CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: April 6, 2015

ITEM: Lacey Annexation, present address of 33526 Rockwood Lane, which is generally located west of 91st Street and north of Mills Civic Parkway (approximately 8.92 acres) -Voluntary Annexation – City Initiated

Resolution - Approval of Voluntary Annexation and the Transition for the Imposition of City Tax

FINANCIAL IMPACT: Municipal services will be provided to the subject property, which is one single family lot with a house under construction. Both sanitary sewer and water are or will soon be in the area; the property owner would like to hook on once available. The Fox Creek Sanitary sewer project is under construction now and is expected to be done this fall. Sewer connection fees will be paid by the property owner.

The proposed tax abatement only applies to the City's portion of the property tax levy. The abatement will cease if the use of the property changes during the abatement period. The full City tax levy will apply to the property from the time of the use change forward. Attached to this staff report is a resolution for adoption by the City Council approving the voluntary annexation. Staff has added language to the resolution to authorize tax abatement on a five-year, sliding scale basis, as provided for by State Law for all properties proposed to be annexed into the City.

SYNOPSIS: On February 19, 2015, staff received an application for annexation from David and Sarah Lacey, the owners of a single family lot which is the subject of this annexation request. (See Attachment A – Location Map and Attachment B, Exhibit B – Annexation Area). They are presently building a home on the lot and would like to annex into the City of West Des Moines in order to receive City services. Staff sent letters to surrounding property owners to inquire about interest in joining this annexation. As of March 9, 2015, the deadline set to receive an answer from neighboring property owners, no additional property owners indicated that they wanted to be part of the annexation. (Since then, one property owner has contacted staff, stating their interest in annexing; however their neighbor would also need to be annexed at the same time to avoid creating an island. Additional conversations will occur with both property owners, once the other property owner is back from an extended trip.) Staff has continued with processing the annexation of property as submitted.

STAFF REVIEW AND COMMENT: This annexation of property is a 100% voluntary annexation. The 10-year Annexation Moratorium Agreement between West Des Moines and Waukee, which was executed on January 10, 2007, shows this property to be within the area that West Des Moines can annex.

NOTICING INFORMATION: Notices were sent to the City of Waukee, public utilities, County Boards of Supervisors, and other entities having interest in the annexation. Notification of the April 6, 2015, City Council public hearing was published in the Des Moines Register on March 20, 2015, in the central distribution area, which includes Dallas County.

RECOMMENDATION: The Development & Planning City Council Subcommittee recommends the adoption of the resolution approving the voluntary annexation of the approximately 8.92 acres as proposed. Staff recommends the approval of the resolution providing five (5) year, sliding scales tax abatement, as provided by State Code, for all property in the annexation area, with tax abatement ceasing in five years or upon a change of use after the effective date of the annexation, whichever occurs first.

Attachments:

Attachment A - Location Map
Attachment B - Resolution
- Exhibit A: Location Map
- Exhibit B: Legal Description
- Exhibit C: Annexation Map (List of Properties to be Provided Transition for the Imposition of City Taxes)

Lead Staff Member: Naomi Hamlett, AICP, Planner

STAFF REVIEWS

Department Director	Clyde E. Evans, Community & Economic Development Director
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

