



Roll Call Number

14-0992

Agenda Item Number

56

Date June 23, 2014

RESOLUTION APPROVING ANNEXATION MORATORIUM AGREEMENT WITH THE CITY OF NORWALK

WHEREAS, on June 21, 2004, by Roll Call No.04-1360, the Des Moines City Council approved an Annexation Moratorium Agreement with the City of Norwalk, wherein the two cities established a line beyond which each city agreed not to annex for the ten year term of the agreement; and,

WHEREAS, the City of Des Moines desires to reaffirm and extend the Annexation Moratorium Agreement with the City of Norwalk for a new ten year term pursuant to Iowa Code §368.4; and,

WHEREAS, the cities of Des Moines and Norwalk 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 of Des Moines desires to establish a line between the areas over which the cities of Des Moines and Norwalk exercise their extraterritorial jurisdiction to review subdivision plats and plats of survey, so that each city will review only those subdivision plats and plats of survey of land located within their planned future growth areas; and,

WHEREAS, the proposed Annexation Moratorium Agreement and 28E Agreement now on file in the office of the City Clerk renews and extends the term of the existing Annexation Moratorium Agreement with Norwalk, and further provides that each city waives its extraterritorial jurisdiction to review subdivision plats and plats of survey of land located within the other city's planned growth area; and,

WHEREAS, on May 5, 2014, by Roll Call No. 14-0695, the City Council scheduled a public hearing on the proposed agreement to be held on June 23, 2014, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, on May 14, 2014, notice of such hearing was published in the Des Moines Register and in the Record Herald & Indianola Tribune, and a copy of the notice and agreement was mailed to the Warren County Board of Supervisors, the Warren County Attorney, the City of Norwalk and the City Development Board as required by Iowa Code §368.4; and,

WHEREAS, on May 15, 2014, notice of such hearing was also published in the North Warren County Town and County News; and,

WHEREAS, in accordance with the notice, those interested in the proposed agreement, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

(continued)

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

1. The proposed *Annexation Moratorium Agreement and 28E Agreement* with the City of Norwalk is hereby approved.
2. The Mayor is hereby authorized and directed to sign the said 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.
3. Upon execution of the Agreement, the City Clerk shall forward two duplicate originals of the Agreement to the City Attorney. The City Attorney shall coordinate with the City of Norwalk to complete the execution and recording of the Agreement.

(Council Communication No. 14- 295)

MOVED by Wensley 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	✓			
GATTO				✓
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	5			2

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.

T. M. Franklin Cownie Mayor

Diane Fauh City Clerk