



BOARD OF COUNTY COMMISSIONERS

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June 10, 2015

Daniel Ainslie
Mark Carstensen
Sturgis City Council

RE: Resolution 2015-38 / Cooperation with Meade County

Dear Mr. Ainslie, Mayor Carstensen and City Council:

This letter is to request your reconsideration of Resolution 2015-38, Resolution of Annexation of Lippold Property. The Meade County Commissioners support responsible growth and planned development, so long as this development and growth follows existing agreements and all applicable state statutes. We have several grave concerns over the legality and procedures of this annexation.

The Resolution purports to annex certain properties in Sections 2 and 3 east of Sturgis, skips over school lands, and purports to annex property whereupon Kickstart and the Thunderdome are located. This is property managed by BLM and the Lippolds.

Per section 5 of the Three Mile Area Policy Agreement between Meade County and the City of Sturgis: "*ANNEXATION: In the event the City proceeds with Annexation of property affected by this Agreement, the City will do so consistent with all applicable South Dakota statutory law.*" We believe several state statutes (detailed below) have not been followed in recent annexations.

Our first concern is your failure to allow the County Commissioners to address the annexation of unplatted territory as required by SDCL 9-4-5. The land managed by the BLM is described by aliquot description (e.g., the NE1/4 of the SE1/4 of Section 3). A review of records in the Register of Deeds office fails to disclose any plat which encompasses these properties. We believe that the annexation process, whether voluntary or involuntary, requires approval by the Commissioners prior to adoption.

Another concern is whether the property is contiguous as required by SDCL 9-4-1. Regardless of the status of the annexation of BLM land, the current Resolution skips over school lands to reach the Lippold property. In prior efforts by the City of Sturgis to annex school and lagoon lands, Mr. Ainslie's own statements underscored the fact

that those annexations were not contiguous to the City of Sturgis. The previous improper annexations cannot be used as a basis for contiguity of current/future annexation efforts.

A final concern is the failure to consider annexation of roads within the area in question. As you are aware, we have expressed our frustration when an entity annexes property abutting a county road without annexing all or a portion of the road right-of-way (Avalanche Road). It appears the same situation occurs here along Glencoe Drive.

We do ask your reconsideration of Resolution 2015-38 at your earliest convenience. We would appreciate a response to this letter following your next meeting on June 15, 2015. However, if our concerns are not promptly addressed, Meade County will not hesitate to test the legality of this and possibly other annexations in court.

We thank you in advance for your time and consideration to this matter.

Very respectfully,



Alan Aker, Chairman, Meade County Board of Commissioners