



Roll Call Number

17-2198

Agenda Item Number

62

Date December 18, 2017

RESOLUTION CLOSING HEARING AND APPROVING APPLICATION FOR VOLUNTARY ANNEXATION FILED BY JOHN H. DAWSON, THOMAS G. DAWSON AND LARRY M. DAWSON OF 7.55 ACRES, IN THE VICINITY OF 5066 NE 23RD AVENUE

WHEREAS, on August 4, 2017, John H. Dawson, Thomas G. Dawson and Larry M. Dawson as all of the titleholders of the affected property, filed an application for voluntary annexation (Exhibit A), to include the following-described property:

The South 577.5 feet of Lot 2 Stephen Harvey Estate, Polk County Iowa, except the South 50.00 feet of said Lot 2, and except the East 100.0 feet of the South 212.5 feet of said Lot 2; said tract of land being subject to and together with any and all easements of record;

This parcel contains 7.55 acres and is shown on the maps attached as Exhibits B-1 and B-2; and,

WHEREAS, on October 30, 2017, the City received a review of the legal description of the parcel, the adjacent parcels and the list of adjacent titleholders, approving the descriptions and list from the Polk County Auditor's Office attached as Exhibit C; and,

WHEREAS, on November 3, 2017, the City held a consultation meeting, with prior notice to Polk County and Delaware Township as required by Iowa Code section 368.7 which was not attended by either entity and neither entity provided any comments for consideration by the council; and,

WHEREAS, on November 6, 2017 in Roll Call Number 17-1891, the Council scheduled a hearing on December 18, 2017 at 5:00 p.m.; and,

WHEREAS, on November 30, 2017, notice of the hearing was published in the Des Moines Register; and,

WHEREAS, on November 21, 2017, notice of the hearing was sent by certified mail to the Cities of Pleasant Hill and, each affected public utility, the Board of Supervisors for Polk County, the Des Moines Area Metropolitan Planning Organization, and all of the adjacent property owners on the list verified by the Polk County Auditor's Office; and,

WHEREAS, in accordance with said notices those interested in the Petition, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council;

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



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1. The hearing is now closed.
2. No land is included without owners' consent and no public highways, either state or county are being annexed along with this property.
3. The property is being added to allow for a similar use as the adjacent property, presently zoned PUD.
4. The City Council for the City of Des Moines hereby approves the application for the annexation.
4. This approval will become effective three business days after this hearing unless the application is withdrawn by the applicant.
5. The Legal Department is hereby authorized and directed to file this application and approval with the City Development Board for approval and to take any efforts necessary to obtain its approval. The City Manager or his designee are authorized to sign any documents necessary to seek this approval.

MOVED by Westergaard to adopt.

FORM APPROVED:

Thomas G. Fisher Jr.
Thomas G. Fisher Jr.
Assistant City Attorney

Attachments: Exhibit A – Application
Exhibit B1 and B-2 – Maps
Exhibit C – Auditor Verification

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
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
Diane Rauh
City Clerk