



Roll Call Number

23-1043

Agenda Item Number

69

Date July 17, 2023

**RESOLUTION APPROVING VOLUNTARY ANNEXATION  
OF TERRITORY IN UNINCORPORATED POLK COUNTY  
(SHREE HARI INC)**

WHEREAS, on June 12, 2023, by Roll Call No. 23-0829, the City Council resolved that the accompanying Application for Voluntary Annexation from Shree Hari Inc, represented by Robert Douglas, seeking the voluntary annexation by the City of Des Moines of property they own located north of and adjoining 4845 Merle Hay Road, as generally shown on the map attached hereto as Exhibit "A" and as more specifically described in the accompanying Application for Voluntary Annexation, be set down for consideration by the City Council at a public hearing to be held in the Council Chambers on July 17, 2023, at 5:00 p.m.; and,

WHEREAS, notice of the proposed annexation was given to the Polk County Board of Supervisors and to the Webster Township Board of Trustees by letter of March 10, 2023, and they were invited to a consultation meeting with City staff held at 2:00 p.m., on March 30, 2023, in the Lower Level 2 Conference Room at City Hall, to discuss the proposed annexation; and,

WHEREAS, neither the county nor township sent representatives to the consultation meeting; and,

WHEREAS, to date, the Polk County Board of Supervisors has not adopted a resolution stating its position on the proposed annexation; and,

WHEREAS, due notice of the public hearing was sent by certified or regular mail on June 16, 2023, to all affected utilities, to all other cities located within two miles of the Property, to the Polk County Board of Supervisors, and to all applicants and owners of land included in and adjoining the Territory proposed to be annexed as required by Sections 368.5 and 368.7 of the Iowa Code; and,

WHEREAS, due notice of the public hearing was published in the Des Moines Register on June 26, 2023, as provided by law, setting forth the time and place for hearing on said proposed annexation; and,

WHEREAS, in accordance with the published and mailed notice, those interested in the annexation, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Territory proposed to be annexed adjoins the boundaries of the City of Des Moines; is not within the boundaries of any city; and, is located within two miles of the boundaries of the City of Urbandale and the City of Johnston;

Date July 17, 2023

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed annexation are hereby overruled and the hearing is closed.
2. The annexation of the Territory generally shown on the map attached hereto as Exhibit "A" and more specifically described Exhibit "2" is hereby found to be consistent with the City's long-range plans for the area, and is hereby approved.
3. Pursuant to Iowa Code §§ 368.7, 368.11(13) and 427B.3, the following percentages of the value of the property within the Territory hereby annexed shall be exempt from the imposition of City of Des Moines taxes:
  - i) For the 1st year, seventy-five percent.
  - ii) For the 2nd year, sixty percent.
  - iii) For the 3rd year, forty-five percent.
  - iv) For the 4th year, thirty percent.
  - v) For the 5th year, fifteen percent.
4. If the applicants do not withdraw their application within five business days of this date, the City Clerk is hereby authorized and directed to then forward a certified copy of this resolution and accompanying exhibits, to the Legal Department for filing with the City Development Board.
5. The City Legal Department is hereby authorized and directed to seek approval of this voluntary annexation, in its entirety and each part thereof, by the City Development Board in accordance with the procedures established in Iowa Code Chapter 368.

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MOVED by Gatto to adopt.  
 SECOND by Boesen.

FORM APPROVED:

Lisa A. Wieland  
 Lisa A. Wieland  
 Assistant City Attorney

Attachments:

- Exhibit "A" - Maps of entire Territory to be annexed
- Exhibit "1" - Application for Voluntary Annexation
- Exhibit "2" - Certificate of Mailing
- Exhibit "3" - Proof of Publication
- Exhibit "4" - Auditor's Annexation Review

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED APPROVED  
J. M. Franklin Cownie  
 Mayor

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.

Laura Baumgartner  
 City Clerk