CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: Raccoon River Land Company LLC Annexation **DATE**: July 15, 2019

RESOLUTION: Approval of Voluntary Annexation

FINANCIAL IMPACT: Generally, as the area develops, costs should be anticipated for additional Fire, Police, Public Services, and EMS services. These costs would be offset through property taxes collected as development occurs. The extension of both sanitary sewer and water has been addressed through the establishment of Fee Districts.

BACKGROUND: Raccoon River Land Company LLC owns a 77.1-acre site just south and east of the current corporate limits of the City of West Des Moines. They are proposing the construction of a residential development. All of the 77.1-acres are located in Madison County. This is a 100 % voluntary annexation, see Exhibit I.

The City of West Des Moines currently has an annexation agreement with the City of Cumming. All of the area that the City of West Des Moines is proposing to annex is in accordance with the annexation agreement.

As required by State Code, the City held a consultation meeting for all of the taxing bodies and providers of utility services on June 3, 2019.

NOTICING INFORMATION: Attached hereto as Exhibit IV is the noticing information for the annexation request. Notices were sent by certified mail to the following:

- All affected public utilities,
- Madison County Board of Supervisors,
- City of Cumming,
- Winterset School District

Notice of the July 15, 2019, public hearing was published in the Madisonian on June 26, 2019. As a courtesy, staff sent notice of the July 15, 2019, hearing via regular mail to the property owners whom have petitioned for voluntary annexation into the City, as well as adjacent land owners to the annexation boundaries as required by State Code. In addition, staff sent a courtesy notice of this meeting to the same parties mentioned above even though it was not required by state law.

Also, in accordance with State Code, staff sent a list of property owners included in the annexation, a map of the boundaries, and the legal description of the annexation area (Exhibit II) to the Madison County Auditor for verification of boundaries and ownership. Staff has received word from the county that the information is correct.

OUTSTANDING ISSUES (if any): There are no outstanding issues.

RECOMMENDATION: Staff recommends the adoption of the resolution approving the voluntary annexation as proposed.

Lead Staff Member: Clyde E. Evans, AICP, Community and Economic Development

STAFF REVIEWS

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

PUBLICATION(S) (if applicable)

Published In	Madisonian
Dates(s) Published	6-26-2019

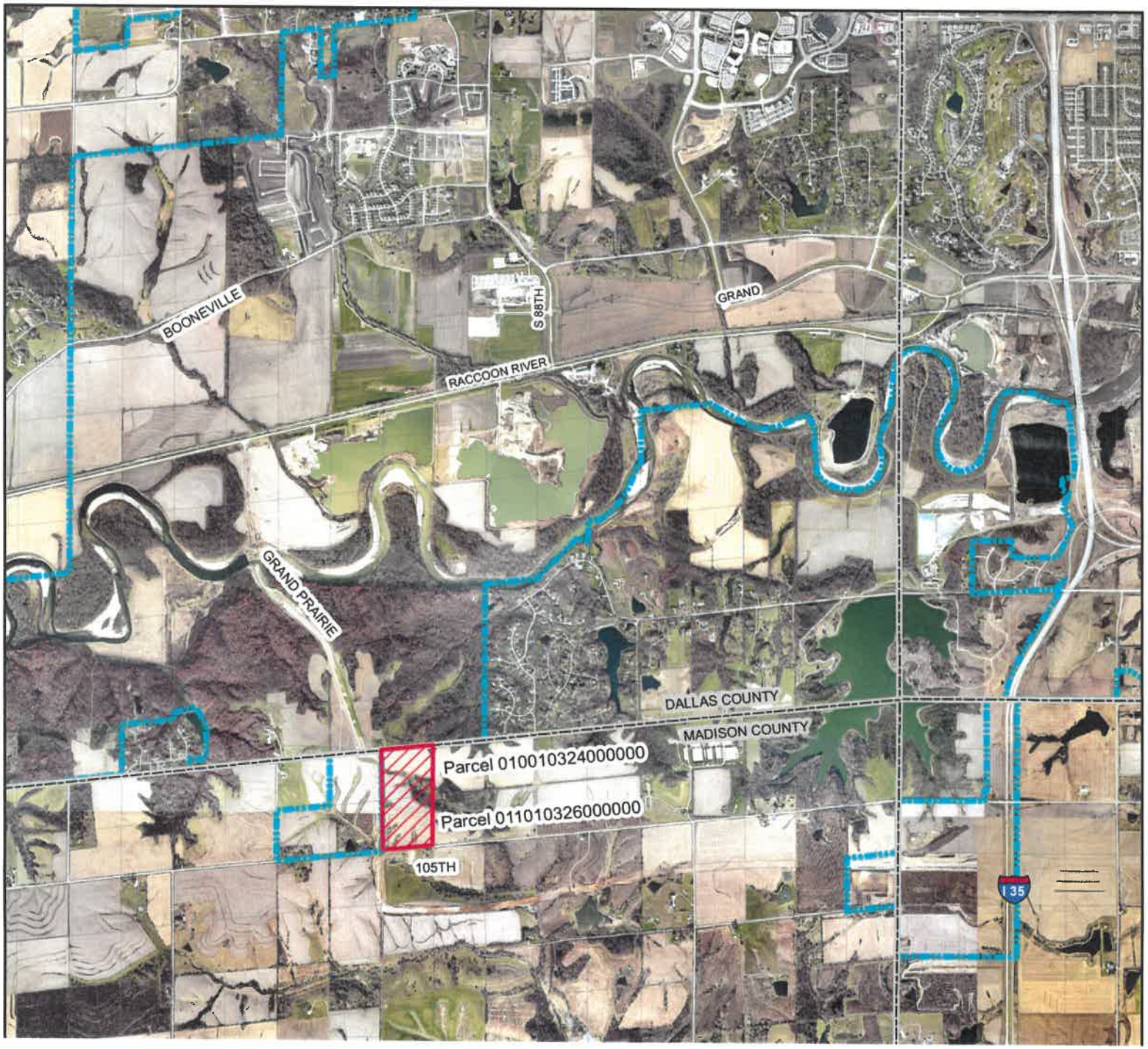
SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	☐Yes	☐ No	

