

Date..... November 5, 2007

RESOLUTION APPROVING VOLUNTARY ANNEXATION
OF TERRITORY IN UNINCORPORATED POLK COUNTY
(Darlene A. Fini – phase 2)

WHEREAS, the City of Des Moines has received the accompanying Application for Voluntary Annexation from Darlene A. Fini, seeking the voluntary annexation by the City of Des Moines of approximately 18 acres of land she owns east of the 3000 block of NE 56th Street, generally shown on Exhibits "A-1" and "A-2" and more specifically described below; and,

WHEREAS, it is further proposed that the Territory include the adjoining 1/2 of NE 56th Street; and,

WHEREAS, on September 10, 2007, by Roll Call No. 07-1718, the City Council resolved that the proposed annexation be set down for consideration by the City Council at a public hearing to be held in the Council Chambers on November 5, 2007, at 5:00 p.m.; and,

WHEREAS, notice of the proposed annexation was given to the Polk County Board of Supervisors and to the Clay Township Board of Trustees by letter of September 5, 2007, and they were invited to a consultation meeting with City staff held at 1:10 p.m., on September 20, 2007, in the Kofu Conference Room at City Hall, to discuss the proposed annexation; and,

WHEREAS, neither the county nor township sent representatives to the consultation meeting; and,

WHEREAS, due notice of the public hearing was sent by certified or regular mail on October 12, 2007, to all affected utilities, to all other cities located within two miles of the Territory, to the Polk County Board of Supervisors and County Attorney, and to all applicants and owners of land included in and 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 October 12, 2007, 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,

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WHEREAS, the Territory proposed to be annexed is not within the boundaries of any city; is located within two miles of the boundaries of the cities of Pleasant Hill and Altoona; and, adjoins other land owned by Darlene A. Fini that was recently approved by the City Council for annexation into the City of Des Moines; 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 maps attached hereto as Exhibits "A-1" and "A-2" 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.

Parcel owned by Darlene A. Fini:

District/Parcel No.: 170/00317-000-000

Acreage: 18.01

Legal: Lot 6, of the Official Plat of the North 1/2 of the Southwest 1/4 and the South 1/2 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 26, Township 79 North, Range 23 West of the 5th P.M., in Polk County, Iowa.

Adjoining secondary road:

That part of the NE 56th Street right-of-way extending to the centerline, lying West of and adjoining Lot 6, of the Official Plat of the North 1/2 of the Southwest 1/4 and the South 1/2 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 26, Township 79 North, Range 23 West of the 5th P.M., in Polk County, Iowa.

3. If the applicant does not withdraw her 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.

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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.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown
Assistant City Attorney

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Attachments:

- Exhibits "A-1" & "A-2" – Maps of Territory
- Exhibit "1" - Application for Voluntary Annexation
- Exhibit "2" - Certificate of Mailing
- Exhibit "3" - Affidavit of Publication
- Exhibit "4" – Auditor’s Review

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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

