

★ Roll Call Number

10-1773

Agenda Item Number

55

Date October 25, 2010

RESOLUTION APPROVING ANNEXATION MORATORIUM AGREEMENT
AND 28E AGREEMENT WITH THE CITY OF PEASANT HILL

WHEREAS, the cities of Des Moines and Pleasant Hill entered into an Annexation Moratorium Agreement dated July 24, 2000, wherein the two cities have established a line of demarcation beyond which each city agreed not to annex for the ten year term of the agreement; and,

WHEREAS, the cities of Des Moines and Pleasant Hill have both exercised their authority under Iowa Code §354.9 to review subdivision plats and plats of survey for divisions or subdivisions in the unincorporated area within two miles of each city's respective boundary; and,

WHEREAS, the City Manager has proposed that the City of Des Moines enter into an *Annexation Moratorium Agreement and 28E Agreement* (hereinafter the "28E Agreement") with Pleasant Hill which extends the Annexation Moratorium Agreement for a new ten year term pursuant to Iowa Code §368.4, and which addresses the review of subdivision plats and plats of survey within the area between the two cities pursuant to Iowa Code 354.9;

WHEREAS, on September 14, 2010, by Roll Call No. 10-1459, the City Council scheduled a public hearing to be held on October 25, 2010, at 5:00 p.m. in the Council Chambers to consider the proposed 28E Agreement; and,

WHEREAS, notice of such hearing was given as provided by law by publication in the Des Moines Register and the Carlisle Citizen on October 7, 2010, and by mailing notice to the Board of Supervisors and County Attorney for Polk and Warren Counties and to the City Development Board; and,

WHEREAS, all parties interested in the proposed 28E Agreement, both those in favor and those opposed, have been given an opportunity to be heard; 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 and statements of interested persons, the objections to the proposed 28E Agreement are hereby overruled and the hearing is closed.
2. The City Council hereby makes the following findings regarding the proposed 28E Agreement:
 - a) The proposed Planning Area Boundary Line established by the 28E Agreement is the same line established by prior agreements with the City of Pleasant Hill.

(continued)

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- b) The purpose of the 28E Agreement is to allow the cities of Des Moines and Pleasant Hill to each plan for their orderly future growth and the extension of public infrastructure and services to serve all of their future growth areas.
 - c) Without such an agreement, each city's investment of scarce resources in public infrastructure and services to serve planned future growth may be lost if the area to be served by such investment becomes part of the other city.
 - d) A further purpose of the 28E Agreement is to avoid duplication in the review of plats in the unincorporated land within two miles of both cities, by providing that such plats shall be reviewed only by the city in whose planning area it is located.
3. The proposed *Annexation Moratorium Agreement and 28E Agreement* is hereby approved.
 4. The Mayor is hereby authorized and directed to sign the 28E Agreement on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.
 5. Upon execution of the 28E Agreement, the City Clerk shall forward two duplicate originals of the agreement to the Legal Department. The Legal Department shall coordinate with the City of Pleasant Hill to complete the execution and recording of the 28E Agreement.

MOVED by Mahaffey to adopt.

FORM APPROVED:

Roger K Brown
 Roger K. Brown, Assistant City Attorney
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE				✓
TOTAL	5			2

T. M. Franklin 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