Attachments:

Exhibit I	Location map
Exhibit II	Legal Description
Exhibit III	Application for Voluntary Annexation
Exhibit IV	Affidavit of Mailing / Noticing Information
Exhibit V	Resolution

Raccoon River-Knapp Annexation



Legend

- Proposed Annexation Territory
- West Des Moines Corporate Boundary
- County Boundary
- Parcels

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THE CITY OF WEST DES MOINES

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EXHIBIT I

Legal Description

THE NW1/4 NE1/4 AND THE SW1/4 NE1/4 OF SECTION 03, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE N1/4 CORNER OF SAID SECTION 03; THENCE N83°39'47"E, 1305.43 FEET ALONG THE NORTH LINE OF SAID NW1/4 NE1/4 TO THE NE CORNER OF SAID NW1/4 NE1/4; THENCE S00°00'22"E , 2580.46 FEET ALONG THE EAST LINE OF SAID NW1/4 NE1/4 AND SW1/4 NE1/4 TO THE SE CORNER OF SAID SW1/4 NE1/4; THENCE S83°47'27"W, 1314.56 FEET ALONG THE SOUTH LINE OF SAID SW1/4 NE1/4 TO THE SW CORNER OF SAID SW1/4 NE1/4; THENCE N00°12'10"W, 2578.56 FEET ALONG THE WEST LINE OF SAID SW1/4 NE1/4 AND NW1/4 NE1/4 TO THE POINT OF BEGINNING.

APPLICATION FOR VOLUNTARY ANNEXATION
City of West Des Moines

The undersigned, Gerard Neugent, owner(s) or authorized representative(s) of the owner(s) of all property legally described in "Exhibit A" attached hereto and by this reference made a part hereof, and as shown on the map "Exhibit B" attached hereto and by this reference made a part hereof, authorized to execute this application on behalf of Raccoon River Land Co LLC the owner(s) of the property legally described in "Exhibit A", respectfully **request the property be annexed and become a part of the City of West Des Moines, Iowa.**

Property Owner(s): Gerard D Neugent Date: 12/11/2018

MANAGER, Raccoon River LAND Co. LLC Date: _____

Iowa Code Section 368.7 gives the landowner(s) consenting to voluntary annexation of their land the right to withdraw consent to annexation within three business days after the public hearing on the application to annex land unless this right is waived.

