

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	September 14, 2009
	Agenda Item No. 65 Roll Call No. <u>09-</u> Communication No. <u>09-640</u> Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Hearing on application from William F. Franklin and Roxanna Franklin seeking voluntary annexation by the City of Des Moines of approximately 0.441 acres of land located in the vicinity of 843 NW Aurora Avenue in unincorporated Polk County.

SYNOPSIS:

Staff recommends Council approval of the annexation. The applicants have waived their right to withdraw the annexation petition based upon an *Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits* between the City of Des Moines and the applicants that was approved on July 13, 2009. If the annexation is approved by the City Council, 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:

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The territory proposed for voluntary annexation adjoins the boundaries of the City of Des Moines along the south lot line of the subject property. The property is more than two miles from the boundaries of any other City.

No Des Moines' 2020 Community Character Plan Land Use Map designation currently exists for the subject property. Upon annexation, the subject property will be zoned A-1, Agricultural. Since the subject property is less than ten acres in size, the existing single-family dwelling will become a legal non-conforming use under the City's zoning ordinance. Such a designation may affect the ability of the property owner to re-finance or sell their property. Staff recommends that the applicant submit applications to amend the comprehensive plan and to rezone the property for consideration by the Plan and Zoning Commission and City Council at a future date.

Notice of the proposed annexation was given to the Polk County Board of Supervisors and to the Saylor Township Board of Trustees by letter of July 15, 2009, and they were invited to a consultation

meeting with City staff held on July 30, 2009. Polk County sent a representative to the consultation meeting, but has not raised any objection to the proposed annexation.

Notice of the hearing was sent by certified or regular mail on August 21, 2009 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 September 14, 2009 public hearing was published in the Des Moines Register on August 21, 2009, as provided by law.

PREVIOUS COUNCIL ACTION(S):

Date: July 13, 2009

Roll Call Number: 09-1215

Action: On voluntary annexation of 843 NW Aurora Avenue and approving agreement for immediate connection to the City sewer system, (9-14-09). (Council Communication No. 09-452) Moved by Kiernan to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Consideration of future request(s) to rezone the subject property.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.