

★ Roll Call Number
11-1709

Agenda Item Number
19 ✓

Date..... October 10, 2011

RESOLUTION SCHEDULING HEARING ON VOLUNTARY ANNEXATION
OF 5055 NE 38th AVENUE, AND APPROVING AGREEMENT FOR
IMMEDIATE CONNECTION TO THE CITY SEWER SYSTEM

WHEREAS, the City of Des Moines has received an Application for Voluntary Annexation from Darwin and Karen Hook, seeking voluntary annexation of their home at 5055 NE 38th Avenue (known as E. Douglas Avenue within the City of Des Moines), with a portion of the adjoining county road, all as generally shown on Exhibit "A" and more specifically described as follows:

District/Parcel No.: 190/00434-001-000 and 060/09027-926-001

Legal: A parcel of land located in the Northwest Quarter of Section 27, Township 79 North, Range 23 West of the 5th P.M., Polk County, Iowa, that is more particularly described as follows:

Commencing as a point of reference at the North Quarter corner of said Section 27; thence N 89°35'10" W, 138.75 feet along the North line of said Section 27 to the Point of Beginning; thence S 00°24'50"W, 212.82 feet to a Point; thence N 89°36'13" W, 157.27 feet to a Point; thence N 00°30'32" E, 212.87 feet to a Point on said North Line of Section 27; thence S 89°35'10" E, 156.92 feet along said North Line of said Section 27 to the Point of Beginning and containing 0.768 acres more or less. (As conveyed by Quit Claim Deed at Book 12204, Page 635.)

AND all the adjoining portion of NE 38th Avenue right-of-way not previously annexed into the City of Des Moines, Iowa.

WHEREAS, Darwin and Karen Hook have further requested permission for the property to receive immediate service from the City sewer system, and the City Manager recommends that such service be provided upon the terms and conditions set forth in the *Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits* on file and available for inspection in the office of the City Clerk; NOW THEREFORE,

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

1. The proposed annexation by the City of Des Moines of the territory shown by the map attached hereto as Exhibit "A" and as more specifically described above, shall be considered by the City Council at a public hearing to be held on December 5, 2011, at 5:00 p.m., in the Council Chambers, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. The City Clerk is hereby authorized and directed to publish notice of the hearing in the form attached hereto, by publication in the Des Moines Register on November 9, 2011.

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3. The Legal Department is hereby authorized and directed to cause notice of the hearing to be mailed to all interested parties at least 14 business days prior to the hearing as required by Iowa Code §368.7.
4. The City Manager or his designee is hereby designated as the City's representative to the consultation proceedings with the county board of supervisors and the township trustees. The consultation meeting shall be held at a time and location to be determined by the City Manager.
5. The proposed *Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits* which allows the immediate provision of City sewer service to the property pending completion of the annexation is hereby approved. The Mayor is hereby authorized and directed to sign the 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.

MOVED by Mahaffey to adopt.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney
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Attachments:

- Exhibit "A" - Map
- Exhibit "B" - Application for Voluntary Annexation
- Notice of Hearing
- Agreement and Covenant Regarding Sewer Service

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
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