



**Date** July 17, 2023

**RESOLUTION APPROVING VOLUNTARY ANNEXATION  
OF TERRITORY IN UNINCORPORATED POLK COUNTY  
(SHREE HARI INC)**

WHEREAS, on June 12, 2023, by Roll Call No. 23-0829, the City Council resolved that the accompanying Application for Voluntary Annexation from Shree Hari Inc, represented by Robert Douglas, seeking the voluntary annexation by the City of Des Moines of property they own located north of and adjoining 4845 Merle Hay Road, as generally shown on the map attached hereto as Exhibit "A" and as more specifically described in the accompanying Application for Voluntary Annexation, be set down for consideration by the City Council at a public hearing to be held in the Council Chambers on July 17, 2023, 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 March 10, 2023, and they were invited to a consultation meeting with City staff held at 2:00 p.m., on March 30, 2023, in the Lower Level 2 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, to date, the Polk County Board of Supervisors has not adopted a resolution stating its position on the proposed annexation; and,

WHEREAS, due notice of the public hearing was sent by certified or regular mail on June 16, 2023, to all affected utilities, to all other cities located within two miles of the Property, to the Polk County Board of Supervisors, and to all applicants and owners of land included in and 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 26, 2023, 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 Urbandale and the City of Johnston;



**Date** July 17, 2023

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 Exhibit "2" is hereby found to be consistent with the City's long-range plans for the area, and is hereby approved.
3. Pursuant to Iowa Code §§ 368.7, 368.11(13) and 427B.3, the following percentages of the value of the property within the Territory hereby annexed shall be exempt from the imposition of City of Des Moines taxes:
  - i) For the 1st year, seventy-five percent.
  - ii) For the 2nd year, sixty percent.
  - iii) For the 3rd year, forty-five percent.
  - iv) For the 4th year, thirty percent.
  - v) For the 5th year, fifteen percent.
4. 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.
5. 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.



**Roll Call Number**

**Agenda Item Number**

69

**Date** July 17, 2023

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

SECOND by \_\_\_\_\_.

**FORM APPROVED:**

Lisa A. Wieland  
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" - Proof of Publication
- Exhibit "4" - Auditor's Annexation Review

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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.

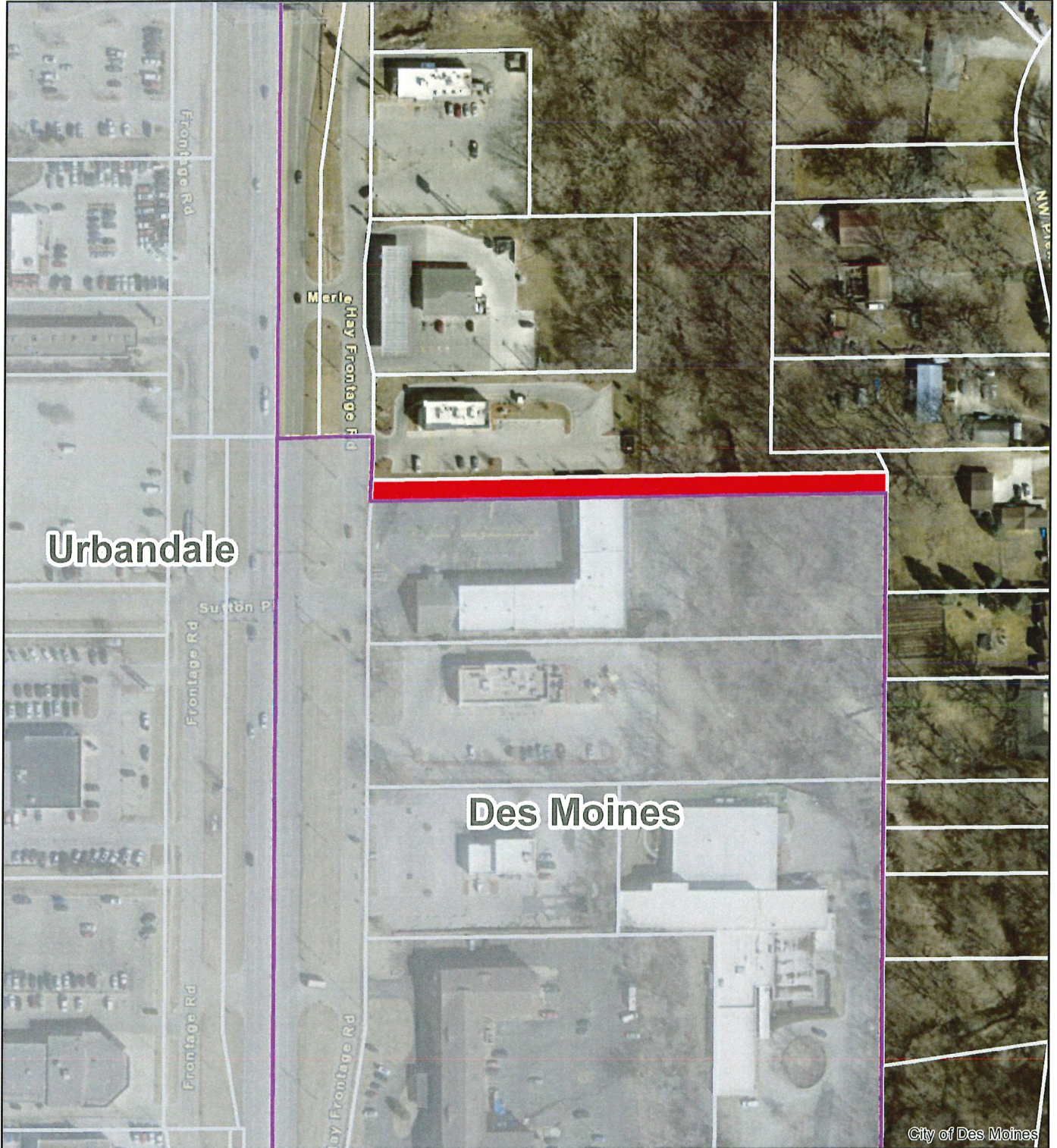
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.





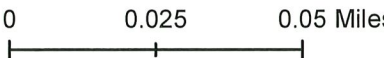
MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**Exhibit "A" - Maps of entire Territory to be annexed**



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Corporate Boundaries</li> <li> Parcels</li> <li> Parcel 31000534003003</li> </ul>	<div style="text-align: center;">  </div> <div style="text-align: center;">  </div>	<p>Date: 1/11/2023</p> <p>Disclaimer: This map is approximate and may not be complete. City assumes no liability for accuracy. Consult sources listed to verify information.</p> <p>Sources: City of Des Moines Community Development, Engineering, Parks, and IT, Polk County Assessor</p>
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MERLE HAY RD IA-28

FRONTAGE RD

FRONTAGE RD

4805

4825

4845

4875

4923

4920

4900

4870

4860

4840

4820

4810

4790

4780

NW PLEKENBROCK DR

**Exhibit "1" - Application for Voluntary Annexation**

**Application for Voluntary Annexation**  
**MONARCH APARTMENTS – 4845 MERLE HAY ROAD**

To: City Council  
City of Des Moines, Iowa  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

Re: Voluntary annexation of the following lots and tracts in Webster Township, Polk County, hereinafter collectively referred to as the "Territory":

Tract No. 1.

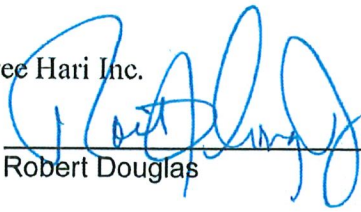
District/Parcel No.: 310/00534-003-003

Legal: The South 25 feet of Lot "B", except the West 10 feet thereof, and except that part of said Lot "B" east of a line being the east line of Lot 4 extended northerly, and except that part described in Warranty Deed to Polk County, Iowa, recorded in Book 4077 Page 159 and that part described in Quit Claim Deed to State of Iowa recorded in Book 4077 Page 161, in PIEKENBROCK, an Official Plat, in Polk County, Iowa.

