

Date May 8, 2006

RESOLUTION APPROVING VOLUNTARY ANNEXATION
OF TERRITORY IN UNINCORPORATED POLK COUNTY
OWNED BY FRANK HOLT

WHEREAS, on March 20, 2006, by Roll Call No. 06-530, the City Council resolved that the accompanying Application for Voluntary Annexation from Frank and Christine Holt seeking the voluntary annexation by the City of Des Moines of property they own in the vicinity of 4250 Grandview Avenue, generally shown on the map attached hereto as Exhibit "A" and more specifically described below, be set down for consideration by the City Council at a public hearing to be held in the Council Chambers on May 8, 2006, at 5:00 p.m.; and,

WHEREAS, 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 at 1:15 p.m., on March 23, 2006, in the Kofu Conference Room at City Hall, to discuss the proposed annexation as provided by Section 368.7 of the Iowa Code; and,

WHEREAS, Samantha Kain appeared at the consultation meeting on behalf of the Township Trustees, and no one appeared on behalf of Polk County; and,

WHEREAS, by letter of April 5, 2006, a copy of which is attached as Exhibit "2", Samantha Kain has conveyed notice of Delaware Township's opposition to the proposed annexation, and pursuant to Section 368.7 of the Iowa Code, the City has made written response to that communication at least 14 business days prior to this hearing, by letter of April 16, 2006, a copy of which is attached as Exhibit "3"; and,

WHEREAS, by Resolution No. 108-06 of April 18, 2006, a copy of which is attached as Exhibit "4", the Polk County Board of Supervisors voted in support of a resolution wherein the "Board of Supervisors takes a position for said annexation to the City of Des Moines"; and,

WHEREAS, due 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; and,

(continued)

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Date..... May 8, 2006

-2-

WHEREAS, due notice of the public hearing was published in the Des Moines Register on April 17, 2006, as provided by law, setting forth the time and place for hearing on said proposed annexation; and,

WHEREAS, in accordance with the published and mailed notice, those interested in the annexation, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the territory proposed to be annexed adjoins the boundaries of the City of Des Moines; is not within the boundaries of any city; and, is located within two miles of the boundaries of the cities of Pleasant Hill and Altoona; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed annexation are hereby overruled and the hearing is closed.
2. The annexation of the territory generally shown on the map attached hereto as Exhibit "A" and more specifically described as follows is hereby found to be consistent with the City's long range plans for the area, and is hereby approved.

Address: 4250 Grandview Avenue

District/Parcel No. 190/00451-000-000

Legal: The Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4, and the East 0.5 acres of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 28 North, Range 79 North, Township 23 West of the 5th p.m., in Polk County, Iowa.

3. If the applicants do not withdraw their Application for Voluntary Annexation within five business days, the City Clerk is hereby authorized and directed to then forward a certified copy of this resolution and accompanying exhibits, to the Legal Department for filing with the City Development Board.

(continued)

★ Roll Call Number

Agenda Item Number

42E

Date May 8, 2006

-3-

4. The City Legal Department is hereby authorized and directed to seek approval of this voluntary annexation, in its entirety and each part thereof, by the City Development Board in accordance with the procedures established in Iowa Code Chapter 368.

(Council Communication No. 06-267)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

Attachments:

- Exhibit "A" - Maps of entire Territory to be annexed
- Exhibit "1" - Application for Voluntary Annexation
- Exhibit "2" - Letter from Delaware Township
- Exhibit "3" - Response to Delaware Township
- Exhibit "4" - Polk County Resolution No. 108-06
- Exhibit "5" - Certificate of Mailing
- Exhibit "6" - Affidavit of Publication
- Exhibit "7" - Auditor's Annexation Review

