

★ Roll Call Number  
10-1775

Agenda Item Number  
54 A

Date October 25, 2010

RESOLUTION RATIFYING VOLUNTARY ANNEXATION  
OF TERRITORY IN UNINCORPORATED POLK COUNTY  
IN THE 4900 BLOCK OF EASTON BOULEVARD

WHEREAS, on August 9, 2010, by Roll Call No. 10-1271, the City Council resolved that the Application for Voluntary Annexation from Lowell and Cathy Long seeking the voluntary annexation by the City of Des Moines of real estate they own in the 4900 Block of Easton Boulevard (county road NE 23rd Avenue), all as generally shown on the map attached hereto as Exhibit "A", be set down for consideration by the City Council at a public hearing to be held in the Council Chambers on September 27, 2010, at 5:00 p.m.; and,

WHEREAS, a public hearing was held on the proposed annexation on September 27, 2010, and upon closing the hearing the City Council approved the annexation as set forth in Resolution and Roll Call No. 10-1600; and,

WHEREAS, it was subsequently discovered that notice of such hearing was not mailed to the cities of Pleasant Hill and Altoona by certified mail at least 14 business days in advance of the hearing as required by Iowa Code §368.7(3); and,

WHEREAS, to provide the cities of Pleasant Hill and Altoona with proper notice and an opportunity to be heard regarding the proposed annexation, the hearing on the proposed annexation has been reopened for reconsideration and receipt of any comments or objections;  
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 real estate generally shown on the map attached hereto as Exhibit "A", and more specifically described in Resolution and Roll Call No. 10-1600 is hereby ratified and approved.

MOVED by Mahaffey to adopt.

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FORM APPROVED:

Roger K Brown  
 Roger K. Brown  
 Assistant City Attorney

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Attachments: Roger K Brown  
 Exhibit "A" - Map  
 Exhibit "B" - Application for Voluntary Annexation  
 Roll Call No. 10-1600 of September 27, 2010

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE				✓
TOTAL	6			1

MOTION CARRIED APPROVED  
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