Shree Hari Inc. (hereinafter collectively referred to as the "Applicants"), hereby make application to the City of Des Moines, Iowa, to annex the Territory described above which is generally shown on the map attached hereto as Exhibit "A". In support of this application the Applicants represent and state as follows:

1. The Applicants are the sole owners of the Territory described above, exclusive of road right-of-way, and seek to have the Territory annexed into the City of Des Moines to permit the Territory to be developed for commercial and residential uses at urban densities with city services.
2. This application is subject to the City of Des Moines agreeing that the City shall not forward the application to the City Development Board or otherwise cause the annexation to become final and effective, until after the third business day after the application has been approved by the Des Moines City Council, and that the Applicant may withdraw this application at any time within the three business days after the application has been approved by the City Council, if the Applicant is not satisfied with the conditions upon which the City proposes to annex the Territory.
3. Solid waste collection service (garbage pickup) is currently provided to the Territory by Private Collectors. Public water service is currently provided to the Territory by Des Moines Water Works.
4. The applicants acknowledge that a portion of the Territory may need to be removed from the territory proposed to be annexed to avoid the creation of an island of land surrounded by the City of Des Moines.



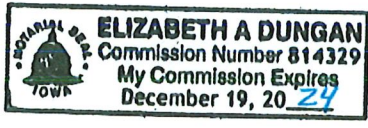
Shree Hari Inc.  
  
Robert Douglas

Date: 12-14, 2022

STATE OF Iowa )  
COUNTY OF Polk ) ss.

This instrument was acknowledged before me on December 14, 2022, by Robert Douglas as registered agent/authorized officer of Shree Hari Inc.

Elizabeth A. Dungan  
Notary Public in and for the State of Iowa





**Exhibit "2" - Certificate of Mailing**

**CERTIFICATE OF MAILING NOTICE OF  
VOLUNTARY ANNEXATION**

(District/Parcel No. 310/00534-003-003)

RE: The Application for Voluntary Annexation filed by Shree Hari Inc requesting that the City of Des Moines, Iowa, voluntarily annex District/Parcel No. 310/00534-003-003, located north of and adjoining 4845 Merle Hay Road

The undersigned, Lisa A. Wieland, hereby certifies that a true copy of the attached Notice of Hearing, together with a copy of the application for voluntary annexation containing a map and legal description of the area proposed to be annexed, were served upon the following by certified mail, return receipt requested, in an envelope addressed to each at the address shown below, with postage fully paid, and by depositing same in a United States Post Office depository in Des Moines, Iowa, on June 16, 2023:

Des Moines Water Works  
Engineering Department  
2201 Valley Drive  
Des Moines, Iowa 50321

City of Urbandale City Council  
3600 86<sup>th</sup> Street  
Urbandale, IA 50322

Polk County Board of Supervisors  
Polk County Administration Building  
111 Court Avenue, Room 300  
Des Moines, Iowa 50309

City of Johnston City Council  
6221 Merle Hay Road  
Johnston, IA 50131

The undersigned, Roger K. Brown, hereby further certifies that a true copy of the attached Notice of Hearing, together with a copy of the application for voluntary annexation containing a map and legal description of the area proposed to be annexed, were served upon the following by regular mail, in an envelope addressed to each at the address shown below, with postage fully paid, and by depositing same in a United States Post Office depository in Des Moines, Iowa, on June 16, 2023:

Chairperson of the Polk County Board of  
Supervisors  
Polk County Administration Building  
111 Court Avenue, Room 300  
Des Moines, Iowa 50309

Sundance Inc  
7915 Kensington Ct  
Brighton, MI 48116-8597

Des Moines Water Works  
Engineering Department  
2201 Valley Drive  
Des Moines, Iowa 50321

James A. Eakins  
4860 NW Piekenbrock Dr  
Des Moines, IA 50310-2023

Tammy L. Eakins  
4860 NW Piekenbrock Dr  
Des Moines, IA 50310-2023

Shree Hari, Inc  
c/o Registered Agent: Robert J. Douglas Jr  
4201 Westown Parkway, Ste 300

West Des Moines, IA 50266

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Signed this 10th day of July, 2023.



Lisa A. Wieland, Assistant City Attorney  
City of Des Moines – Legal Department  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309-1881  
(515) 283-4124

June 14, 2023

**RE: NOTICE OF PUBLIC HEARING**

Application for Voluntary Annexation of land into the City of Des Moines, Iowa,

The City of Des Moines has received the enclosed Application for Voluntary Annexation of land filed by Shree Hari Inc., seeking to have the City of Des Moines the following parcel in Polk County located north of and adjoining 4845 Merle Hay Road, more specifically described as follows:

Tract No. 1

District/Parcel No. 310/00534-003-003

The South 25 feet of Lot "B", except the West 10 feet thereof, and except that part of said Lot "B" east of a line being the east line of Lot 4 extended northerly, and except that part described in Warranty Deed to Polk County, Iowa, recorded in Book 4077 Page 159 and that part described in Quit Claim Deed to State of Iowa recorded in Book 4077 Page 161, in PIEKENBROCK, an Official Plat, in Polk County, Iowa.

