

★ Roll Call Number
09-11698

Agenda Item Number
65

Date September 14, 2009

RESOLUTION APPROVING VOLUNTARY ANNEXATION
OF TERRITORY IN UNINCORPORATED POLK COUNTY AT
843 NW AURORA AVENUE

WHEREAS, on July 13, 2009, by Roll Call No. 09-1215, the City Council resolved that the accompanying Application for Voluntary Annexation from William F. Franklin and Roxanna Franklin seeking the voluntary annexation by the City of Des Moines of property they own at 843 NW Aurora Avenue, together with portions of the adjoining rights-of-way, all as generally shown on the map 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 14, 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 Saylor Township Board of Trustees by letter of July 15, 2009, and they were invited to a consultation meeting with City staff held at 1:10 p.m., on July 30, 2009, in the Kofu Conference Room at City Hall, to discuss the proposed annexation; and,

WHEREAS, Polk County sent a representative to the consultation meeting, but has not raised any objection to the proposed annexation; and,

WHEREAS, due notice of the public hearing was sent by certified or regular mail on August 21, 2009, 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 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 August 21, 2009, 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 real estate proposed to be annexed adjoins the boundaries of the City of Des Moines and is more than two miles from the boundaries of any other City; 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.

(continued)



Roll Call Number

09-1698

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Date September 14, 2009

- 2. The annexation of the real estate 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:

East 1/2 of Lot 19, Daileys Woods, an Official Plat, and all the adjoining portion of NW Aurora Avenue right-of-way not previously annexed into the City of Des Moines, all in Polk County, Iowa.

- 3. If the applicants do not withdraw their application within three business days of this date, the City Clerk is hereby authorized and to work with the Legal Department to cause a certified copy of this resolution and accompanying exhibits to be recorded with the Polk County Recorder and filed with the Iowa Secretary of State, the Polk County Board of Supervisors, each affected public utility, and the State Department of Transportation as required by Iowa Code §368.7(2).

(Council Communication No. 09-640)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown
Assistant City Attorney

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Attachments:

- Exhibit "A" - Maps of entire Territory to be annexed
- Exhibit "1" - Application for Voluntary Annexation
- Exhibit "2" - Certificate of Mailing
- Exhibit "3" - Affidavit of Publication
- Exhibit "4" - Auditor's Annexation Review

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

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 Fauh City Clerk

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

Mayor