

COMPARED

FILED FOR RECORD
POTTAWATTAMIE CO. IA.

99 SEP 30 AM 8:55

JOHN SCIORTINO
RECORDER

INST # 5872 ✓
RECORDING FEE 25.00
AUDITOR FEE
RMA FEE 1.00

City

PREPARED BY: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 99-235

A RESOLUTION approving voluntary annexation of property located on the west side of State Orchard Road, north of Greenview Road, concurrent with rezoning of the property and preliminary plan approval..

WHEREAS, Briarwood L.L.C. has requested voluntary annexation of approximately 63.5 acres on the west side of State Orchard Road, north of Greenview Road, concurrent with preliminary plan approval and rezoning from R-3/Urban Residential (County), to R-1/Single Family Residential (City) and R-3/Low Density Multi-Family Residential District with a Planned Residential Overlay; and

WHEREAS, the Community Development Department has expanded the annexation area to add an additional 33.5 acres to create a more uniform boundary; and

WHEREAS, Chapter 368 of the Iowa Code sets out the procedures for municipal annexation of territory, and this request is consistent with the voluntary annexation procedures; and

WHEREAS, the Community Development Department finds as follows:

1. The area proposed for annexation adjoins the City's corporate boundaries.
2. City services will not be adversely affected if the land is annexed. There are three residential structures currently on the property to be annexed. The proposed subdivision will add 201 residential lots. A new fire station to serve the eastern part of the City is in the planning stages.
3. Sanitary sewer can be extended from the lift station along Greenview Road. Although annexation is necessary before connecting to the municipal sanitary sewer system, connection is not required until an existing septic system fails to comply with the standards of the Department of Public Health for private sewage disposal systems. Utilities are available and of sufficient capacity to serve the additional territory.
4. The annexation proposal includes approximately 97 acres extending east from the city limits at Forest Glen to State Orchard Road, then south to Greenview Road, as shown on Attached "B". Annexation of the territory as shown results in a boundary that is more uniform than it would be if only the subdivision was annexed. The annexation proposal is consistent with the voluntary annexation procedure in State law which permits a municipality to include up to 20% of the territory to be annexed without the consent of the owners; and

WHEREAS, the proposed annexation is in the best interest of the City.

Entered for Taxation SEP 30 1999

Marilyn J. Drake COUNTY AUDITOR

BK100PG16313

1-97

COMPARED

RESOLUTION NO. 99-235

Page Two

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That voluntary annexation of approximately 97 acres located west of State Orchard Road, north of Greenview Road, as shown on Attachment B, and legally described as:

The south 30 acres of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33-75-43 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4-74-43 and the South $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 4-74-43 lying west of State Orchard Road and east of the City limits,

is hereby approved; and

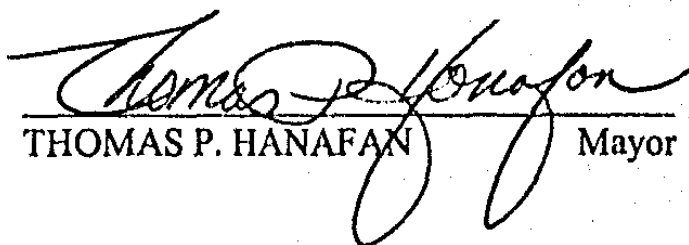
BE IT FURTHER RESOLVED

That the City Clerk shall file a copy of this resolution and attachments with the Secretary of State, Pottawattamie County Board of Supervisors, each affected public utility, and the State Department of Transportation, as required in Section 368.7, Code of Iowa; and

BE IT FURTHER RESOLVED

That the City Clerk shall record a copy of this resolution and attachments with the Pottawattamie County Recorder, as required in Section 368.7, Code of Iowa.

