

Date..... October 9, 2006

RESOLUTION SCHEDULING HEARING ON VOLUNTARY ANNEXATION OF 5475 MEREDITH DRIVE, AND APPROVING AGREEMENT FOR IMMEDIATE CONNECTION TO THE CITY SEWER SYSTEM

WHEREAS, the City of Des Moines has received an Application for Voluntary Annexation from Teresa Wahlert, as President, Mid-America Development Company, seeking voluntary annexation of land owned by Mid-America Development Company together with a portion of the adjoining county road in the vicinity of 5475 Meredith Drive, generally shown on Exhibit "A" and more specifically described as follows:

Lots 18 and 19, Piekenbrock, an Official Plat, and the North one-half of the adjoining Meredith Drive right-of-way extending to the centerline, in Polk County, Iowa.

WHEREAS, Mid-America Development Company has further requested permission for the property to receive immediate service from the City sewer system, and the City Manager recommends that such service be provided upon the terms and conditions set forth in the Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits on file and available for inspection in the office of the City Clerk; NOW THEREFORE,

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

- 1. The proposed annexation by the City of Des Moines of the territory shown by the map attached hereto as Exhibit "A" and as more specifically described above, shall be considered by the City Council at a public hearing to be held on November 20, 2006, at 5:00 p.m., in the Council Chambers, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. The City Clerk is hereby authorized and directed to publish notice of the hearing in the form attached hereto, by publication in the Des Moines Register on October 26, 2006.
3. The Legal Department is hereby authorized and directed to cause notice of the hearing to be mailed to all interested parties at least 14 business days prior to the hearing as required by Iowa Code §368.7.
4. The City Manager or his designee is hereby designated as the City's representative to the consultation proceedings with the county board of supervisors and the township trustees. The consultation meeting shall be held at a time and location to be determined by the City Manager.

(continued)

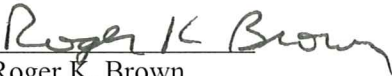
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- 5. The proposed *Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits* which allows the immediate provision of City sewer service to the property pending completion of the annexation is hereby approved. The Mayor is hereby authorized and directed to sign the agreement on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.

(Council Communication No. 06- 638)

MOVED by _____ to adopt.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney
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Attachments:
 Exhibit "A" - Map
 Exhibit "B" - Application for Voluntary Annexation
 Notice of Hearing
 Agreement and Covenant Regarding Sewer Service

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

MOTION CARRIED APPROVED

Mayor

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.

City Clerk