



Date December 12, 2022

**RESOLUTION APPROVING AMENDED AND RENEWED ANNEXATION  
MORATORIUM AGREEMENT AND 28E AGREEMENT WITH THE CITY OF  
PLEASANT HILL, IOWA**

**WHEREAS**, the City of Des Moines and the City of Pleasant Hill, Iowa have both adopted comprehensive plans which address the long-range growth areas of each community; and

**WHEREAS**, Section 368.4, *Iowa Code* (2022) provides that a city may, by resolution, agree with another city or cities to refrain from annexing specifically described territory for a period of not to exceed ten years; and

**WHEREAS**, Sections 354.8 and 354.9 of the *Iowa Code* (2022) establish the rights of cities to review subdivision plats within two miles of their corporate boundaries; and

**WHEREAS**, Section 354.9(3), *Iowa Code* (2022) pertains specifically to overlapping areas of review between cities, and provides that cities may establish by agreement, pursuant to Chapter 28E, *Iowa Code* (2022), reasonable standards and conditions to review of subdivisions with overlapping areas; and

**WHEREAS**, Pleasant Hill and Des Moines have established jurisdiction to review subdivisions outside their corporate boundaries, pursuant to Sections 354.8 and 354.9, *Iowa Code* (2022); and

**WHEREAS**, Pleasant Hill and Des Moines have previously executed an Annexation Moratorium Agreement and 28E Agreement first executed July 24, 2000, and again on October 26, 2010; and

**WHEREAS**, the 28E Agreement executed October 26, 2010, is effective for a period of ten years following the effective date and thereafter as provided by any agreement to extend the Annexation Moratorium Agreement and 28E Agreement; and

**WHEREAS**, it is in the best interest of the citizens of Pleasant Hill and Des Moines to execute an agreement to amend and extend the Annexation Moratorium Agreement and 28E Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF DES MOINES, IOWA:**

1. That the Annexation Moratorium Agreement and 28E Agreement in form on file in the City Clerk's office is hereby approved.



Roll Call Number

22-1929

Agenda Item Number

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Date December 12, 2022

- 2. The Mayor is authorized to sign the attached Agreement with the City of Pleasant Hill, Iowa.
- 3. The City Manager or his designee are authorized to carry out the provisions of the Agreement.

Moved by Gatto to adopt. Second by Mandelbaum

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.  
Gary D. Goudelock Jr.  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk