

Notice of Hearing: NA  
Date of Hearing: NA  
Date Adopted: 09/12/05  
Date Published: 09/16/05  
Date Effective: 10/06/05

RESOLUTION NO. **105-05**

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION AGREEMENT WITH THE PINE LAKE HILLS HOMEOWNER'S ASSOCIATION AND ITS RESIDENTS.

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, Pine Lake Hills Homeowner's Association (PLHHA) and its residents own the property shown on Exhibit B which is not contiguous with the current city limits of Sioux Falls, but is within the Sioux Falls 2015 Growth Area as designated by the Sioux Falls 2015 Growth Management Plan; and

WHEREAS, PLHHA is willing to enter into the Preannexation Agreement, provided that future annexation will not occur before January 1, 2015, or unless a petition for annexation is signed by no less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the municipality; and

WHEREAS, the City of Sioux Falls, and the PLHHA, and its residents agree to the terms of the Preannexation Agreement including the current development of the City's sanitary sewer trunk line and future annexation stipulations and costs; and

WHEREAS, no cost for City services will be due until after PLHHA land is annexed and they hook up to infrastructure.

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

Section 1. Upon eventual annexation, the real property commonly known as Pine Lake Hills (PLH) as described in Exhibits A and B shall be zoned RS-1 pursuant to the City of Sioux Falls Zoning Ordinance.

Section 2. Upon the eventual annexation of Pine Lake Hills, the City of Sioux Falls shall abide to Exhibit A.

Date adopted: 09/12/05.

Dave Munson  
Mayor

ATTEST:  
Dianne Metli  
City Clerk

## Exhibit A

**Number of Structures:** 93

**Acres:** 70

**Existing Zoning: Minnehaha County:** A-1

**Existing Land Use:** Rural Residential

**2015 Comprehensive Plan Designation(s):** Rural Residential

### 2005-06 Sewer Trunk Line Project

- Fair compensation for all impacts within the easement areas for the installation of the Eastside Sanitary Sewer System (ESSS).
  - Every reasonable attempt will be made to locate ESSS along a path to minimize the impact to the surrounding landscape including, but not limited to, the destruction of large trees.
  - Where appropriate and possible, the landscape will be restored to its preproject state. Sowing grass mixture with mulch and fertilizer will be used to replace existing grass. Grass mixture that does not become established will have over-seeding completed.
  - Where large trees must be removed within the easement areas, PLHHA will be compensated through the easement document impacts compensation process.
- 1) Future Annexation Stipulations and Costs—Annual Fees:** Once annexed, annual fees levied against property within the City of Sioux Falls will also be levied against property within PLHHA.
- Once a property is annexed in the City, the City has fees for drainage, front-foot assessments, etc. to help cover operation and maintenance. These fees are paid annually, not incrementally, over five-year periods.
- 2) Water Services.** After annexation, PLHHA may be able to utilize their existing water source, private lines, and distribution system if they meet the City standards. As long as PLH's has a master meter to account for all the water going to the development, the City could agree to language similar to the septic systems for water service lines. As with past rural developments, PLH would be responsible for the meter vault cost.
- However, the current Pine Lake Hills water distribution system is not adequate for standard City fire protection. If no internal water distribution system is installed to provide adequate water volume for fire protection, City fire services would require the use of tanker trucks, which would be filled from hydrants located along Six Mile Road. Use of tanker trucks may cause delays in fire protection.
- Water lines typical cost are \$20/ front foot plus +/- \$1,200—\$1,500 for a service line.
  - After annexation, PLHHA has at least two options to connect to City water: (1) PLHHA could contract to have utility infrastructure designed and installed with an individual prime contractor; administrative costs and installation costs would be reduced; (2) if PLHHA would petition for improvements, the City would also install the water mains and file a cost recovery for the completion of the work with payments for the work not due until such time as the property owner connects to the system.
- 3) Sewer Services.** All residents will be required to hook up to sewer services after annexation is effective and after resident's septic tank no longer functions as it was designed. Septic system replacement will not be allowed after annexation is effective. PLHHA residents may connect earlier

to City sanitary sewer services once available. PLHHA residents will need to pay for lateral and private sewer connections/abatement of septic tank. The ESSS Cost Recovery has been waived for PLHHA residents.