I hereby waive my right to withdraw consent to annexation within three business days after the public hearing on the application as evidenced by my signature below.

Property Owner(s): Gerard D Neugent Date: 12/11/2018

Manager, Raccoon River Land Co. LLC Date: _____

Attachments: Exhibit A: Legal description of the property
Exhibit B: Map showing location of the property within the proposed annexation area

Legal Description

THE NW1/4 NE1/4 AND THE SW1/4 NE1/4 OF SECTION 03, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS ALSO DESCRIBED AS FOLLOWS:

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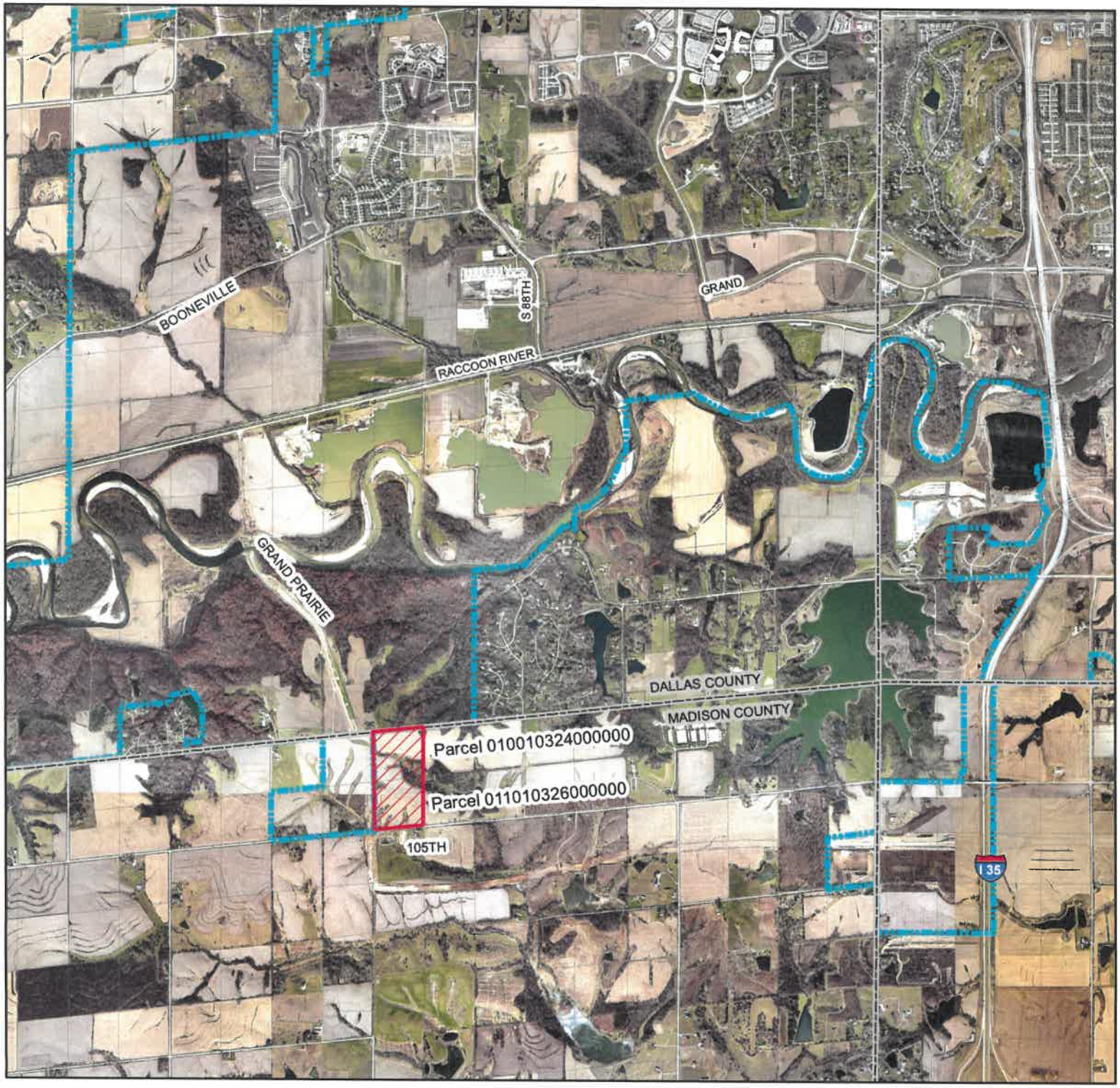
Raccoon River-Knapp Annexation