**Public notice is hereby given that the City Council of the City of Des Moines will hold a public hearing to consider the proposed annexation at 5:00 p.m. on July 17, 2023, in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa 50309.** Persons interested in the proposal will be given an opportunity to express their views at that hearing. Any written comments received by the City Clerk at the address above before 4:30 p.m. on the date of the hearing will be forwarded to the City Council for their consideration at the hearing.

Additional information concerning the proposed annexation and the planned use of the property if it is annexed into the City of Des Moines may be obtained by contacting the City of Des Moines Development Services Department at 515/283-4182.

Respectfully,

Lisa A. Wieland  
Assistant City Attorney

enc: Application for Voluntary Annexation

**Application for Voluntary Annexation**  
**MONARCH APARTMENTS – 4845 MERLE HAY ROAD**

To: City Council  
City of Des Moines, Iowa  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

Re: Voluntary annexation of the following lots and tracts in Webster Township, Polk County, hereinafter collectively referred to as the "Territory":

Tract No. 1.  
District/Parcel No.: 310/00534-003-003  
Legal: The South 25 feet of Lot "B", except the West 10 feet thereof, and except that part of said Lot "B" east of a line being the east line of Lot 4 extended northerly, and except that part described in Warranty Deed to Polk County, Iowa, recorded in Book 4077 Page 159 and that part described in Quit Claim Deed to State of Iowa recorded in Book 4077 Page 161, in PIEKENBROCK, an Official Plat, in Polk County, Iowa.

Shree Hari Inc. (hereinafter collectively referred to as the "Applicants"), hereby make application to the City of Des Moines, Iowa, to annex the Territory described above which is generally shown on the map attached hereto as Exhibit "A". In support of this application the Applicants represent and state as follows:

1. The Applicants are the sole owners of the Territory described above, exclusive of road right-of-way, and seek to have the Territory annexed into the City of Des Moines to permit the Territory to be developed for commercial and residential uses at urban densities with city services.
2. This application is subject to the City of Des Moines agreeing that the City shall not forward the application to the City Development Board or otherwise cause the annexation to become final and effective, until after the third business day after the application has been approved by the Des Moines City Council, and that the Applicant may withdraw this application at any time within the three business days after the application has been approved by the City Council, if the Applicant is not satisfied with the conditions upon which the City proposes to annex the Territory.
3. Solid waste collection service (garbage pickup) is currently provided to the Territory by Private Collectors. Public water service is currently provided to the Territory by Des Moines Water Works.
4. The applicants acknowledge that a portion of the Territory may need to be removed from the territory proposed to be annexed to avoid the creation of an island of land surrounded by the City of Des Moines.

Shree Hari Inc.