- After annexation, PLHHA has at least two options to connect to City sanitary sewer: (1) PLHHA could contract to have utility infrastructure designed and installed with an individual prime contractor; administrative costs and installation costs would be reduced; (2) if PLHHA would petition for improvements, the City would also install the sanitary sewer laterals and file a cost recovery for the completion of the work with payments for the work not due until such time as the property owner connects to the system.
- 4) Stormwater Drainage Services.** With all streets, storm water drainage will need to be evaluated as a part of each project or any new development plan. There is an annual drainage fee based on current land use and lot square footage which PLHHA residents must pay after annexation.
- PLHHA has same flooding assurances that you currently have as a neighborhood. The City's design standards are to control the flow to preexisting conditions; therefore, there should not be any more flow off of adjacent land than there is today. However, if you currently have flooding conditions today while you reside in the county, you will continue to have flooding conditions later [preexisting conditions]. (Please review the Pine Lake Drainage Assessment, April 22, 2005).
- 5) Future Six Mile Drive Sidewalks and Driveways.** Sidewalks will be installed on Six Mile Road and with any new urban section street. Along Six Mile Road, sidewalks will be installed by the City and assessed to the landowner. The sidewalks will be maintained and repaired by the adjacent property owners regardless of access or whether or not they were assessed for the sidewalk installation. However, the landowner will only need to pay the assessment if there is direct access (driveway) onto Six Mile Road. The cost of sidewalk is approximately \$15 per lineal feet of lot frontage.
- Six Mile Road is public right-of-way, as is Pine Lake, Lakeview, Appaloosa, Meadowbrook, Old Cabin, and Palomino. The right-of-way along those streets is also the property owner's responsibility. (Per Section 38 of City Code—38-7 Damage, 38-12 Right-of-Way landscaping, 38-76 [Snow and Ice] Duty to Remove).
- 6) Pine Lake Hills Sidewalks and Driveways.** Sidewalks would not be required within the residential neighborhood, unless necessitated by the Federal Americans with Disabilities Act.
- The City Design Standards include language that the City's ADA Accessibility Compliance Officer can determine the extent of sidewalk installations to meet the intent of ADA.
- 7) Street Services.** Once PLHHA is annexed into the City of Sioux Falls and the storm drainage evaluation is completed, PLHHA neighborhood streets will continue to be maintained as rural section streets at their current width without curb and gutter. Also, the City of Sioux Falls will not approve any subdivision plan that routes the extension of Sixth Street through PLHHA.
- 8) Future Street Development.** The neighborhood has options for street improvements to existing platted public right-of-way within the PLHHA neighborhood—Sixth Street, Pine Lake Drive, Lakeview Road, Appaloosa Trail, Meadowbrook Lane, Old Cabin Trail, and Palomino Drive in order to accommodate future infrastructure connection. Staff would be receptive to reviewing street vacation requests from 100 percent of the adjacent land owners; including, but not limited to Sixth Street. The cost of street improvements will be assessed to property owners fronting on the street.

- Option No. 1: Rural section roads. If the design addresses drainage.
- Option No. 2: Urban section streets. Only if required for drainage needs.

Cost of reconstruction—during utility construction—resurfacing roads, schedule during ten-year period.

- Please review the Pine Lake Drainage Assessment (April 22, 2005).
- A blanket, “no other routing, cannot be used.” Streets may be vacated through a state law process (SDCL 11-3). Some streets are required based upon right-of-way for not only traffic, but pedestrians and utility easements.

**9) Street Naming** Pine Lake Drive will need to be renamed Pine Lake Lane since it does go northeast to southwest. Lakeview Road, Appaloosa Trail, and Meadowbrook Lane will need to be renamed to Lakeview Avenue, Appaloosa Avenue, and Meadowbrook Avenue since they are north and south; Palomino Drive will be renamed Palomino Street. Old Cabin Trail will be renamed Old Cabin Circle, since it is a cul-de-sac.

**10) Street Lights.** To maintain rural character, no new street lights will be installed within the PLHHA neighborhood except within the right-of-way of a newly constructed urban section of Six Mile Road.

**11) Utilities.** Utilities need to be installed within public or private ROW or utility easements.

**12) Zoning.** The landowners have requested densities to maintain rural in character. Once the annexation is effective, the City will work with the neighborhood to zone properties to a Planned Development District (PD). The following characteristics will be considered in the PD:

- a. PD zoning including RS-1 zoning for residential lots.
- b. Common Area/Community Center Pool—private; rezoned as part of PD as Recreation/Open Space.

