

Date..... December 4, 2006

RESOLUTION SCHEDULING HEARING ON VOLUNTARY ANNEXATION OF TERRITORY AT 3930 SE 72ND AVENUE

WHEREAS, the City of Des Moines has received an Application for Voluntary Annexation from Mid-America Investment Co., and Mid-America Real Estate Co., both represented by Teresa Wahlert, President, and from NW 77 JV, an Iowa general partnership represented by Alan Rivers, seeking the voluntary annexation by the City of Des Moines of approximately 217 acres in the vicinity of 3930 SE 72nd Avenue (E. Pine Avenue); and,

WHEREAS, it would be appropriate to include in the territory proposed to be annexed the entire adjoining portion of 64th Avenue SE (E. Army Post Road) extending west to the current City boundaries, and the adjoining half of the 72nd Avenue SE (E. Pine Avenue) and SE 45th Street; and,

WHEREAS, the entire territory proposed for annexation is generally shown on Exhibit "A" and as more specifically described below; 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 in the vicinity of 3930 SE 72nd Avenue generally shown by the map attached hereto as Exhibit "A", and as more specifically described below, shall be considered by the City Council at a public hearing to be held on January 22, 2007, 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:

3930 SE 72nd Avenue, in Allen Township, Polk County, Iowa. Polk County Tax Parcel No. 130/00263-000-000

Legal: The Northwest 1/4 and a part of the West 1/2 of the Northeast 1/4 of Section 32, Township 78 North, Range 23 West of the 5th P.M., Polk County, Iowa all of which being more particularly described as Parcel "E", as shown by the Plat of Survey Recorded on January 17, 2002, in Book 9085, at Page 537, in the office of the Polk County Recorder.

AND, a portion of 64th Avenue SE (E. Army Post Road) more specifically described as follows: The entire right-of-way of 64th Avenue SE extending East from the current city boundary of the City of Des Moines, Iowa, to a line located 872.29 feet East of and parallel to the North/South centerline of Sections 29 and 32, Township 78 North, Range 23 West of the 5th P.M., Polk County, Iowa.

AND, a portion of 72nd Avenue SE (E. Pine Avenue) more specifically described as follows: The north portion of the right-of-way of 72nd Avenue SE extending to the centerline of the road, located in the West 1/2 of Section 32, Township 78 North, Range 23 West of the 5th P.M., Polk County, Iowa, and located in the West 358.00 feet of the East 1/2 of said Section 32.

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AND, a portion of SE 45th Street more specifically described as follows: The West portion of the right-of-way of SE 45th Street extending to the centerline of the road, located in the South 1026.52 feet of the North 1/2 of the Northeast 1/4 of Section 32, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., Polk County, Iowa, and located in the North 469.02 feet of the South 1/2 of the Northeast 1/4 of said Section 32.

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 December 21, 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.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown  
Assistant City Attorney

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Exhibits:

- "A" - Map of the Territory
- "B" - Notice for 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"**  
**Property owned by NW 77 JV, Mid-America Investment Co. and Mid-  
America Real Estate Co.**  
**Proposed to be Annexed into the City of Des Moines, Iowa**

