Sioux Falls. Upon approval of this Petition by the City Council, we agree that the same shall be the Preannexation Agreement between the City of Sioux Falls and Petitioners. The Petition for Preannexation Agreement includes this Exhibit A, attached Exhibit B, attached Exhibit C, and attached Exhibit D hereby incorporated herein by this reference. All legal descriptions are within Section 19, T101N-R48W, Split Rock Township, Minnehaha County, SD.

Parcel Number	Legal Description	Owner(s)	Signature
1	Lot 4 in Tract 3 (Except Lot C) Pleasant View Acres, Section 19, T101N-R48W	Craig & Lesa Harr	<i>Craig Harr</i> <i>Lesa M. Harr</i>
2	Lot C in Lot 4 in Tract 3 of Pleasant View Acres, Section 19, T101N-R48W	Craig & Lesa Harr	<i>Craig Harr</i> <i>Lesa M. Harr</i>
3	Lot 6 of Pleasant View Acres, Section 19, T101N-R48W	Gerald A. Harr Living Trust	<i>Lesa M. Harr</i> <i>Gerald A. Harr</i> <i>Living Trust</i>
4	Lot 5 of Pleasant View Acres, Section 19, T101N-R48W	Gerald A. Harr Living Trust	<i>Gerald A. Harr</i> <i>Living Trust</i>

We hereby agree and waive our legal rights to oppose any future annexation and assessments consistent with this Preannexation Petition.

Petitioners acknowledge that they have signed this Petition freely and voluntarily, that they have the opportunity to be represented and advised by counsel, that they have ascertained and weighed all the facts and circumstances likely to influence their judgment, that they have given due consideration to the provisions contained herein, and that they thoroughly understand and consent to all provisions herein.

Exhibit B

Number of Structures: 1

Acres: 16.5 AC

Existing Zoning: Minnehaha County: RR

Existing Land Use: Rural Residential

2040 Comprehensive Plan Designation(s): Residential

NOTE: All references to standards within this agreement are references to standards found within the most recently adopted version of the Engineering Design Standards (EDS) for the City of Sioux Falls.

- 1) **Intent: To establish the general terms and conditions to be incorporated into an annexation/development agreement pursuant to SDCL 9-4-1.1, under which the landowner's property may be annexed in the future upon City Council approval.** The Pleasant View Acres Addition area has minimal potential for areas of redevelopment beyond single family dwellings. Annexation of the Pleasant View Addition will coincide with either a petitioned or City-initiated annexation of adjacent property to the south of Pleasant View Addition or adjacent property to the west of Pleasant View Addition but south of Quartzite Drive.
- 2) **Street Addressing:** Street addresses shall remain in effect until annexation is effective. Once effective, street addresses shall be updated to fit the City of Sioux Falls addressing system.
- 3) **Utilities:**
 - a) **Water Services.** The current house receives water from a rural water system. Any new structures will be allowed to connect to the rural water system but all houses permitted after January 1, 2018, will be required to pay the fee that the rural water service provider charges at such time as the water services are converted over to City of Sioux Falls. The existing home at 7008 E. Stoakes Cir. will have the rural water customer buyout paid by the City. City waterlines will likely be installed within five years of annexation. Notice to connect to the City water main will not be issued until notice to connect to the sewer has been issued, and property owners will have up to two years from date of notice to connect to the City's water. For all properties, the cost associated with connecting to the City water system shall be at the sole expense of the landowner(s), must be undertaken by entities licensed to do so, and must meet City design standards. Any new private waterlines must meet City standards at the time they are installed, regardless if they connect to rural or City water, so that the eventual conversion to City services in the future are easier.
 - b) **Sewer Services.** The property owners in the Pleasant View Acres Addition may continue to maintain existing septic tanks and holding tanks on properties after annexation, regardless of the date of annexation and availability of other nearby sewer systems. However, if existing septic or holding tanks fail, are operated in an unsanitary manner, become a public health threat, or discharge waste outside the owner's property, then such properties may be required to connect to the City of Sioux Falls system, if available, at the property owner's expense in order to continue to be occupied. Accordingly, the City of Sioux Falls will not issue official notice to connect the existing facilities directly with the property public sewer system as identified by Sioux Falls Code of Ordinances § 53.015(d) unless or until such events occur or 25 years have passed since annexation has been effective and sewer available. Any connections to the City sanitary sewer system (and abatement of existing septic tanks, holding tanks, or other similar works) must be at the sole expense of the property owner, must be undertaken by entities licensed to do so, and must meet City design standards. City sanitary sewer will likely not be installed in the area until up to seven years after annexation.