Robert Douglas

Date: 12-14, 2022

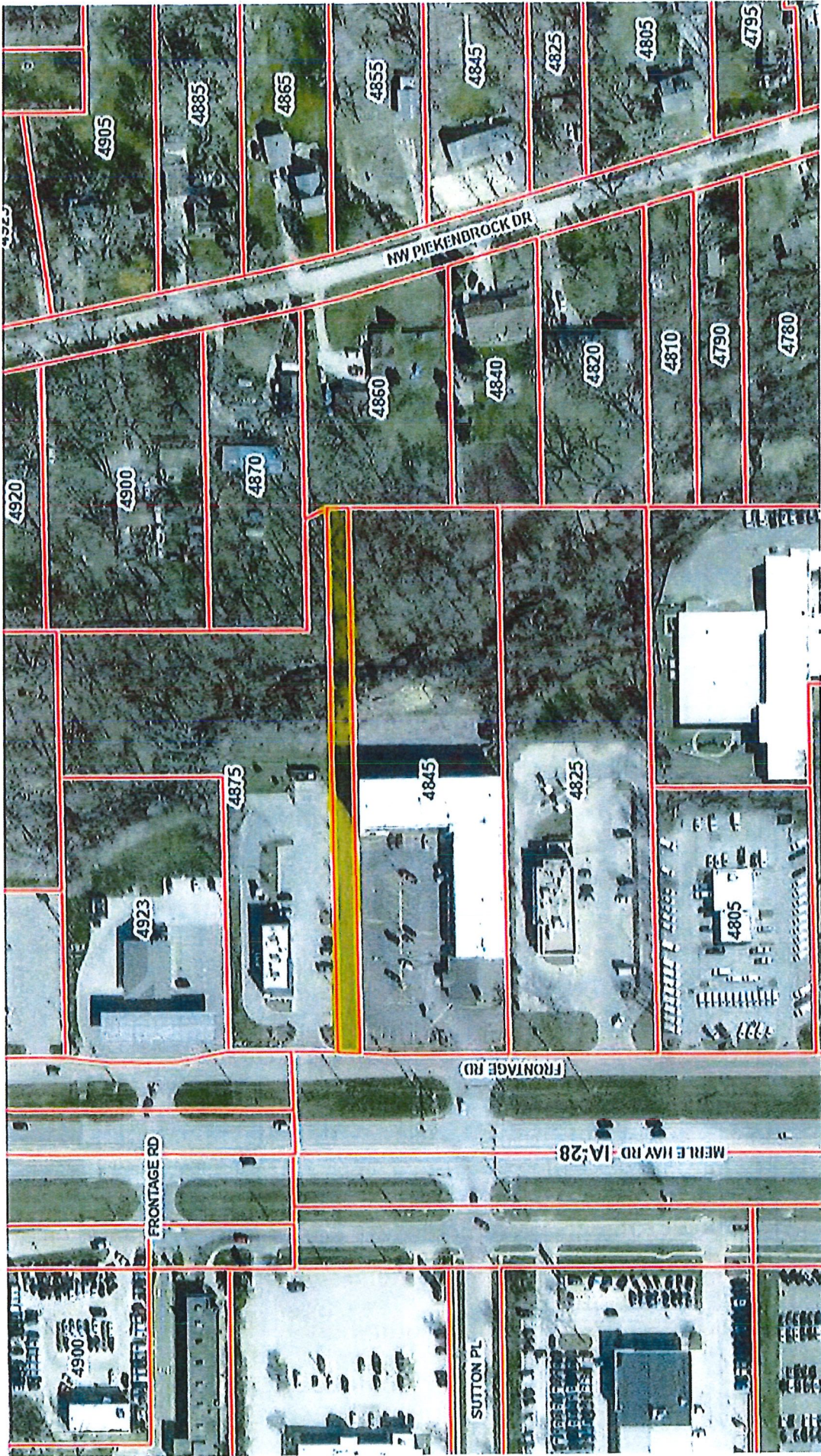
STATE OF Iowa )  
 ) ss.  
COUNTY OF Polk )

This instrument was acknowledged before me on December 14, 2022, by  
Robert Douglas as registered agent of Shree Hari Inc.  
*authorized officer*

Elizabeth A. Dungan  
Notary Public in and for the State of Iowa







**Exhibit "3" - Proof of Publication**

*RWA* 23-0829  
29

DES MOINES REGISTER ORDER NO. 12340 ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF HEARING ON VOLUNTARY ANNEXATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines has received an application from Shree Hari Inc., seeking the voluntary annexation by the City of Des Moines of land located north of and adjoining 4845 Merle Hay Road. The entire territory proposed to be annexed is more specifically described as follows:

Tract No. 1.  
District/Parcel No.: 310/00534-003-003  
Legal: The South 25 feet of Lot "B", except the West 10 feet thereof, and except that part of said Lot "B" east of a line being the east line of Lot 4 extended northerly, and except that part described in Warranty Deed to Polk County, Iowa, recorded in Book 4077 Page 159 and that part described in Quit Claim Deed to State of Iowa recorded in Book 4077 Page 161, in PIEKENBROCK, an Official Plat, in Polk County, Iowa.

NOTICE IS FURTHER GIVEN that the City Council will consider the application and approval of the proposed annexation after a public hearing to be held at 5:00 p.m., in the Council Chambers, 400 Robert D. Ray Drive, Des Moines, Iowa, on July 17, 2023. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

A copy of the Application for Voluntary Annexation and a map of the affected territory are available for public inspection at the office of the City Clerk, City Hall, Des Moines, Iowa.

