

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 5, 2011
	Agenda Item No.	43
	Roll Call No.	<u>11-2084</u>
	Communication No.	<u>11-741</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Public hearing on application from Darwin and Karen Hook seeking voluntary annexation by the City of Des Moines of approximately 0.768 acres in Delaware Township, Polk County, located in the vicinity of 5055 NE 38th Avenue (Douglas Avenue) and all adjoining portions of NE 38th Avenue not previously annexed by the City.

SYNOPSIS:

Staff recommends approval of the annexation. 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: NONE

Amount: N/A.

Funding Source: N/A.

ADDITIONAL INFORMATION:

The territory proposed for voluntary annexation adjoins the boundaries of the City of Des Moines. The property is also located within 2 miles of the City of Altoona and the City of Pleasant Hill but is on the Des Moines side of Annexation Moratorium Agreement lines between the City of Des Moines and those two cities.

The Des Moines’ 2020 Community Character Plan Land Use Map currently has no designation for the subject property. All adjoining properties on the south side of NE 38th Avenue (Douglas Avenue) are designated as for Low-Density Residential use and it is anticipated that a Low Density Residential designation will be assigned to the subject property in the near future. Upon annexation, the subject property will be zoned A-1, Agricultural District. The subject property conforms to the lot width and lot area requirements for a single-family dwelling in an A-1 District. There is one existing single-family dwelling, a detached garage and an in-ground swimming pool on the subject property. Rezoning of the subject property to an R1-80, One Family Residential District designation may be proposed 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 October 13, 2011, and they were invited to a

consultation meeting with City staff held on October 19, 2011. No one appeared at the meeting on behalf of the County or Township and neither entity has raised any objection to the proposed annexation.

Notice of the hearing was sent by certified or regular mail on November 9, 2011 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 December 5, 2011 public hearing was published in the Des Moines Register on November 9, 2011, as provided by law.

PREVIOUS COUNCIL ACTION(S):

Date: October 10, 2011

Roll Call Number: 11-1709

Action: Set date of public hearing on voluntary annexation of 5055 NE 38th Avenue and approving agreement for immediate connection to the City sewer system, (12-5-11). **Moved by Mahaffey 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.