Legend

- Proposed Annexation Territory
- West Des Moines Corporate Boundary
- County Boundary
- Parcels

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Miles

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THE CITY OF WEST DES MOINES

EXHIBIT B

NOTICE OF ANNEXATION

The City of West Des Moines has received an application for Voluntary Annexation into the City for portions of Section 3 in Lee Township, Madison County. Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., July 15, 2019, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider this application for voluntary annexation of contiguous parcels into the City of West Des Moines. In general, the proposed annexation encompasses 77.10 acres of land along the east right-of-way of Grand Prairie Parkway and generally north of SW Adams Street.

The area is more specifically defined as follows:

THE NW1/4 NE1/4 AND THE SW1/4 NE1/4 OF SECTION 03, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS ALSO DESCRIBED AS FOLLOWS:

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Additional information regarding the proposed annexation, including a map of the proposed annexation area may be obtained from Clyde Evans, Director, at the City of West Des Moines Community & Economic Development Department at (515) 273-0770.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing shall be submitted on or before the time of the public hearing to Clyde Evans, Community & Economic Development Department, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50265-0320.

It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call 515-222-3600 to have accommodations provided.

Ryan T. Jacobson
City Clerk

Published in The Madison on Wednesday, June 26, 2019

STATE OF IOWA
SS
MADISON COUNTY

AFFIDAVIT OF PUBLICATIONS

SUE SMITH being duly sworn says she is the Publisher of The WINTERSET MADISONIAN, a once weekly paper of General Circulation, published in Winterset, Iowa, and that the copy which is annexed and made part hereof was published in said paper.

period of 1 consecutive weeks, the last ation thereof being

26 day of June 20 19

Susan R Smith

ibed and sworn to before me this

27 day of June 20 19

Cleota Tapken

NOTARY PUBLIC
In and for Madison County

7.20

CLEOTA E. TAPKEN
Commission Number 767215
My Commission Expires
3-17-20

Notice Of Annexation

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Ryan T. Jacobson, City Clerk

Published in The Madisonian on Wednesday, June 26, 2019 44

AFFIDAVIT OF MAILING

RE: ANNEXATION/PUBLIC HEARING NOTIFICATION: Osmium Voluntary Annexation

STATE OF IOWA)
) SS:
COUNTY OF POLK)

The undersigned, first being duly sworn, states that on the 21st day of June, 2019, he/she personally mailed to the named persons identified on the attached Exhibit 'IV', a packet of information regarding a proposed voluntary annexation for territory in Madison County into the City of West Des Moines. Such mailing was done by certified mail, each such document being mailed in a sealed envelope with proper postage thereon, addressed to the said persons at their last known addresses.

SUBSCRIBED AND SWORN to before me this 21st day of June, 2019.

Notary Public - State of Iowa

MICHELLE D. RIESENBERG
Commission Number 223052
My Commission Expires
June 16, 2020

S:_Community and Economic Development\Annexation\Raccoon River-Knapp\Mailing List 5-13-2019.xlsx