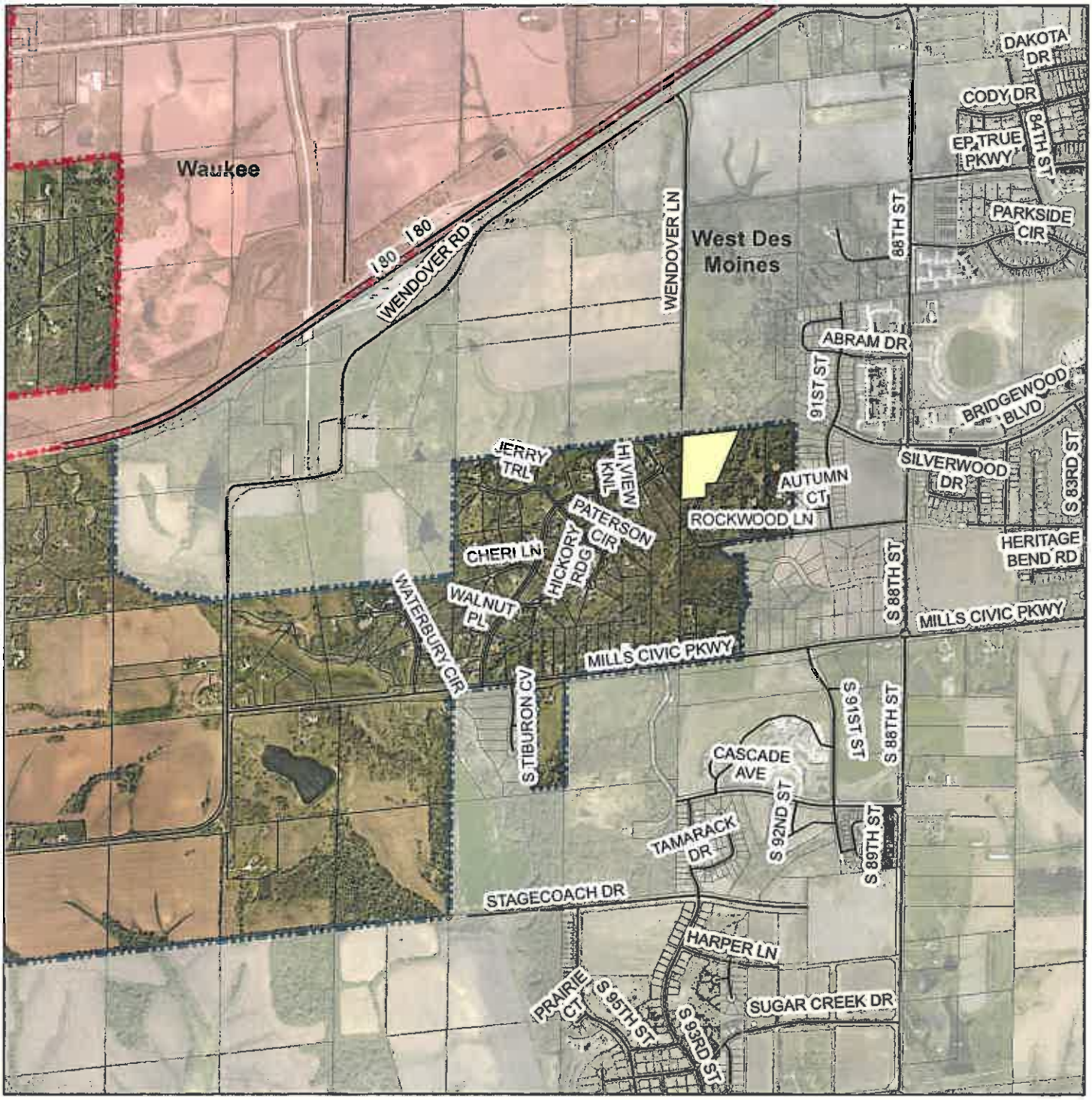
Published In	Des Moines Register	
Date(s) Published	March 20, 2015	
Letter sent to surrounding property owners	No	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	March 26, 2015		
Recommendation	Yes X	No ☐	Split ☐

ATTACHMENT A

General Location Map
Lacey Annexation



Legend

West Des Moines Corporate Limit

Waukee Corporate Limit

Area to be Annexed

No Scale

N

ATTACHMENT B

Prepared by: N Hamlett, Community & Economic Devt, PO Box 65320 West Des Moines IA 50265-0320 (515) 273-0770
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION APPROVING THE VOLUNTARY ANNEXATION OF PROPERTY
AND
PROVIDING A TRANSITION FOR THE IMPOSITION OF TAXES

WHEREAS, the City of West Des Moines, State of Iowa, is a duly organized municipal corporation; and

WHEREAS, the City of West Des Moines, Iowa, has received an Application for Voluntary Annexation from the property owner of certain real estate under the ownership of said petitioner, located in Dallas County, Iowa, and shown on the map identified as Exhibit "A" attached hereto and made a part hereof and legally described as follows:

LEGAL DESCRIPTION

See Exhibit "B" attached hereto and made a part hereof.

