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Date..... December 17, 2007

RESOLUTION AFFIRMING THE DECISION OF THE CITY PLAN AND
ZONING COMMISSION TO DENY APPROVAL OF A PLAT OF SURVEY
FOR A SUBDIVISION IN THE VICINITY OF 3620 - 120TH STREET

WHEREAS, by a decision entered July 31, 2007, the Permit and Development Administrator denied the application of Alycia Peterson for approval of a Plat of Survey for property in the vicinity of 3620 – 120th Street, for the reason that the Plat of Survey did not provide for the future extension of utilities or allow for a future street network through the subjection property; and,

WHEREAS, Alycia Peterson appealed the Administrator’s decision to the City Plan and Zoning Commission, and at a public hearing held on September 28, 2007, the Commission voted to uphold the Administrator’s decision; and,

WHEREAS, Alycia Peterson has appealed the Commission’s decision to the City Council, and on December 3, 2007, by Roll Call No. 07-2301, it was duly resolved by the City Council that the appeal be set down for hearing on December 17, 2007, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on December 7, 2007, was mailed to Alycia Peterson on December 11, 2007; and,

WHEREAS, in accordance with the said notice, those interested in the proposed Plat of Survey, 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, Section 106-199(e) of the City Code provides that upon appeal from the Plan and Zoning Commission, a majority vote of the city council shall be necessary to overturn or modify the action of the commission regarding a Plat of Survey; NOW THEREFORE,

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

1. The public hearing on the appeal is hereby closed.
2. The City Council hereby approves and affirms the decision of the Plan and Zoning Commission to deny the proposed Plat of Survey of property in the vicinity of 3630 – 120th Avenue.

(continued)

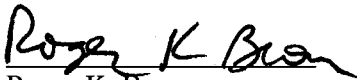
Date..... December 17, 2007

3. The City Council hereby makes the following findings in support of this decision:
- a) The appellant has failed to demonstrate that the decision of the City Plan and Zoning Commission to affirm the denial of the Plat of Survey was unreasonable, arbitrary or capricious.
 - b) The proposed Plat of Survey does not provide for the future extension of utilities or for a future street network through the subject property to serve the subject property and adjoining properties.
 - c) The proposed Plat of Survey and the potential subdivision of similarly situated lands by plats of survey will operate to obstruct the orderly and efficient extension of streets, utilities and other public services and infrastructure necessary to serve the planned future development of the area.

(Council Communication No. 07- 730)

MOVED by _____ to adopt, and affirm the decision of the City Plan and Zoning Commission to deny the Plat of Survey.

FORM APPROVED:



Roger K. Brown
 Assistant City Attorney
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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

The Des Moines Register

AFFIDAVIT OF PUBLICATION

COPY OF ADVERTISEMENT
Exhibit "A"

STATE OF IOWA
SS
COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that she/he is the

Accounting Specialist Kelli Marnin

of The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER (Daily)

DES MOINES SUNDAY REGISTER

newspapers of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register (daily) on the following dates

Dec 7, 2007

Subscribed and sworn to before me by said affiant this 7 day of December 2007

Susan Hazelton
Notary Public in and for Polk County, Iowa

R359 NOTICE OF HEARING
TO WHOM IT MAY CONCERN
Notice is hereby given that on December 17, 2007, at 5:00 P.M., in the Council Chambers at City Hall at 400 Robert D. Ray Drive, Des Moines, Iowa, a hearing will be held by the City Council concerning a request from Alycia Peterson for approval of a plat of survey for land she owns in unincorporated Warren County, located in the vicinity of 3630 120th Avenue within the two mile boundary area where the City of Des Moines exercises jurisdiction over subdivision plats and plats of survey which create a subdivision.
At the above designated time and place, opportunity to be heard will be given to proponents and opponents of the proposed plat of survey.
CITY OF DES MOINES, IOWA
Published in the Des Moines Register on December 7, 2007.

SUSAN HAZELTON
Notarial Seal - Iowa
Commission # 223923
My Commission Expires 2-10-08

P06014; #28.22

