



**Council
Communication**
Office of the City Manager

Date

May 22, 2006

Agenda Item No. 51
Roll Call No. 06-
Communication No. 06-281
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Hearing on Voluntary Annexation of approximately 36 acres of land in Warren County, located south of Iowa Highway 5 and west of County Road R-63 (Rueter Corporation, Owner – Todd H. Rueter, President).

SYNOPSIS:

Recommend approval of the Application for Voluntary Annexation, which is consistent with the City's long-range plans for commercial and residential development of the area. If the annexation is approved by the City Council, and unless the Application for Voluntary Annexation is withdrawn by the Rueter Corporation within 5 business days after Council approval, the City Clerk shall forward a certified copy of the resolution and the accompanying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 and is located within two miles of the City of Norwalk. However, the territory is on the Des Moines side of the annexation moratorium line established by resolution between the Cities of Des Moines and Norwalk.

The subject property was included within the Involuntary Annexation to the City of Des Moines (A98-03) that was approved by voters in November. Due to a pending lawsuit regarding the Involuntary Annexation, the property owner has submitted a voluntary annexation petition for the subject property.

There are currently no structures on the subject property, and it is currently utilized for agricultural production. The Des Moines' 2020 Community Character Land Use Plan currently designates the subject property as Low-Density Residential and Auto Oriented Commercial Small Scale Strip Development. The subject property is within the Highway 5 / North River Master Plan study area. Upon annexation to the City of Des Moines, the subject property will be zoned "A-1" Agricultural. Future land use plan amendments and/or rezoning of the subject property will be necessary to accommodate urban development. There is minimal need for urban services to the subject property until such development occurs.

Notice of the proposed annexation was given to the Warren County Board of Supervisors, to the Warren County Zoning Administrator and to the Greenfield Township Board of Trustees by letter of March 22, 2006. These parties were invited to a consultation meeting with City staff. Neither the county nor township sent representatives to the consultation meeting held on April 4, 2006.

Notice of the public hearing, was sent by certified or regular mail on April 26, 2006 to all affected utilities, to all other cities located within two miles of the property, to the Warren 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 22, 2006 public hearing was published in the Indianola Record Herald & Tribune on April 26, 2006 as provided by law.

PREVIOUS COUNCIL ACTION(S):

Date: April 10, 2006

Roll Call Number: 06-631

Action: Setting date of hearing on request from Rueter Corp. regarding voluntary annexation of approximately 36 acres of land in Warren County, located west of County Highway R63 and south of Iowa Highway 5, (5-22-06). Moved by Hensley to adopt. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S): NONE

Date:

Roll Call Number:

Action:

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Future requests for amendments to the 2020 Community Character Plan Land Use Designations and zoning map designations for the subject property.