PUBLISHED IN THE DES MOINES REGISTER ON June 26, 2023.

**Exhibit "4" - Auditor's Annexation Review**



## DES MOINES (SHREE HARI INC) ANNEXATION REVIEW

Lisa Wieland  
 City of Des Moines  
 Legal Department  
 400 Robert D. Ray Drive, Ste. 300  
 Des Moines, IA 50309

**DATE RECEIVED:** 2/1/2023  
**REVIEWED BY/DATE:**

***Eric Boysen / February 1, 2023***  
***GIS Mapping Specialist***  
***Polk County Auditor***  
 111 Court Ave, Ste. 230  
 Des Moines, IA 50309  
 Phone: 515-286-3095  
 Fax: 515-286-3608  
 E-mail: Eric.Boysen@polkcountyiowa.gov

<b>ANNEXATION PARCELS</b>	
<b>DISTRICT/PARCEL NUMBER</b>	<b>GEOPARCEL NUMBER</b>
310/00534-003-003	7924-18-351-001
<input checked="" type="checkbox"/>	DESCRIPTIONS ARE ACCURATE AND COMPLETE
<input type="checkbox"/>	DESCRIPTIONS ARE NOT ACCURATE AND COMPLETE
<input checked="" type="checkbox"/>	TITLEHOLDERS LISTED ARE ACCURATE AND/OR COMPLETE
<input type="checkbox"/>	TITLEHOLDERS LISTED ARE NOT ACCURATE AND/OR COMPLETE

**COMMENTS:**

**Application for Voluntary Annexation**  
**MONARCH APARTMENTS – 4845 MERLE HAY ROAD**

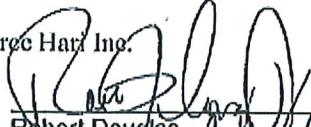
To: City Council  
City of Des Moines, Iowa  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309

Re: Voluntary annexation of the following lots and tracts in Webster Township, Polk County, hereinafter collectively referred to as the "Territory":

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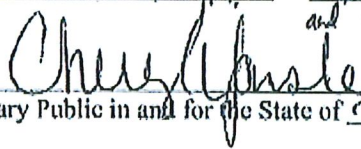
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2. This application is subject to the City of Des Moines agreeing that the City shall not forward the application to the City Development Board or otherwise cause the annexation to become final and effective, until after the third business day after the application has been approved by the Des Moines City Council, and that the Applicant may withdraw this application at any time within the three business days after the application has been approved by the City Council, if the Applicant is not satisfied with the conditions upon which the City proposes to annex the Territory.
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4. The applicants acknowledge that a portion of the Territory may need to be removed from the territory proposed to be annexed to avoid the creation of an island of land surrounded by the City of Des Moines.

Shree Hari Inc.  
  
Robert Douglas, Authorized Agent

Date: 11-11, 2022

STATE OF Iowa )  
COUNTY OF Polk ) ss.

This instrument was acknowledged before me on November 11, 2022, by Robert J. Douglas, Jr. as authorized agent and registered agent of Shree Hari, Inc.