In addition to monthly fees for City sanitary sewer use, property owners of each property legally described here within will pay a cost recovery fee for infrastructure to convey wastewater in the City

sanitary sewer system (including trunk sewer, lift station, and force mains) pursuant to SDCL 9-48-15 and Sioux Falls Code of Ordinances § 51.089 when their property develops or the existing septic or holding tanks fail, are operated in an unsanitary manner, become a public health threat, or discharge waste outside the owner's property. In the event any existing septic tanks or holding tanks are abandoned and such property is connected to the City of Sioux Falls system, the owner will be charged a cost recovery fee upon connection. Otherwise, for any new development following annexation, the fee will be chargeable and paid upon platting, subdivision, or construction, whichever occurs first after annexation. The cost recovery fee is \$4,909.96 per acre in 2017 dollars, subject to a cost index as provided in the Eastside Sanitary System Cost Recovery (City of Sioux Falls Resolutions 18-05 and 57-09). Other terms for the cost recovery will be pursuant to the conditions in said Resolutions.

Developers will be responsible for designing, installing, and paying for lateral extensions and service lines for the specific property involved at the time of development.

- 4) **Zoning:** The property is currently zoned rural residential and once annexed will be brought in as the closest existing zoning type, currently that would be rural residential for the City of Sioux Falls. Future redevelopment will need to follow the rezoning process.
- 5) **Future Annexation Stipulations and Costs—Annual Fees:** Once annexed, annual fees levied against property within the City of Sioux Falls will be levied against property within the Pleasant View Acres Addition. The City has drainage and street maintenance fees to fund the operation and maintenance of these utilities. These fees are paid annually with the property taxes. There may be additional fees, costs, and assessments not otherwise stated herein which the current landowners will be responsible for. All citywide fees recited in this agreement shall be subject to amendment by the City Council. Nothing in this agreement shall prevent, prohibit, diminish, or impair the City's home-rule governmental authority to assess, adopt fees, or regulations. Landowners agree to voluntarily petition for annexation along with a petitioned or City-initiated annexation of abutting property directly south of Pleasant View Addition or abutting property directly west of Pleasant View Addition but south of Quartzite Drive that will allow for utility services and access to be provided. Until a petition or City-initiated annexation of abutting property lying directly south or west of Pleasant View Addition occurs, any annexation, whether petitioned or City-initiated, of property to the east or north of Pleasant View Addition shall not trigger a required voluntary petition for annexation of Pleasant View Addition into the City by the landowners.
- 6) **Streets:** Any future streets will be required to be constructed at the time of development of the property. Properties will only be required to provide right-of-way and/or easements at the time they are replatted. A street will need to be constructed to the City's existing rural subdivision annexation road standards [Section 8.14] (hard surface, width, etc.). Additionally, any development of the area will need to be coordinated with the City of Sioux Falls, including abutting roadways such as East Plymouth Road.
- 7) **Storm Water Retention:** Current property owners in the Pleasant View Acres Addition are responsible to meet applicable City minimum standards for any drainage or wetland issues associated with the property prior to replatting and development of lots. Implementation of minimum required standards won't be required until development of properties occurs. Site approval undertaken during the development phase will include determination of whether, or to what extent, developers are required to provide for storm water, water quality, and detention needs.
- 8) **Sidewalk:** Installation will be at the discretion of the landowners unless otherwise required by the American with Disability Act or any other federal or state law.
- 9) **Platting Fees:** Following annexation, any subdivision and development of the property (if any such subdivisions and development occurs) will be subject to City fees in effect at the time of platting and development. The developer must pay development costs and all other fees associated with plats and/or plan reviews, permits, and inspections as well as filing the requisite surety bonds and compliance with ordinances on subdivision construction improvements. The developer will be charged and must pay any arterial street platting fees, water distribution platting fees, or similar fees in effect upon platting. Drainage System cost recovery charges will be billed to and paid by the developers at the time of platting, and

Regional Detention Charges will be charged to developers for lands within a regional BMP watershed at the time of platting.

This agreement pertains only to fees associated with the property to be annexed and does not apply to other property.

Platting fees do not apply to agricultural or conservation zoned properties inside or outside the city of Sioux Falls.

Exhibit C—Preannexation Area Map

