



**Council
Communication**
Office of the City Manager

Date

May 8, 2006

Agenda Item No. 42E
Roll Call No. 06-
Communication No. 06-267
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Hearing on Voluntary Annexation of approximately 10.5 acres of land in unincorporated Polk County, located at 4250 Grandview Avenue (Frank and Christine Holt, Owner).

SYNOPSIS:

Recommend approval of the Voluntary Annexation. The Application for Voluntary Annexation is consistent with the City's long-range plans for residential development of the area. If the annexation is approved by the City Council, and unless the Application for Voluntary Annexation is withdrawn by Frank and Christine Holt within 5 business days after Council approval, the City Clerk shall forward a certified copy of the resolution and the accompanying exhibits to the City Legal Department who will seek approval of this voluntary annexation by the City Development Board in accordance with the procedures established in Iowa Code Chapter 368.

FISCAL IMPACT: NONE

Amount:

Funding Source:

ADDITIONAL INFORMATION:

The territory proposed for annexation adjoins the boundaries of the City of Des Moines. It is not within the boundaries of any city but is located within two miles of the boundaries of the Cities of Altoona and Pleasant Hill. However, the territory is on the Des Moines' side of the annexation moratorium lines established by resolutions between the City of Des Moines and the cities of Altoona and Pleasant Hill.

A single-family residence, detached garage and agricultural out buildings are currently located on the subject property. The predominance of the property is utilized for agricultural production. On April 6, 2006, the Plan and Zoning Commission recommended that the City Council assign a 2020 Community Character Plan future land use designation of Low Density Residential to the subject property and that it be rezoned upon annexation from the "A-1", Agricultural district to the "R1-60", One-Family Low Density Residential district.

Notice of the proposed annexation was given to the Polk County Board of Supervisors and to the Delaware Township Board of Trustees by letter of March 13, 2006, and they were invited to a consultation meeting with City staff held on March 23, 2006. Samantha Kain (attorney) appeared at the consultation meeting on behalf of the Township Trustees, and no one appeared on behalf of Polk County.

On April 5, 2006, the City received a letter from Ms. Kain citing Delaware Township's opposition to the proposed voluntary annexation. However, Ms. Kain's letter did not identify any reason for the Township's opposition and did not suggest any changes to the proposed annexation. City staff responded to Ms. Kain's by letter on April 16, 2006 noting that the subject property is surrounded on all sides by existing residential development and that the only jurisdiction capable of providing the property with access to a public right-of-way is the City of Des Moines. In addition, staff noted that the only jurisdiction capable of providing the property with public sewer service and the service of a full time professional fire department is the City of Des Moines. Staff further noted that in the current fiscal year the property owners have paid a total of \$41.13 in taxes to Delaware Township.

On April 18, 2006, the Polk County Board of Supervisors voted in support of Resolution No. 108-06 wherein the "Board of Supervisors takes a position for said annexation to the City of Des Moines."

Notice of the hearing was sent by certified or regular mail on April 17, 2006, to all affected utilities, to all other cities located within two miles of the Property, to the Polk County Board of Supervisors and County Attorney, and to all applicants and owners of land adjoining the territory proposed to be annexed as required by Sections 368.5 and 368.7 of the Iowa Code.

Notice of the May 8, 2006 public hearing was published in the Des Moines Register on April 17, 2006, as provided by law.

PREVIOUS COUNCIL ACTION(S):

Date: March 20, 2006

Roll Call Number: 06-530

Action: Setting date of hearing on request from Frank and Christine Holt for voluntary annexation of approx 10.5 acres in the vicinity of 4250 Grandview Avenue, (5-8-06). Moved by Brooks to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

Date:

Roll Call Number:

Action:

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Consideration of the Plan and Zoning Commission's recommendation to assign a 2020 Community Character Plan future land use designation of Low Density Residential to the subject property and that it be rezoned upon annexation from the "A-1", Agricultural district to the "R1-60", One-Family Low Density Residential district.