  
Notary Public in and for the State of Iowa

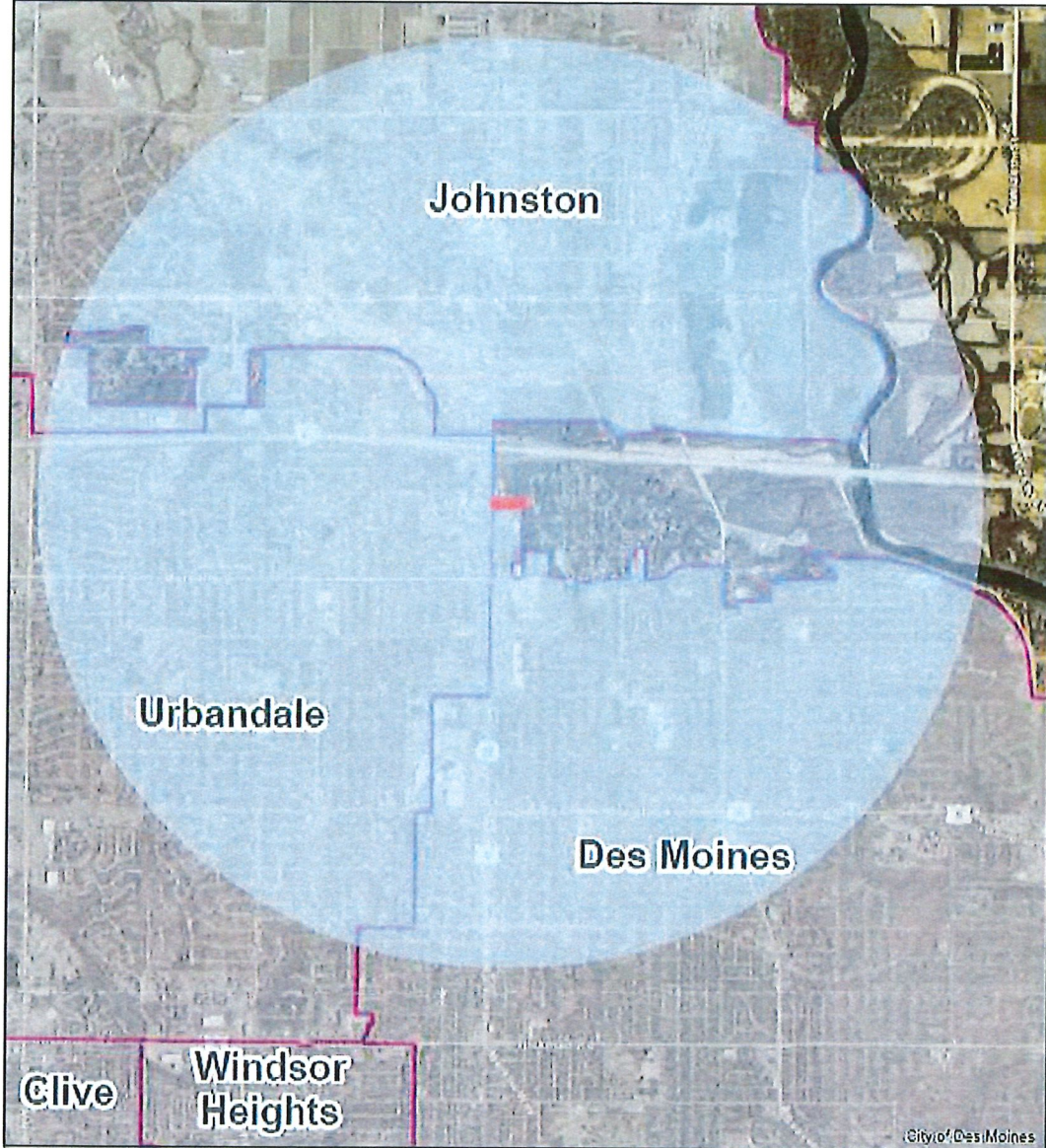






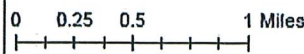
Our review of this proposed annexation is for the Auditor's Office purpose only. It should be used In conjunction with the reviews of the staffs of the city and of the City Development Board to ensure that the annexation complies with all the provisions of the Code of Iowa before being recorded. Mailing addresses on the tax rolls are the responsibility of the Polk County Treasurer's Office.

-Submitted annexation details from the City:



# ANNEXATION PARCEL 310/00534-003-003







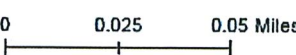
<b>Legend</b>		Date: 1/11/2023	
 Parcel 31000534003003			Disclaimer: This map is approximate and may not be complete. City assumes no liability for accuracy. Consult sources listed to verify information. Sources: City of Des Moines Community Development, Engineering, Parks, and IT, Polk County Assessor
 2 Mile Buffer			
 Corporate Boundaries			