WHEREAS, such property collectively adjoins the City as required by Chapter 368, Code of Iowa, 2013;

WHEREAS, all required notification has been carried out pursuant to Chapter 368, Code of Iowa, 2013; and

WHEREAS, it is in the best interests of the City and public that said property be annexed to the City of West Des Moines, at this time;

WHEREAS, The City Council will provide a transition for the imposition of City taxes to all properties within the annexation area, as provide for in Section 368.7(5) of the Code of Iowa, 2013, according to the following formula also allowed in Section 368.11(3)(m) of the Code of Iowa, 2013: 75% for the first year; 60% the second year; 45% the third year; 30% the fourth year; and 15% the fifth year. However, if subsequent to the effective date of the annexation, the use of a property changes, the transition for the imposition of City taxes will cease and the City tax will be imposed at the appropriate rate based upon the then-existing use of the property as determined by the County Assessor. Imposition of the appropriate rate shall commence at the time of the change in use of the property; and

WHEREAS, the following described property in Exhibit "C," attached hereto and made a part hereof, is taxed and utilized as indicated and is included in the area to be annexed under the Annexation Resolution; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The Application for Voluntary Annexation is hereby approved, and said property shown and described in Exhibit "A" and Exhibit "B" shall be annexed to the City of West Des Moines, Iowa, in accordance with Chapter 368, Code of Iowa, 2013, and such property shall hereinafter become and be part of the City of West Des Moines, Iowa.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to prepare and execute all documents necessary for this annexation and are directed to file the same with the City Development Board as required by the Code of Iowa.

SECTION 3. A transition for imposition of taxes shall be provided to the property described in Exhibit "C", pursuant to the formula set forth above and shall be applied in the levy and collection only of City taxes.

SECTION 4. This Resolution's transition for imposition of taxes shall be effective upon completion of annexation by recording with the Secretary of State's office.

PASSED AND ADOPTED on April 6, 2015.

