



# Council Communication

Office of the City Manager

Date

October 22, 2007

Agenda Item No. 43  
Roll Call No. 07-  
Communication No. 07-632  
Submitted by: Larry Hulse, Community  
Development Director

## AGENDA HEADING:

Hearing on application from Darlene A. Fini seeking voluntary annexation by the City of Des Moines of approximately 63 acres of land located between NE 38th Avenue (E. Douglas Avenue) and NE 30th Place and west of NE 56th Street, and six single-family parcels, totaling 5 acres, without the individual owner's consent.

## SYNOPSIS:

Recommend approval of the annexation described above. If the annexation is approved by the City Council, and unless the Application for Voluntary Annexation is withdrawn by Darlene Fini within 5 business days after Council approval, the City Legal Department will seek approval of this voluntary annexation by the City Development Board.

## FISCAL IMPACT: NONE

## ADDITIONAL INFORMATION:

To avoid the illegal creation of islands of unincorporated land surrounded by the City of Des Moines, six single-family parcels, totaling approximately 5 acres, have been added to the annexation request without the individual owners' consent. The property addresses are 5371 NE 38<sup>th</sup> Avenue (owned by Carmen Terwilliger); 5383 NE 38<sup>th</sup> Avenue (owned by Edwin D. Briggs and Marcy C. Briggs); 5411 NE 38<sup>th</sup> Avenue (owned by Connie S. Waugh); 5501 NE 38<sup>th</sup> Avenue (owned by Stephen L. Fini); 5523 NE 38<sup>th</sup> Avenue (owned by Joel S. Fini and Kelli J. Kelderman); and 5545 NE 38<sup>th</sup> Avenue (owned by Tony E. Newton and Angie L. Newton).

The territory proposed for annexation adjoins the boundaries of the City of Des Moines. The property is located within two miles of the boundaries of the Cities of Pleasant Hill and Altoona.

The subject properties are designated as Low-Density Residential on the Des Moines' 2020 Community Character Plan Land Use Map. Upon annexation, the subject properties will be zoned A-1, Agricultural. The existing single-family dwellings will become legal non-conforming uses in the A-1 zoning district, as the parcels are less than the required ten-acre minimum lot size. It would be appropriate for the City to initiate rezoning of the six single-family parcels to a single-family residential zoning district in the future.

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 August 15, 2007, and they were invited to a consultation meeting with City staff held on August 27, 2007. Neither the County nor the Township sent representatives to the consultation meeting.

Notice of the hearing was sent by certified or regular mail on September 18, 2007, 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. A second notice was sent on September 24, 2007, by certified mail, return receipt requested, to all owners of land within the territory proposed to be annexed who have not previously consented to the annexation.

Notice of the October 22, 2007, public hearing was published in the Des Moines Register on September 18, 2007, as provided by law.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 2, 2007

Roll Call Number: 07-1601

Action: [On](#) Voluntary Annexation Application from Darlene A. Fini for property between NE 38<sup>th</sup> Avenue (E. Douglas Avenue) and NE 30<sup>th</sup> Place and west of NE 56<sup>th</sup> Street, (10-22-07). Moved by Vlassis to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

City Council initiation of rezoning for the six, single-family lots from the A-1, Agricultural District to a single-family residential zoning district. Also, consideration by the Plan and Zoning Commission and City Council of a request to rezone the 63 acre parcel owned by Darlene Fini for future development.