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**Date**..... October 9, 2006

RESOLUTION APPROVING VOLUNTARY ANNEXATION  
OF TERRITORY IN UNINCORPORATED POLK COUNTY  
(J & K Wright Family Trust and Darrell Lawrence)

WHEREAS, on July 10, 2006, by Roll Call No. 06-1336, the City Council resolved that the accompanying Application for Voluntary Annexation from Junior Wright as Co-Trustee of the J & K Wright Family Trust, and Darrell Lawrence, seeking the voluntary annexation by the City of Des Moines of land in Polk County located south of E. Watrous Drive and west of S.E. Brooks Drive, together with portions of the adjoining rights-of-way, all as generally shown on the maps attached hereto as Exhibit "A" and as 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 September 11, 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 Allen Township Board of Trustees by letter of July 6, 2006, and they were invited to a consultation meeting with City staff held at 1:10 p.m., on July 13, 2006, in the Kofu Conference Room at City Hall, to discuss the proposed annexation as required by Section 368.7 of the Iowa Code; and,

WHEREAS, Polk County was represented at the consultation meeting by Charles Wong from the Polk County Planning Division, and no one appeared at the consultation meeting on behalf of Allen Township; and,

WHEREAS, by Resolution No. 190-06 of August 1, 2006, a copy of which is attached as Exhibit "2", the Polk County Board of Supervisors voted in support of a resolution requesting that the City Development Board approve the petition for voluntary annexation as being consistent with the Polk County Comprehensive Plan; and,

WHEREAS, due notice of the public hearing was sent by certified or regular mail on August 9, 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,

WHEREAS, due notice of the public hearing was published in the Des Moines Register on August 9, 2006, as provided by law, setting forth the time and place for hearing on said proposed annexation; and,

WHEREAS, on September 11, 2006, by Roll Call No. 06-1818, the City Council continued the public hearing until October 9, 2006, at 5:00 p.m.; and,

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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 Carlisle and Pleasant Hill; 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 below is hereby found to be consistent with the City's long range plans for the area, and is hereby approved:

Lots 1 through 7 and Outlot X, Darrell Acres, an Official Plat, and the adjoining portion of any other secondary roads extending to the centerline, all in Polk County, Iowa.

3. If the applicants do not withdraw their application within five business days of this date, 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 )

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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. 06-656)

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*  
 Roger K. Brown  
 Assistant City Attorney

Attachments:

- Exhibit "A" - Maps of Territory to be annexed
- Exhibit "1" - Application for Voluntary Annexation
- Exhibit "2" - Polk County Resolution No. 190-06
- Exhibit "3" - Certificate of Mailing
- Exhibit "4" - Affidavit of Publication
- Exhibit "5" - Auditor's Annexation Review

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

MOTION CARRIED

APPROVED

**CERTIFICATE**

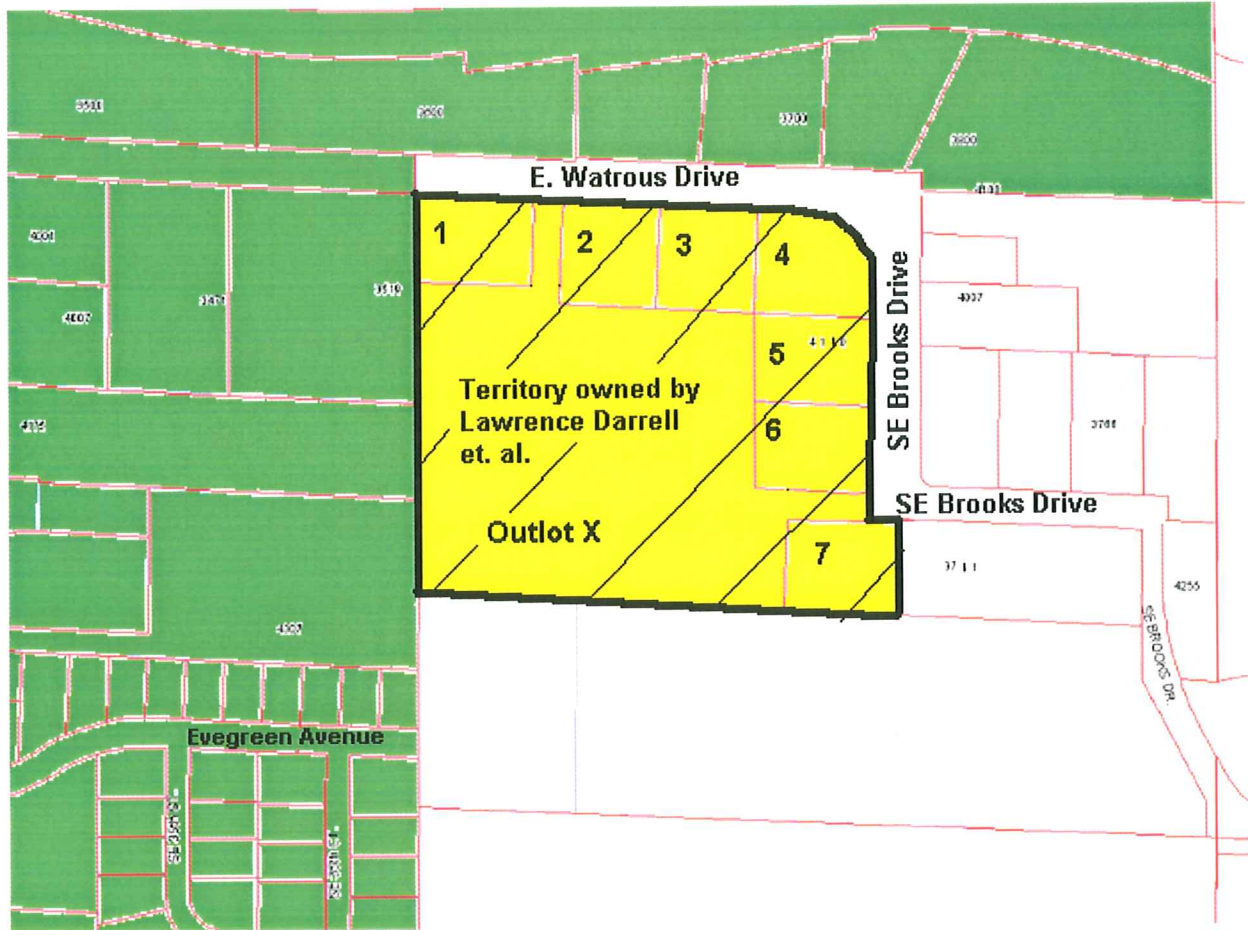
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.



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

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

### Exhibit "A" Map



-  Current boundaries of the City of Des Moines
-  Territory proposed to be annexed  
Lots 1 through 7 and Outlot X, Darrell Acres



# Exhibit "A-1"

## CITY OF DES MOINES