_____
Steven K. Gaer
Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

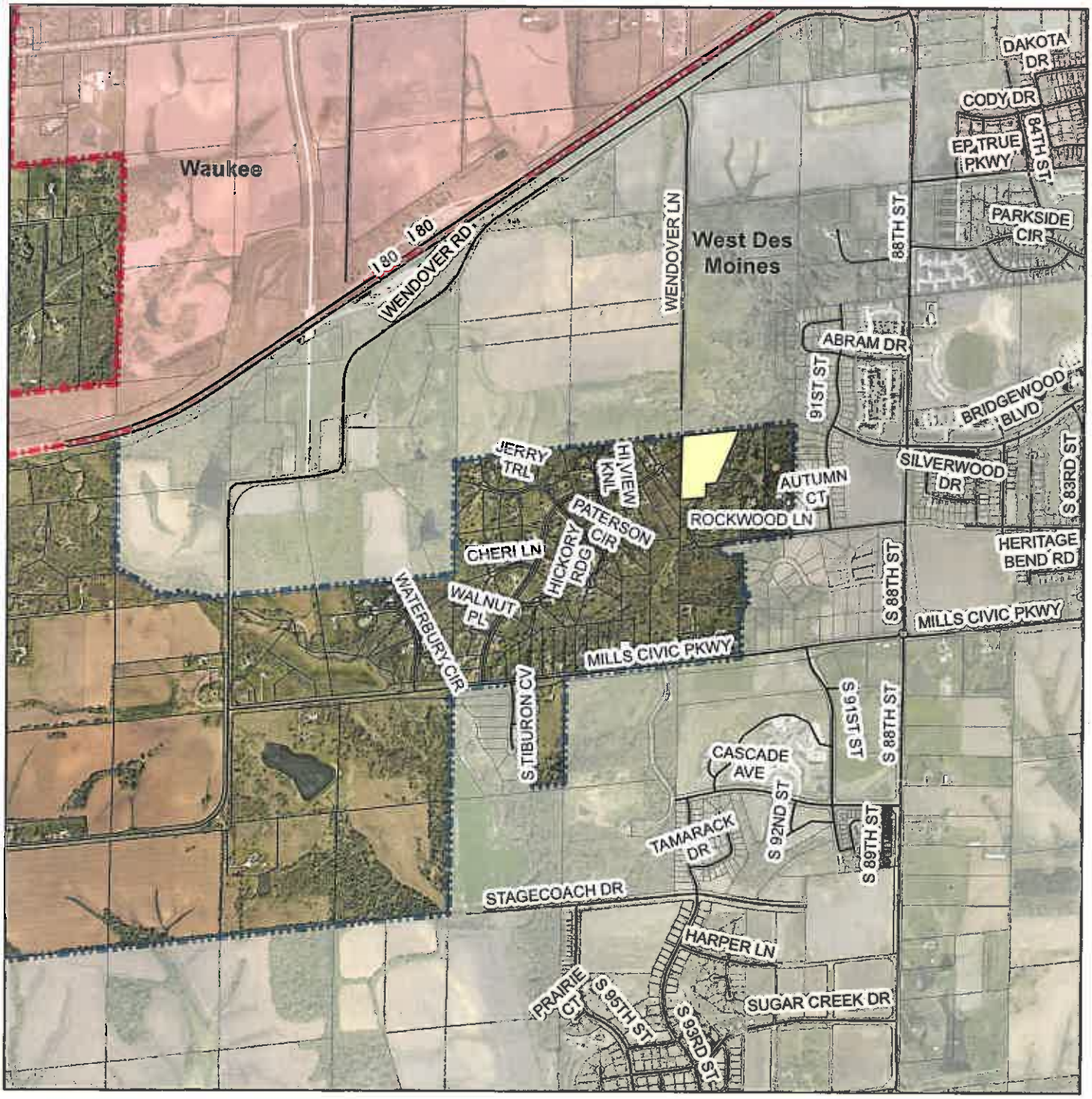
I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on April 6, 2015, by the following vote:

ATTEST:

_____
Ryan T. Jacobson
City Clerk

EXHIBIT A

General Location Map
Lacey Annexation



Legend

West Des Moines Corporate Limit

Waukee Corporate Limit

Area to be Annexed

No Scale

N

EXHIBIT B

LEGAL DESCRIPTION
LACEY ANNEXATION
CITY OF WEST DES MOINES

A TRACT OF LAND LOCATED IN SECTION 15, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA, IS INCLUDED IN AN AREA BEING PETITIONED FOR ANNEXATION INTO THE CITY OF WEST DES MOINES, IOWA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT THREE, HICKORY KNOLLS PLACE REPLAT, AN OFFICIAL SUBDIVISION NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY IOWA;

THENCE EAST, ALONG THE NORTH LINE OF SAID LOT 3, TO THE NORTHEAST CORNER OF SAID LOT 3;

THENCE SOUTHWESTERLY, ALONG THE EASTERLY LINE OF SAID LOT 3, TO THE SOUTHEAST CORNER OF SAID LOT 3;

THENCE WEST, ALONG THE NORTH LINE OF LOT 4 OF SAID HICKORY KNOLLS PLACE REPLAT, TO A POINT 300.00 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 4;

THENCE SOUTH $01^{0}11'07''$ WEST (ASSUMED BEARING), A DISTANCE OF 150.00 FEET;

