



**Roll Call Number**

21-1153

**Agenda Item Number**

61

**Date** July 19, 2021

**RESOLUTION CLOSING HEARING AND APPROVING APPLICATION FOR VOLUNTARY ANNEXATION FILED ILEX GROUP, INC. OF .94 ACRES, IN THE VICINITY OF NE 14<sup>th</sup> STREET AND NE BROADWAY**

WHEREAS, on June 22, 2021, Ilex Group, Inc. filed an amended application for Annexation which is attached to this roll call (Exhibit A), to include the following-described property:

THE WEST 125.71 FEET OF THE EAST 241.71 FEET OF THE NORTH 191.71 FEET OF THE SOUTH 241.71 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., POLK COUNTY, IOWA,

AND

THE WEST 41 FEET OF THE EAST 116 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, EXCEPT THE SOUTH 241.71 FEET THEREOF, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., POLK COUNTY, IOWA

WHEREAS, on June 21, 2021, the City held a consultation meeting, with prior notice to Polk County and Saylor 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 June 28, 2021, 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 June 28, 2021, in Roll Call Number 21-0968, the Council scheduled a hearing on July 26, 2021, at 5:00 p.m.; and,

WHEREAS, on June 29, 2021, notice of the hearing was published in the Des Moines Register; and,

WHEREAS, on June 29, 2021, notice of the hearing was sent by certified mail to the City of Ankeny 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:

1. The hearing is now closed.



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- 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.
- 4. The City Council for the City of Des Moines hereby approves the application for the annexation.
- 5. This approval will become effective three business days after this hearing unless the application is withdrawn by the applicant.
- 6. 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:**

/s/ Thomas G. Fisher Jr.

Thomas G. Fisher Jr.  
Assistant City Attorney

Attachment: Amended Application

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

**CERTIFICATE**

I, P. Kay Cmelik, 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.

MOTION CARRIED

APPROVED

T. M. Franklin Cownie  
Mayor

P. Kay Cmelik

City Clerk