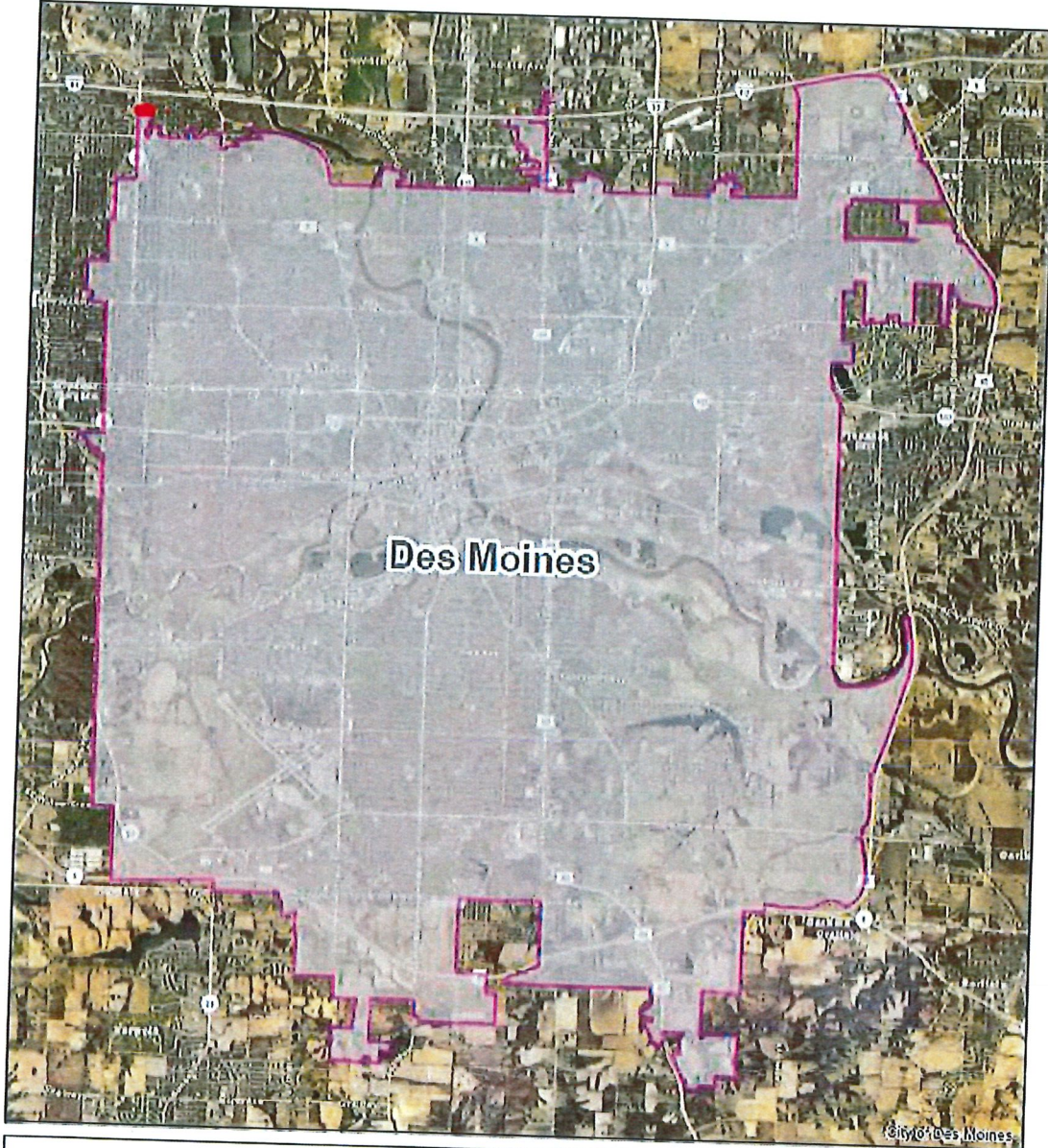
# ANNEXATION PARCEL 310/00534-003-003





<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Corporate Boundaries</li> <li> Parcels</li> <li> Parcel 31000534003003</li> </ul>	<div style="text-align: center;">  </div> <div style="text-align: center;">  </div>	<p>Date: 1/11/2023</p> <p>Disclaimer: This map is approximate and may not be complete. City assumes no liability for accuracy. Consult sources listed to verify information</p> <p>Sources: City of Des Moines Community Development, Engineering, Parks, and IT, Polk County Assessor</p>
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# ANNEXATION PARCEL 310/00534-003-003

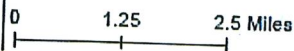


### Legend

-  Parcel 31000534003003
-  Des Moines Boundary



Date: 1/11/2023



Disclaimer: This map is approximate and may not be complete. City assumes no liability for accuracy. Consult sources listed to verify information.  
Sources: City of Des Moines Community Development, Engineering, Parks, and IT; Polk County Assessor