



Agenda Item:

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## **COUNCIL COMMUNICATION**

### **City Manager's Office**

#### **GENERAL INFORMATION**

Agenda Date: 11/21/2005  
Agenda Item Type: Resolution

Communication No.: 05-672  
Roll Call No.:

Submitted by: Larry Hulse, Community Development Director

#### **SUBJECT—**

Public hearing on an amended application for voluntary annexation, from Norman R. Havel and Patricia A. Havel Family Trust, for 130 acres of land north of NE 38<sup>th</sup> Avenue (E. Douglas) between NE 48<sup>th</sup> Street and Highway 65. (Hearing continued from November 7, 2005.)

#### **SYNOPSIS—**

The City has received an amended application for annexation from Norman and Patricia Havel that removes a 66' x 170' parcel owned by the Havels, three non-consenting parcels owned by Russell H. Swieter (5050, 5070 and 5080 NE 38<sup>th</sup> Avenue) and one non-consenting parcel owned by Dennis J. Tucker (5055 NE 38<sup>th</sup> Avenue) from the original annexation petition. The amended annexation petition is now 100% voluntary and complies with state law.

#### **FISCAL IMPACT—**

N/A.

#### **RECOMMENDATION—**

Staff recommends approval of the amended annexation petition.

#### **BACKGROUND—**

At the November 7, 2005 hearing, Russell H. Swieter requested that a 66' x 170' parcel of land owned by Norman R. and Patricia A. Havel adjoining the west lot line of 5050 NE 38<sup>th</sup> Avenue be omitted from the voluntary annexation. By omitting the 66' x 170' parcel, three non-consenting parcels owned by Mr. Swieter (5050, 5070 and 5080 NE 38<sup>th</sup> Avenue) and one non-consenting parcel owned by Dennis J.

Tucker (5055 NE 38<sup>th</sup> Avenue) could be removed from the voluntary annexation petition. The City Council continued the hearing to November 21, 2005. The Havel family did not object to the request and has submitted an amended annexation petition removing the subject parcels from the annexation request. The amended annexation petition is now 100% voluntary and complies with state law.