

Date..... September 11, 2006

RESOLUTION APPROVING VOLUNTARY ANNEXATION
OF TERRITORY IN UNINCORPORATED WARREN COUNTY
(SW 9th Investments LLC)

WHEREAS, on July 10, 2006, by Roll Call No. 06-1337, the City Council resolved that the accompanying Application for Voluntary Annexation from SW 9th Investments, LLC, represented by James A. Sinclair, Manager, seeking the voluntary annexation by the City of Des Moines of property it owns west of County Highway R63 (SW 9th Street) and south of County Line Road, together with portions of the adjoining right-of-way, all as generally shown on the map attached hereto as Exhibit "A" and as 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 September 11, 2006, at 5:00 p.m.; and,

WHEREAS, notice of the proposed annexation was given to the Warren County Board of Supervisors and to the Greenfield Township Board of Trustees by letter of June 28, 2006, and they were invited to a consultation meeting with City staff held at 1:10 p.m., on July 13, 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, neither the county nor township sent representatives to the consultation meeting; and,

WHEREAS, due notice of the public hearing was sent by certified or regular mail on August 9, 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, due notice of the public hearing was published in the Indianola Record Herald on August 9, 2006, 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 Norwalk; NOW THEREFORE,

(continued)

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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 as follows is hereby found to be consistent with the City's long range plans for the area, and is hereby approved:

Tax Parcel No. 05000040427 (partial)

Except the West 90.0 feet, the South 1/2 of the Northeast 1/4 of the Northwest 1/4, except the North 135 feet of the East 200 feet thereof, of Section 4, Township 77 North, Range 24 West of the 5th P.M., Warren County, Iowa.

AND, all that portion of County Highway R63 right-of-way lying East of and adjoining the above described property, excepting that portion thereof previously annexed into the City of Des Moines, all in Warren County, Iowa.

3. If the applicant does not withdraw its 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)

Date September 11, 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.

(Council Communication No. 06-583)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown
 Roger K. Brown
 Assistant City Attorney

Attachments:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

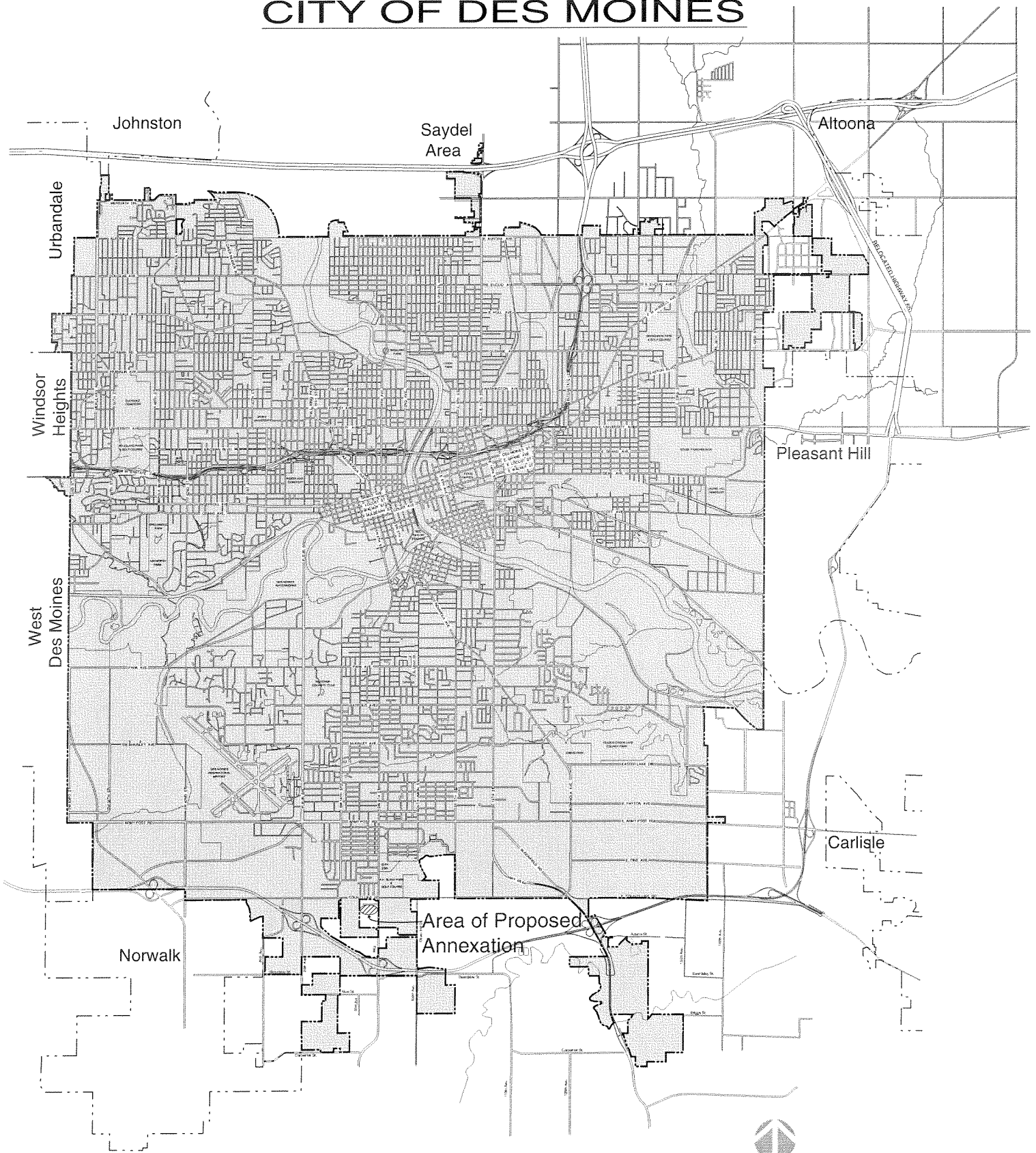


Exhibit "A-2"
(SW 9th Investments, LLC)

