

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

99-448

SYNOPSIS -

AGENDA:

OCTOBER 4, 1999

SUBJECT:

PHILLIPS
PETROLEUM CO.
ANNEXATION

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

On August 2, 1999, by Roll Call No. 99-2421, Phillips Petroleum Co. requested voluntary annexation of their property located at 5130 NE 14th Street. This property is located approximately two blocks north of the current city boundary in the area. To annex the Phillips Petroleum property, the City must also annex portions of the intervening parcels and county roads.

Phillips Petroleum Co. has consented to the annexation of its property subject to the following conditions:

1. The annexation to be effective January 1, 2001.
2. Zoning to allow continuation of the existing use as a conforming use.
3. Immediate City sewer service at normal City rates.

· The owners of the intervening parcels at 1530 NE 14th Street (J&J Properties, L.L.C.), and 1345 NE 50th Place and 1340 NE 50th Avenue (Donald J. Steffensen) have agreed to the voluntary annexation of their properties subject to the conditions numbered 1 and 2, above, plus a requirement that the City taxes be phased in over a five-year period as allowed by Iowa Code Chapter 368, in accordance with the following schedule:

First Year	75% abated
Second Year	60% abated
Third Year	45% abated
Fourth Year	30% abated
Fifth Year	15% abated

There are three resolutions before the City Council to approve this annexation under the conditions set by the property owners for the annexation. The first resolution approves the voluntary

annexation and allows a phase in of City taxes upon the intervening parcels at 1530 NE 14th Street (J&J Properties, L.L.C.), and 1345 NE 50th Place and 1340 NE 50th Avenue (Donald J. Steffensen) which were needed to reach the Phillips Petroleum Co. property. The Phillips Petroleum Co. property will not receive the benefit of the phase in of City taxes.

The first resolution does not commit the City Council to approve any rezoning of the property to be annexed. However, it provides that the City shall not forward the annexation to the City Development Board for its approval and implementation until after the City has rezoned all the property to a limited "C-2" District classification. If for any reason the City Council would deny such rezoning, the annexation would not be completed.

The second resolution approves an agreement with Phillips Petroleum Co. to allow its property to immediately receive City sewer service at the normal in-City sewer rates. The agreement also contains a requirement binding upon Phillips Petroleum Co. and future owners whereby they agree to support the annexation of the property. If they take any action to affirmatively oppose the future annexation of the property, the City may terminate the sewer service. This agreement should automatically terminate upon the planned annexation of the property into the City effective January 1, 2001.

The third resolution schedules a public hearing to consider rezoning the property to a Limited "C-2" Commercial District classification. The hearing is proposed to be on October 28, 1999. The rezoning will be considered by the Plan and Zoning Commission on October 7, 1999, and the Commission's recommendation should be available by October 28.

FISCAL IMPACT -

N/A

RECOMMENDATION -

Approval.

BACKGROUND -

On August 2, 1999, by Roll Call No. 99-2421, the City Council moved to receive, file, and refer to the City Manager to proceed with voluntary annexation of property at 5130 NE 14th Street owned by Phillips Petroleum Co. This property is located approximately two blocks north of the current city boundary in the area. To annex the Phillips Petroleum Co. property, the City must also annex portions of the intervening parcels and county roads. Phillips Petroleum Co. is requesting the annexation out of a desire to obtain city sewer service.