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

 Mayor

CERTIFICATE

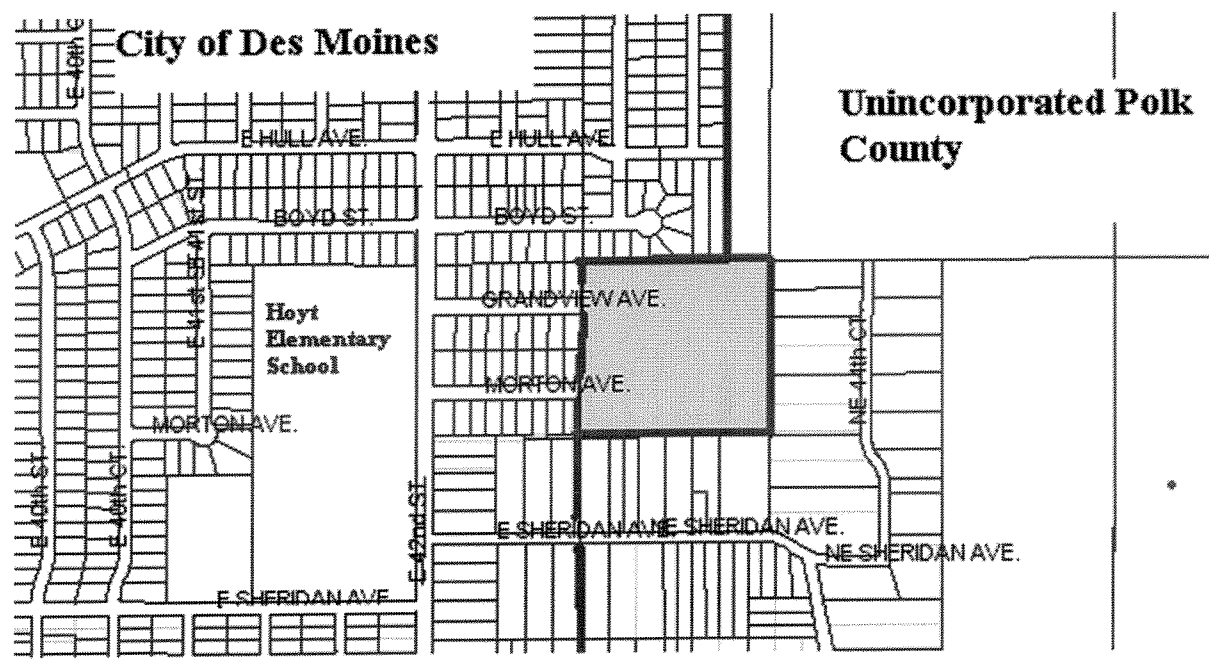
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

Exhibit "A"

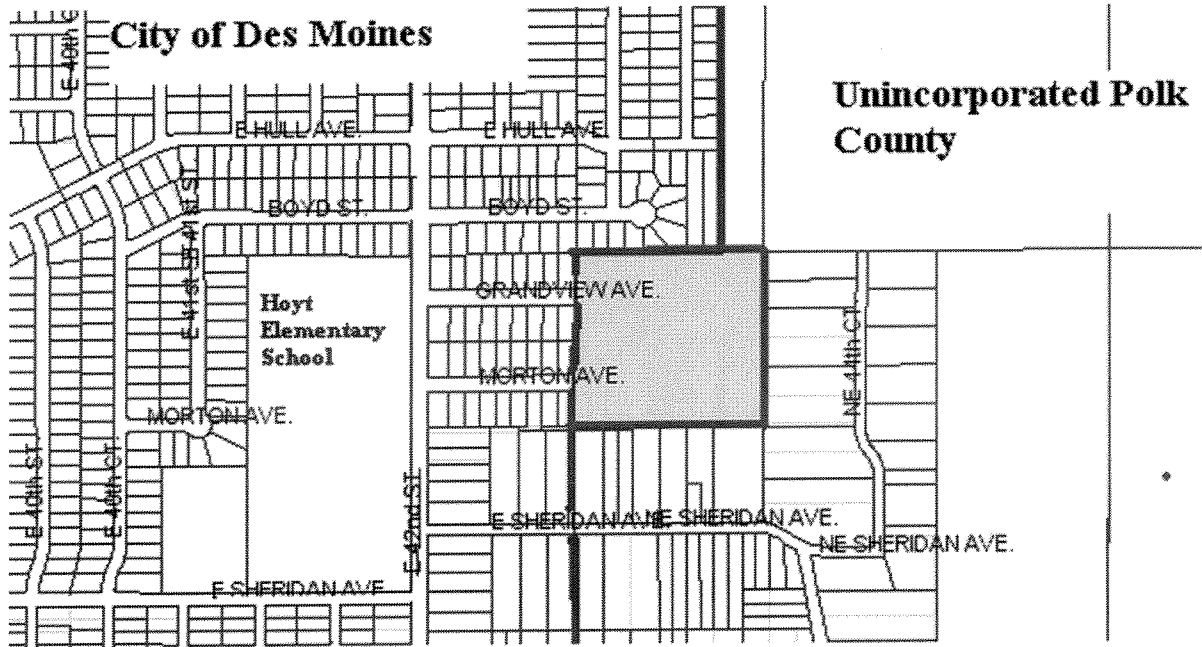
Map of the Territory proposed to be annexed



 Land owned by Frank Holt proposed to be annexed

42E

Exhibit "A"
Map of the Territory proposed to be annexed



 Land owned by Frank Holt proposed to be annexed