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Date..... April 10, 2006

RESOLUTION APPROVING VOLUNTARY ANNEXATION
OF TERRITORY IN UNINCORPORATED WARREN COUNTY
(LeMar Koethe)

WHEREAS, on January 23, 2006, by Roll Call No. 06-159, the City Council resolved that the Application for Voluntary Annexation from LeMar Koethe seeking the voluntary annexation by the City of Des Moines of approximately 10 acres of land he owns in Warren County located west of County Highway R63 between Blue and Carpenter Streets, generally shown on the maps attached hereto as Exhibit "A" and as more specifically below, be set down for consideration by the City Council at a public hearing to be held in the Council Chambers on March 20, 2006, at 5:00 p.m.; and,

WHEREAS, notice of the proposed annexation was given to the Warren County Board of Supervisors, to the Warren County Zoning Administrator and to the Greenfield Township Board of Trustees by letter of February 1, 2006, and they were invited to a consultation meeting with City staff held at 1:15 p.m., on February 9, 2006, in the Kofu 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, due notice of the hearing to be held on March 20, 2006, was sent by certified or regular mail on February 22, 2006, to all affected utilities, to all other cities located within two miles of the Property, to the Warren County Board of Supervisors and County Attorney, and to all applicants and owners of land adjoining the territory proposed to be annexed as required by Sections 368.5 and 368.7 of the Iowa Code; and,

WHEREAS, the Indianola Record Herald & Tribune timely received and acknowledged receipt of the City's request to publish the required notice of the public hearing, but the notice was not published on February 22, 2006, as requested, resulting in a need to continue the public hearing until April 10, 2006, to allow proper notice to be published; and,

WHEREAS, on March 20, 2006, at 5:00 p.m., the City Council continued the public hearing on the proposed annexation until April 10, 2006, to allow proper notice of the proposal to be published; and,

(continued)

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WHEREAS, due notice of the April 10th public hearing was published in the Indianola Record Herald & Tribune on March 1, 2006, as provided by law, setting forth the time and place for such hearing on the 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 Norwalk; 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 said annexation are hereby overruled and the hearing is closed.
2. The Application for Voluntary Annexation submitted by LeMar Koethe seeking the annexation by the City of Des Moines of approximately 10 acres of land he owns in Warren County located west of County Highway R63 between Blue and Carpenter Streets, generally shown on the maps attached hereto as Exhibit "A" and as more specifically below, is hereby found to be consistent with the City's long range plans for the area, and is hereby approved:

Tax Parcel No. 05000090668
Parcel B in the East 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 9, Township 77 North, Range 24 West of the 5th P.M., in Warren County, Iowa, as shown by the Plat of Survey recorded on September 3, 2003, in Irregular Plat Book #17, at Page 12 of 77-24, Warren County Records.

(continued)

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2. After 5 business days and unless the Application for Voluntary Annexation is withdrawn by LeMar Koethe within that time, the City Clerk is hereby authorized and directed to forward a certified copy of this resolution and the accompanying exhibits to the City Legal Department and the Legal Department is hereby authorized and directed to then 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.

(Council Communication No. 06- 207)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

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Exhibits:

- "1" - Application for Voluntary Annexation
- "A-1" - Metro Map
- "A-2" - Map of the Territory to be Annexed
- "B" - Certificate of Mailing
- "C" - Affidavit of Publication
- "D" - Auditor's Annexation Review

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

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.

MOTION CARRIED

APPROVED

 Mayor

 City Clerk

Exhibit "A"
to Application for Voluntary Annexation
LeMar Koethe - Voluntary Annexation of 10.37 acres



