



Roll Call Number

09-580

Agenda Item Number

55

Date April 6, 2009

**RESOLUTION APPROVING VOLUNTARY ANNEXATION
OF TERRITORY IN UNINCORPORATED POLK COUNTY
AT 4880 NE 23RD AVENUE
(H. Dwayne Crozier)**

WHEREAS, the City of Des Moines has received the accompanying Application for Voluntary Annexation from H. Dwayne Crozier, seeking the voluntary annexation by the City of Des Moines of approximately 2.597 acres of land he owns in unincorporated Polk County in the vicinity of 4880 NE 23rd Avenue, generally shown on Exhibits A and A-2 and more specifically described below; and

WHEREAS, on February 9, 2009 by Roll Call No. 09-186, 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 April 6, 2009, 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 February 5, 2009 and they were invited to a consultation meeting by City staff held at 1:10 p.m. on February 19, 2009 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 published in the Des Moines Register on March 13, 2009 as provide by law, setting forth the time and place for hearing on the 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 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:

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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 and A-2 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 "C" as shown by the Plat of Survey recorded in the office of the Recorder of Polk County, Iowa, on March 3, 2009, in Book 12936, at Page 258, and more specifically described as follows:

BEING A PART OF TRACT "A" IN LOT 1 OF THE PLAT OF THE STEPHEN HARVEY ESTATE IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BASIS OF BEARING FOR THIS DESCRIPTION, ASSUMED THE WEST LINE OF LOT 1 OF THE PLAT OF THE STEPHEN HARVEY ESTATE IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 27, AS NORTH 00°21'43" EAST) COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG AND UPON THE WEST LINE OF SAID LOT 1, NORTH 00°21'43" EAST FOR A DISTANCE OF 1079.50 FEET TO THE POINT-OF-BEGINNING; THENCE ALONG AND UPON THE WEST LINE OF SAID LOT 1, NORTH 00°21'43" EAST FOR A DISTANCE OF 346.00 FEET; THENCE NORTH 90°00'00" EAST FOR A DISTANCE OF 326.27 FEET TO THE NORTHWEST CORNER OF TRACT "B" OF SAID LOT 1 OF STEPHEN HARVEY ESTATES AS RECORDED IN BOOK 5735/PAGE 793 OF THE POLK COUNTY RECORDERS OFFICE; THENCE ALONG AND UPON THE WEST LINE OF SAID TRACT "B", SOUTH 00°06'22" WEST FOR A DISTANCE OF 345.69 FEET; THENCE SOUTH 89°56'50" WEST FOR A DISTANCE OF 327.82 FEET TO THE POINT OF BEGINNING. CONTAINING 113104.87 SQUARE FEET OR 2.597 ACRES, MORE OF LESS.

3. If the application does not withdraw his application within five (5) 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.

(Council Communication No. 09- 193)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Michael F. Kelley
 Michael F. Kelley
 Assistant City Attorney

Attachments:

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

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED
7. M. Franklin Cowie 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.

Diane Rauh City Clerk