

Date..... November 20, 2006

RESOLUTION APPROVING VOLUNTARY ANNEXATION OF TERRITORY IN UNINCORPORATED POLK COUNTY (Mid-America Development Company)

WHEREAS, on October 9, 2006, by Roll Call No. 06-1977, the City Council resolved that the accompanying Application for Voluntary Annexation from Teresa Wahlert, as President of Mid-America Development Company, seeking the voluntary annexation by the City of Des Moines of property it owns in the vicinity of 5475 Meredith Drive, 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 November 20, 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 September 25, 2006, and they were invited to a consultation meeting with City staff held at 1:10 p.m., on October 5, 2006, in the St. Entienne 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 public hearing was sent by certified or regular mail on October 26, 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 October 26, 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 cities of Johnston, Urbandale and Windsor Heights; and,

WHEREAS, the entire right-of-way of Meredith Drive adjoining the territory proposed to be annexed was previously annexed into the City of Des Moines; 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.

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- 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:

Except South 17.0 feet, Lots 18 and 19, Piekenbrock, an Official Plat, in Polk County, Iowa. *(The South 17.0 feet is dedicated as street right-of-way and is already part of the City of Des Moines.)*

- 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.
- 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- 724)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown, 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" - Affidavit of Publication

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

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.

Mayor

City Clerk

Exhibit "A-1"

CITY OF DES MOINES

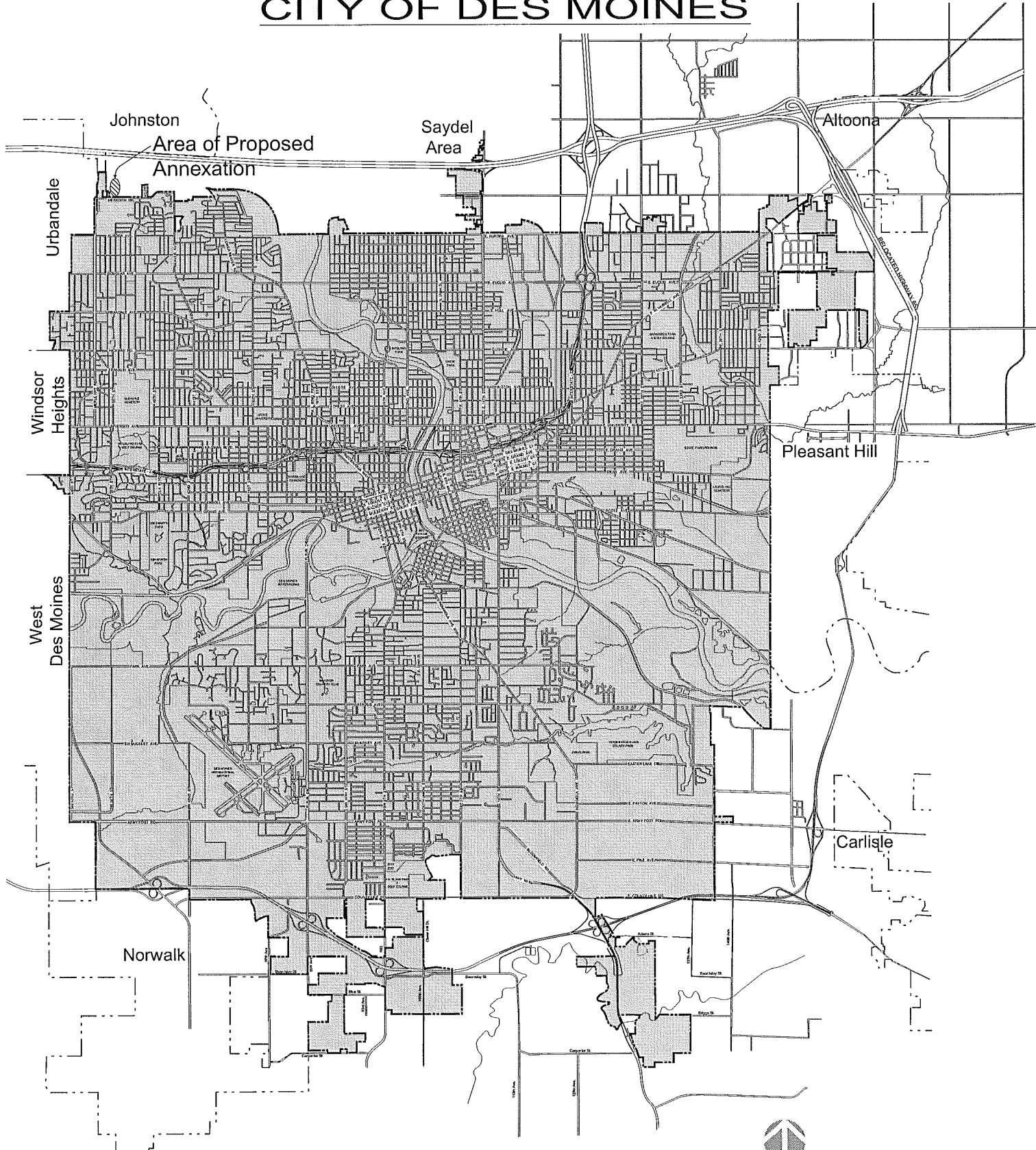


Exhibit "A-2"
5475 Meredith Drive
Owned by Mid-America Development Company
(approx 3.5 acres)