	Last	First	Title/Business	Address	City	State	Zip
Consultation Meeting							
Auditor	Kaster	Shelly D.	Madison County Auditor	112 N. John Wayne Dr.	Winterset	Ia	50273
County Board of Supervisors	Price	Aaron	Chair	112 N. John Wayne Dr.	Winterset	Ia	50273
Lee Township Board of Trustees							
Trustee	Gallagher	John	Trustee	3090 120th Street	Cumming	Ia	50061
	Steele	Trevor	Trustee	2800 university Ave. Suite 208	West Des Moines	Ia	50266
	Lyon	Terry Lee	Trustee	1454 Union Lane	Van Meter	Ia	50261
City of Cumming	Becker	Tom	Mayor	PO Box 100	Cumming	Ia	50061
Public Hearing							
Auditor	Kaster	Shelly D.	Madison County Auditor	112 N. John Wayne Dr.	Winterset	Ia	50273
County Board of Supervisors	Price	Aaron	Chair	112 N. John Wayne Dr.	Winterset	Ia	50273
Lee Township Board of Trustees							
Trustee	Gallagher	John	Trustee	3090 120th Street	Cumming	Ia	50061
	Steele	Trevor	Trustee	2800 university Ave. Suite 208	West Des Moines	Ia	50266
	Lyon	Terry Lee	Trustee	1454 Union Lane	Van Meter	Ia	50261
City of Cumming	Becker	Tom	Mayor	PO Box 100	Cumming	Ia	50061
Utilities							
West Des Moines Water Works	Murphy	Christina	General Manager	1505 Railroad Avenue	West Des Moines	Ia	50265
Warren Water District	Ripperger	Stan	Systems Manager	1204 E. 2nd Street	Indiannola	Ia	50125
Des Moines Water Works	Corrigan	Ted	Interim CEO & Gen. Manager	2201 George Flagg Parkway	Des Moines	Ia	50321
MidAmerican Energy	Heikes	Eric	Manager, Customer Ops. Support	10510 Douglas Avenue	Urbandale	Ia	50322
Century Link Internet Services	Monaghan	Jim		2103 East University Avenue	Des Moines	Ia	50317
Mediacom	Probst	Mike		2205 Ingersoll	Des Moines	Ia	50312
Des Moines Area MPO	Ashby	Todd	Executive Director	420 Watson Powell Jr. Way, Suite 200	Des Moines	Ia	50309
Adjacent Land Owners							
	Wolfe	Leonard		1926 66th Street	Des Moines	Ia	50322
	General Manufacturing Corp.			PO Box 1333, 8040 University Avenue	Des Moines	Ia	50305
	Christopher E. Nelson Living Trust		Elizabeth A. Nelson, Trustee	34151 Maffitt Lake Road	Cumming	Ia	50061
Land Owners							
	Raccoon River Land Company, LLC			5000 Westown Parkway, Suite 400	West Des Moines	Ia	50266

Raccoon River Annexation-Knapp (5-13-2019)

Raccoon River Land Co
Annexation Mailing List

John Gallagher
Lee County Board of Trustees
3090 120th Street
Cumming, IA 50061

Trevor Steele
Lee County Board of Trustees
2800 University Ave. Suite 208
West Des Moines, IA 50266

Terry Lyon
Lee County Board of Trustees
1454 Union Lane
Van Meter, IA 50261

Tom Becker
Mayor, City of Cumming
PO Box 100
Cumming, IA 50061

Ted Corrigan
Interim CEO & Gen. Manager
Des Moines Water Works
2201 George Flagg Parkway
Des Moines, IA 50321

Christina Murphy
General Manager
West Des Moines Water Works
1505 Railroad Avenue
West Des Moines, IA 50265

Stan Ripperger
Systems Manager, Warren Water District
1204 E. 2nd Street
Indiannola, IA 50125

Mike Probst
Mediacom Communications Corp.
2205 Ingersoll
Des Moines, IA 50312

Eric Heikes
Manager, Customer Ops. Support
MidAmerican Energy
10510 Douglas Avenue
Urbandale, IA 50322

Jim Monaghan
CenturyLink
2103 East University Avenue
Des Moines, IA 50317

Leonard Wolfe
1926 66th Street
Des Moines, IA 50322

Todd Ashby
Executive Director
Des Moines Area MPO
420 Watson Powell Jr. Way, Suite 200
Des Moines, IA 50309

Christopher E. Nelson Living Trust
Elizabeth A. Nelson, Trustee
34151 Maffitt Lake Road
Cumming, IA 50061

Raccoon River Land Company, LLC
5000 Westown Parkway, Suite 400
West Des Moines, IA 50266

General Manufacturing Corp.
PO Box 1333
8040 University Avenue
Des Moines, IA 50305

Aaron Price
Madison County Board of Supervisors
112 N. John Wayne Dr.
Winterset, IA 50273

Prepared by: C Evans, Community & Economic Dev, 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

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 owners of certain real estate under the ownership of said petitioners, located in Madison County, Iowa, and shown on the map identified as Exhibit "B" attached hereto and made a part hereof and legally described as follows:

LEGAL DESCRIPTION

See Exhibit "A" 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; 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.

PASSED AND ADOPTED on _____.