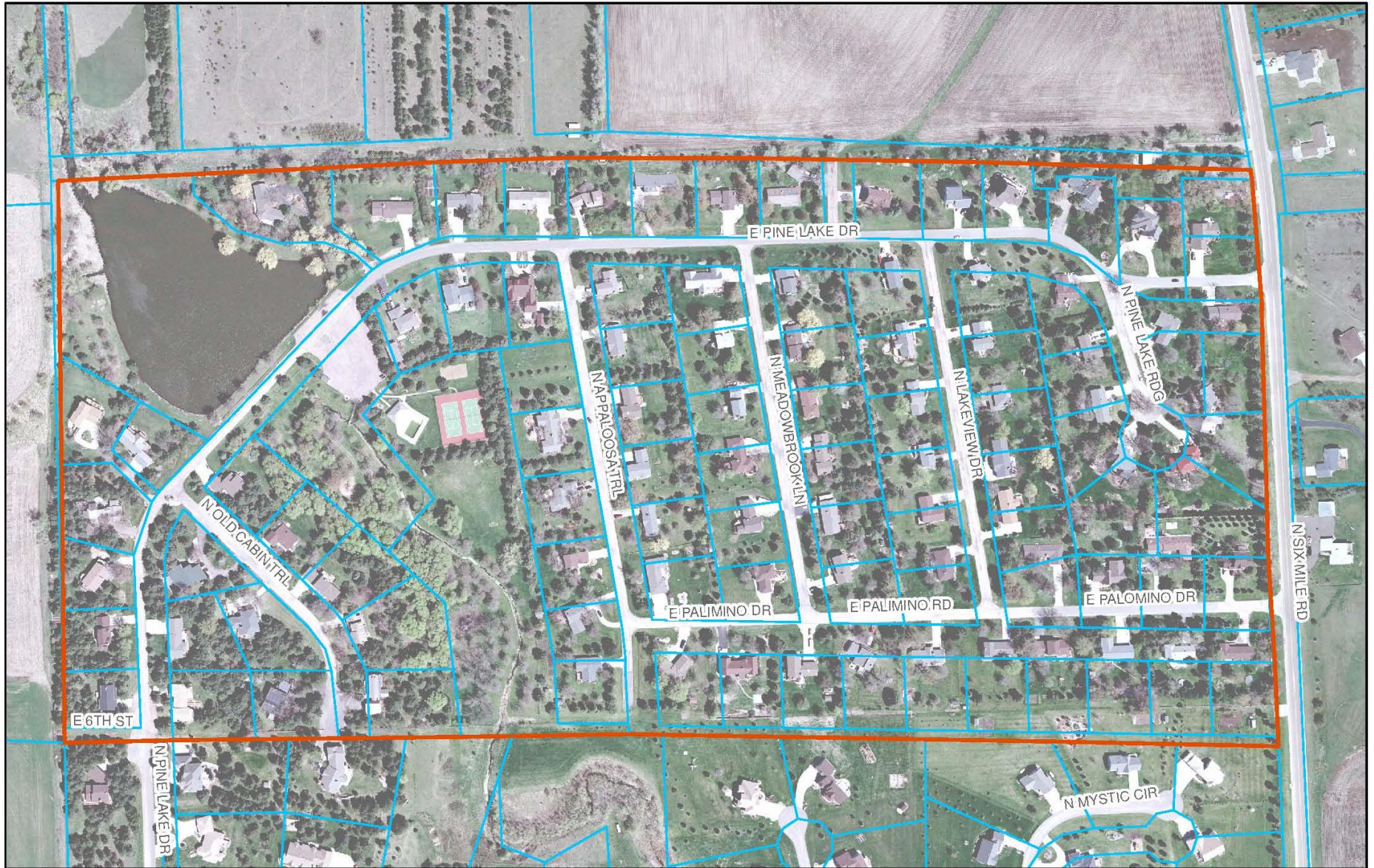
**13) Other**

- a. Pine Lake—PLHHA shall maintain Pine Lake and be responsible for dredging and any improved maintenance.
- b. Existing Liens or Assessments—Any existing liens or delayed assessments that conflict with the above policies should be changed to accurately reflect the Pine Lake Hills Preannexation Agreement.
- c. No cost for City services will be due until after PLHHA land is annexed, and the property hooks up to (utilizes) infrastructure.

**PLHHA Property Description**

See Exhibit B

# Exhibit B




 Pine Lake Hills Addition

Image Date: 2004



0 75 150 300 Feet  
