

Prepared by: City of Sturgis
1040 Harley Davidson Way
Sturgis, SD 57785
605-347-4422

**RESOLUTION 2020-31
RESOLUTION OF ANNEXATION OF
MURRAY DEVELOPMENT CORP. PROPERTIES**

WHEREAS, the Common Council of the City of Sturgis had prepared 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 the study which is incorporated by this reference. A copy of the Annexation Study is available for public review at the Finance Office at City Hall; and,

WHEREAS, the Annexation Study which has been prepared finds that certain contiguous territory described therein, and legally described in this resolution, should be annexed to and included within the boundaries of the City to provide for the orderly growth and development of the City; and,

WHEREAS, approval of this resolution by the Meade County Commissioners is not required pursuant to SDCL 9-4-5 because no unplatted territory or agricultural land is proposed for annexation; and,

WHEREAS, the property subject to this Resolution is also the property subject to and governed by a Development and Annexation Agreement between Murray Development Corporation, Murray Water Company, Inc., and the City of Sturgis, which is incorporated herein by reference pursuant to the statutory authority provided by SDCL 9-4-1.1; and

WHEREAS, the property for subject to this Resolution is for property contiguous to a portion of the present boundary of the City of Sturgis and within the area where the growth of the City can be accommodated to provide for the orderly growth and development of the City; and

WHEREAS, Murray development Corp. is the owner of property described by the Meade County Equalization office as parcels #11.78.AR and 11.78.UTIL2, located adjacent to the City of Sturgis and described in fuller detail below; and

WHEREAS, the property owned by Murray Development Corp. subject to this Resolution consists of platted non-agricultural territory as defined at SDCL 9-4-5 and 10-6-31, described as follows:

LEGAL DESCRIPTIONS:

- Tract A Revised of Murray Addition No. 2, Meade County, South Dakota, as shown on the plat filed in Plat Book 25, Pages 5-6, and as amended by Affidavit of Correction

recorded July 17, 2015, in Book 863, Pages 972-973; EXCEPTING therefrom Murray Well Lot #1 as shown on the plat filed in Plat Book 21 Pages 205-206; and EXCEPTING therefrom Murray Utility Lot #2, as shown on the plat filed in Plat Book 22, Pages 335-336.

- Murray Utility Lot #2 of Tract A formerly a portion of Tract A of Murray Addition #2, located in the SE1/4 of Section 8, T5N, R5E, B.H.M., Meade County, South Dakota as

shown on the plat filed in Plat Book 22 Pages 335-336.

WHEREAS, Murray Water Company Inc. is the owner of property described by the Meade County Equalization office as parcel #11.78.WELL1, located adjacent to the City of Sturgis and described in fuller detail below, and

WHEREAS, the property owned by Murray Water Company Inc. subject to this Resolution consists of platted non-agricultural territory as defined at SDCL 94-5 and 10-6-31, described as follows:

- Murray Well Lot #1 of Tract A Formerly a portion of Tract A of Murray Addition #2, located in the SE 1/4 of Section 8, T5N, R5E, B.H.M., Meade County, South Dakota as shown on the plat filed in Plat Book 21, Pages 205-206.

WHEREAS, the Annexation Study on file for the subject properties also contains the following information demonstrating the following reasons for annexation:

1. 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 some City services to the area and consistent with the Annexation Study.
2. 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.
3. That the City has established a definite timetable upon which municipal services will be extended into the contiguous territory as described in the Annexation Study subject to the City's policies and ordinances in accordance with South Dakota Codified Law.
4. 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.
5. The estimated difference in tax assessment rate for the residents and property in the contiguous territory will be a net increase of 0.006309 for Non-Agricultural property.
6. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.
7. That exclusions or irregularities in municipal boundary lines are not the result of arbitrariness but are based upon existing geographical features physical barriers, existing property boundaries, existing occupancies and uses, and existing city boundaries.

8. That there is reasonable present need, and demonstrable future need, for annexing the subject contiguous territory in accordance with the Annexation Study.
9. That there exists a community of interest between the contiguous territory and the City of Sturgis.

WHEREAS, the City has agreed with the owners that that previous drainage and water run-off issues in the Dolan Creek Estates were multi-factorial, not only run off from Big Rig RV Park; **HOWEVER, THE DEVELOPMENT AGREEMENT AND THIS STATEMENT SHALL NOT BE CONSTRUED IN ANY MANNER AS AGREEMENT BY THE CITY TO INDEMNIFY OR HOLD HARMLESS** Murray Development Corp. or the Murray Water Company, Inc., or any officer, agent or representative of those corporations **FOR ANY WATER RUN-OFF PROBLEMS THAT HAVE OCCURRED IN THE PAST OR MAY OCCUR IN THE FUTURE.**

NOW, THEREFORE BE IT RESOLVED that the property identified as:

- Tract A Revised of Murray Addition No. 2, Meade County, South Dakota, as shown on the plat filed in Plat Book 25, Pages 5-6, and as amended by Affidavit of Correction recorded July 17, 2015, in Book 863, Pages 972-973; **EXCEPTING** therefrom Murray Well Lot #1 as shown on the plat filed in Plat Book 21 Pages 205-206; and **EXCEPTING** therefrom Murray Utility Lot #2, as shown on the plat filed in Plat Book 22, Pages 335-336;

AND

- Murray Utility Lot #2 of Tract A formerly a portion of Tract A of Murray Addition #2, located in the SE1/4 of Section 8, T5N, R5E, B.H.M., Meade County, South Dakota as shown on the plat filed in Plat Book 22, Pages 335-336;

AND

- Murray Well Lot #1 of Tract A Formerly a portion of Tract A of Murray Addition #2, Located in the SE 1.4 of Section 8, T5N, R5E, B.H.M., Meade County, South Dakota as shown on the plat filed in Plat Book 21, Pages 205-206

shall be and hereby are annexed into the City of Sturgis as provided by State Law and the corporate limits of the City of Sturgis extended to include it.

DATED this 1st day of June 2020.

CITY OF STURGIS

Mark Carstensen, Mayor

ATTEST:

Fay Bueno, Finance Officer

Published: 06-04-2020

Effective: 06-25-2020

STATE OF SOUTH DAKOTA)

) ss

COUNTY OF MEADE)

I, Fay Bueno, duly appointed Finance Officer of and for the City of Sturgis, Meade County, South Dakota, do hereby certify that the foregoing is a true and correct resolution adopted by the Common Council of the City Of Sturgis at a regular meeting held on June _____, 2020.

Fay Bueno, Finance Officer