_____
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_____, by the following vote:

ATTEST:

_____
Ryan T. Jacobson
City Clerk

Legal Description

THE NW1/4 NE1/4 AND THE SW1/4 NE1/4 OF SECTION 03, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS ALSO DESCRIBED AS FOLLOWS:

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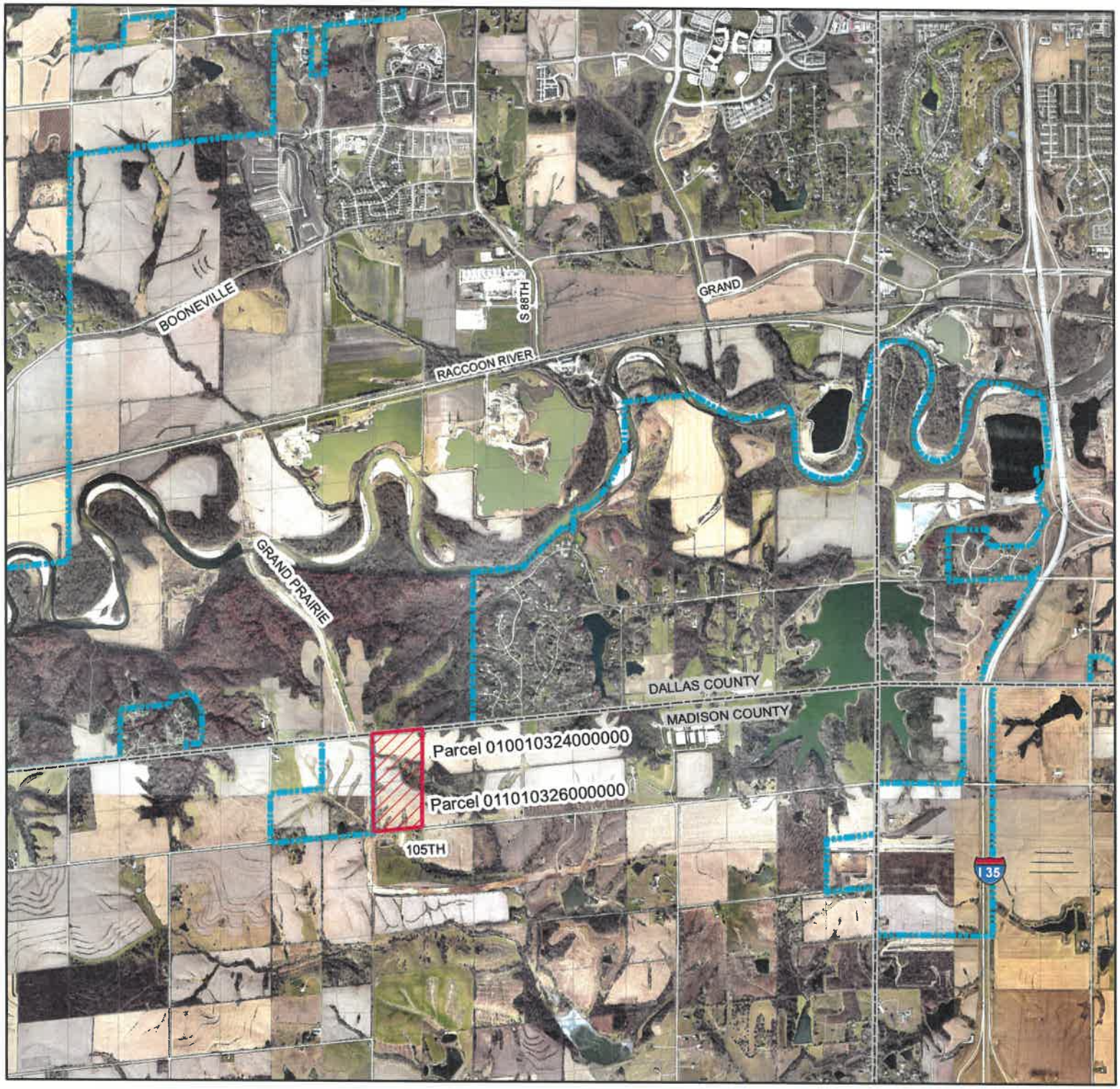
Raccoon River-Knapp Annexation



Legend

- Proposed Annexation Territory
- West Des Moines Corporate Boundary
- County Boundary
- Parcels

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Miles

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EXHIBIT B