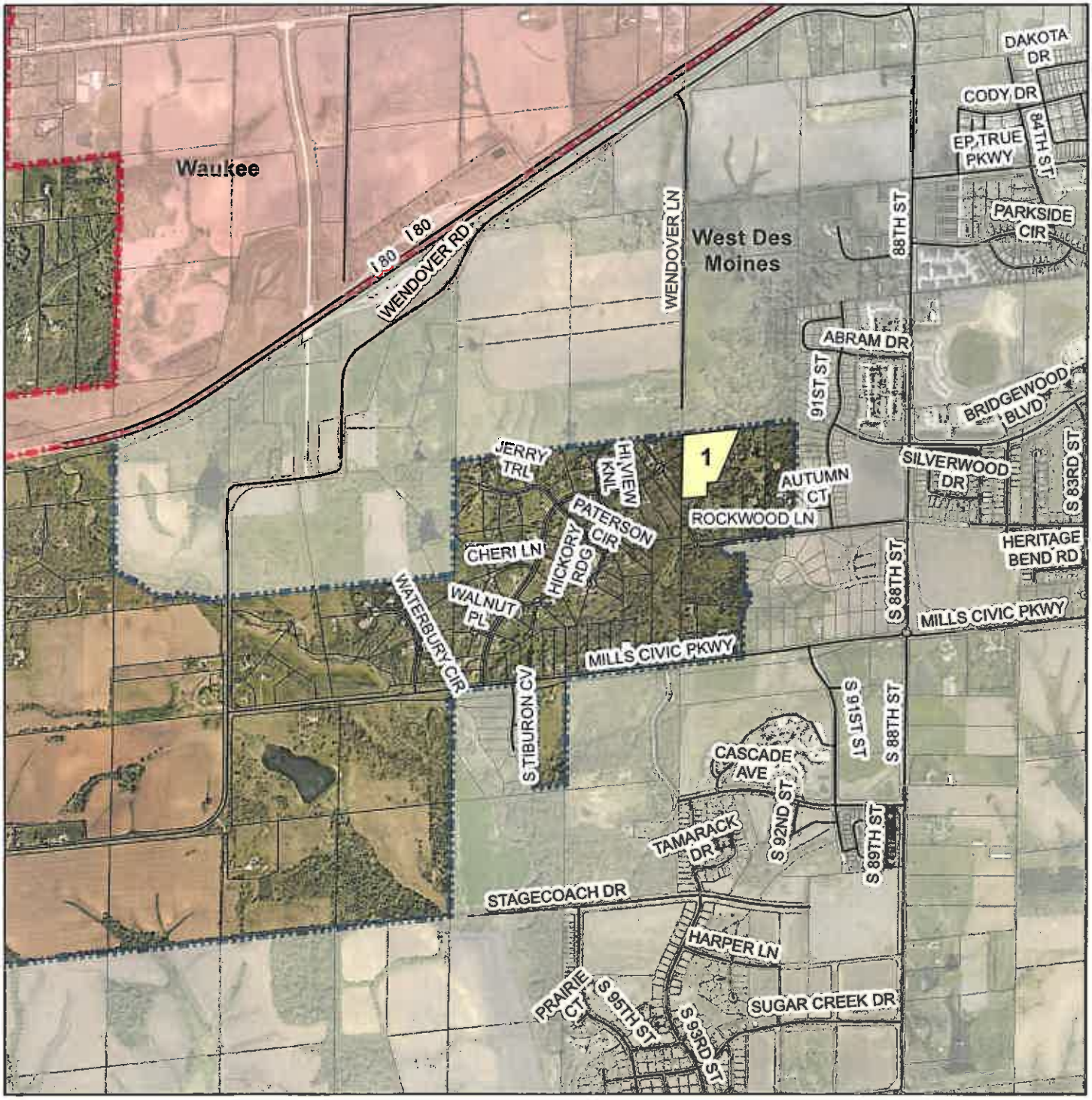
THENCE SOUTH $83^{0}36'46''$ WEST (ASSUMED BEARING), A DISTANCE OF 300.00 FEET TO THE WEST LINE OF SAID LOT 4;

THENCE NORTH, ALONG THE WEST LINE OF SAID LOT 4, TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE NORTH, ALONG THE WEST LINE OF SAID LOT 3, TO THE POINT OF BEGINNING.

EXHIBIT C

Annexation Map
Lacey Annexation



Legend

1 PIN 16-15-201-002 David L. & Sarah E. Lacey, JTRS

West Des Moines Corporate Limit

Waukee Corporate Limit

Area to be Annexed

No Scale N