

Date July 10, 2006

RESOLUTION APPROVING VOLUNTARY ANNEXATION
OF TERRITORY IN UNINCORPORATED POLK COUNTY
(Portions of Broadway Business Park)

WHEREAS, on May 22, 2006, by Roll Call No. 06-1006, the City Council resolved that the accompanying Applications for Voluntary Annexation from Hubbell Properties I, L.C. (Series A), and Hubbell Properties II, L.C. (Series C), both represented by Steven Niebuhr, Senior Vice President, and from GTO Investments, L.L.C., represented by Greg Ortmann, Manager, seeking the voluntary annexation by the City of Des Moines of land in Broadway Business Park along NE 50th Street south of NE 46th Avenue (Broadway Avenue), generally shown on Exhibit "A-1" and more specifically described below; be set down for consideration by the City Council at a public hearing to be held in the Council Chambers on July 10, 2006, at 5:00 p.m.; and,

WHEREAS, notice of the proposed annexation was given to the Polk County Board of Supervisors and to the Delaware Township Board of Trustees by letter of May 8, 2006, and they were invited to a consultation meeting with City staff held at 1:10 p.m., on May 25, 2006, in the Kofu Conference Room at City Hall, to discuss the proposed annexation as required by Section 368.7 of the Iowa Code; and,

WHEREAS, the Delaware Township did not send a representative, and Warren County sent Brent Bean as its representative to the consultation meeting; and,

WHEREAS, by Resolution No. 142-06 of June 6, 2006, a copy of which is attached as Exhibit "4", the Polk County Board of Supervisors voted in support of a resolution wherein the "Polk County Board of Supervisors supports said petition for annexation to the City of Des Moines"; and,

WHEREAS, due notice of the hearing was sent by certified or regular mail on June 16, 2006, to all affected utilities, to all other cities located within two miles of the Property, to the Polk 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, due notice of the public hearing was published in the Des Moines Register on June 16, 2006, as provided by law, setting forth the time and place for hearing on said proposed annexation; and,

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.....
Date..... July 10, 2006

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 cities of Altoona and Pleasant Hill; 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 below is hereby found to be consistent with the City's long range plans for the area, and is hereby approved:

Lot A (NE 50th Street right-of-way), and Lots 1, 6 through 16, and 22, all in Broadway Business Park Plat 2, an Official Plat, Polk County, Iowa,

3. 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.

(continued)

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Date July 10, 2006

4. 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.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown
Assistant City Attorney

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Attachments:

- Exhibit "A" - Maps of the Territory to be annexed
- Exhibit "1" - Application - Hubbell Properties I
- Exhibit "2" - Application - Hubbell Properties II
- Exhibit "3" - Application - GTO Investments
- Exhibit "4" - Polk County Resolution No. _____-06
- Exhibit "5" - Certificate of Mailing
- Exhibit "6" - Affidavit of Publication

| 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-1"

CITY OF DES MOINES

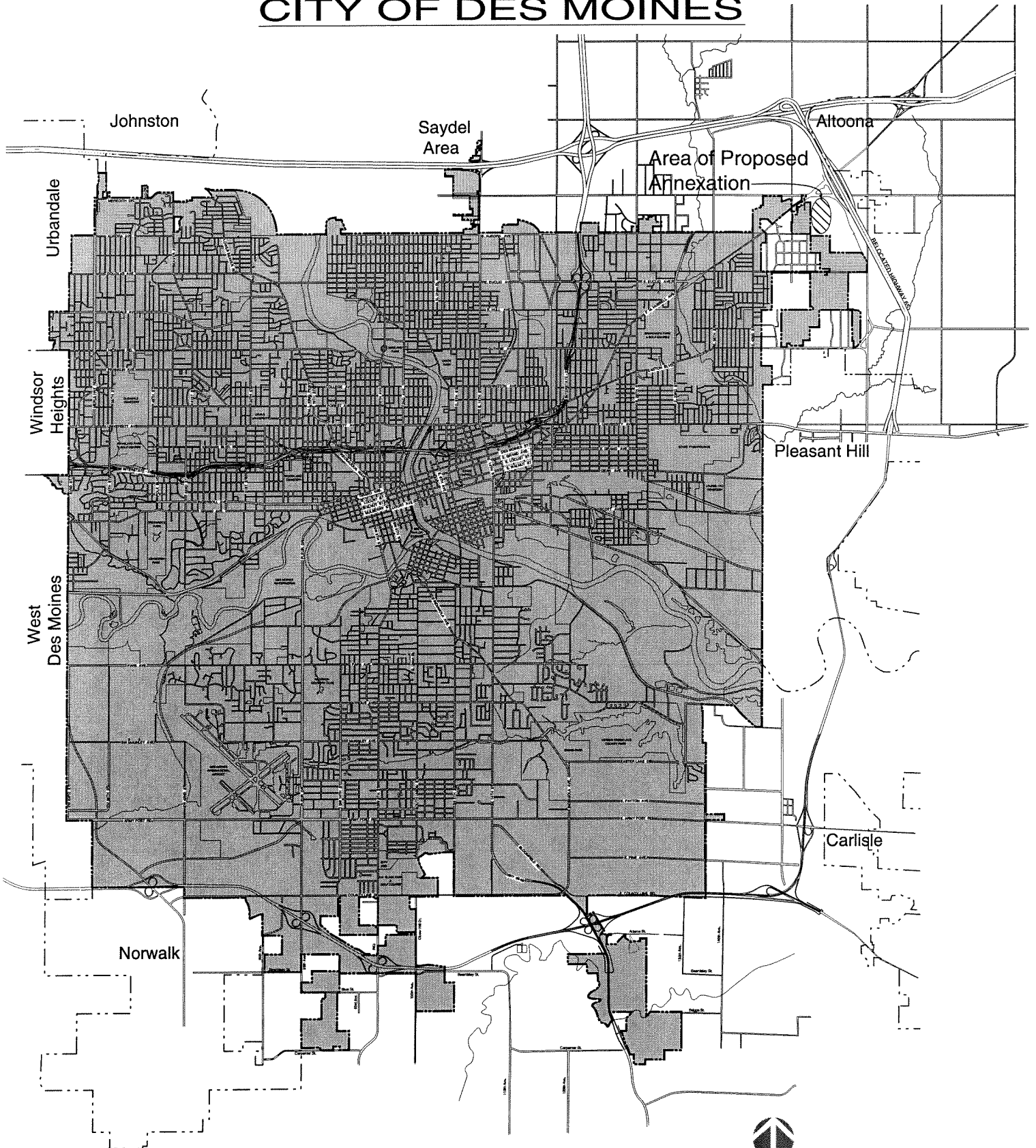


Exhibit "A-2" Territory Proposed to be Annexed

Broadway Business Park Annexation