ADOPTED
AND September 13, 1999
APPROVED


THOMAS P. HANAFAN Mayor

Attest: 
OLGA RAMIREZ City Clerk

Planning Case No. AN-99-001

BK100PG16314

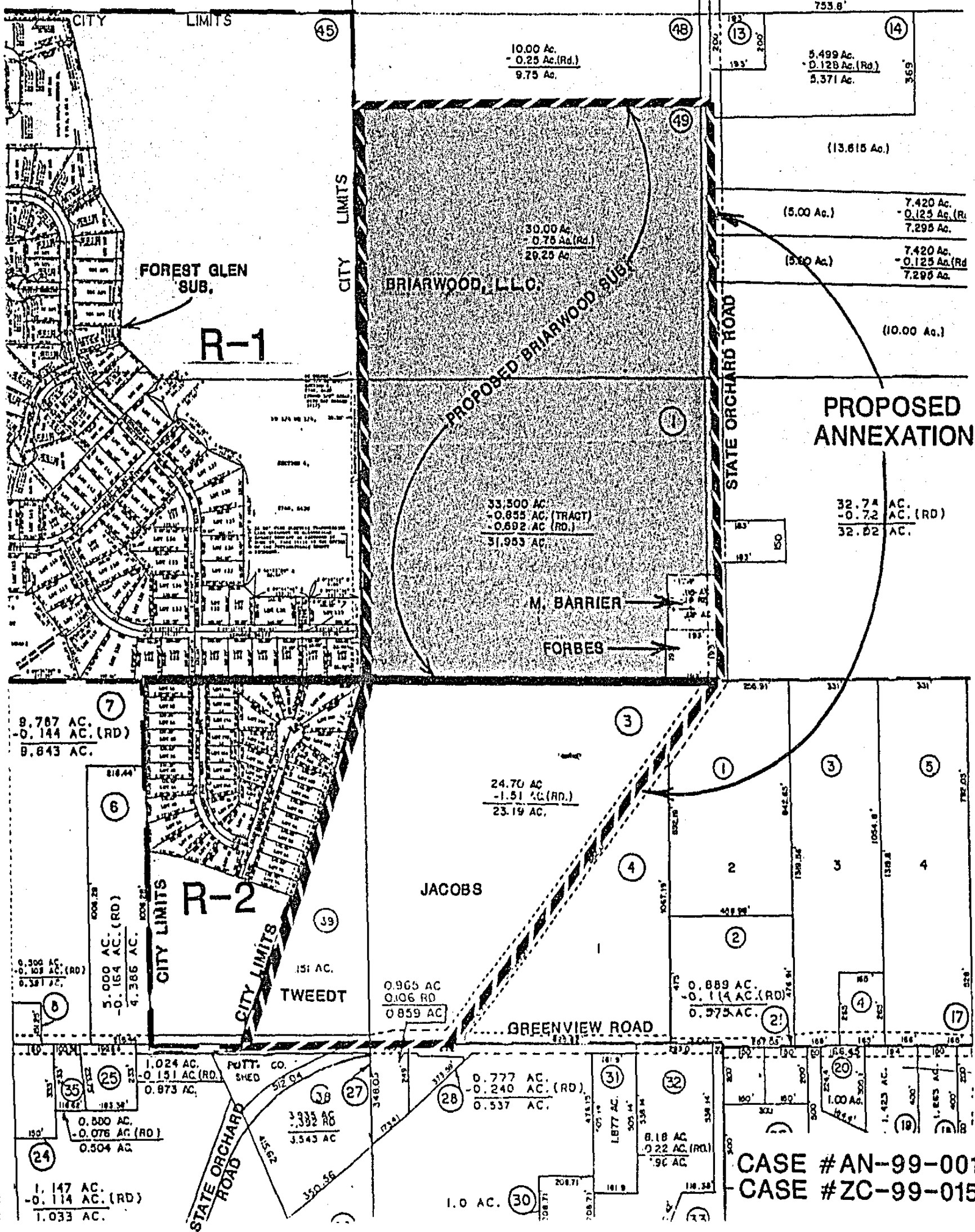
40.0 Ac.

1.0 Ac. (Rd.)
39.0 Ac.

36.0 Ac.

COMPARED

ATTACHMENT 'B'



PROPOSED ANNEXATION

CASE #AN-99-001
CASE #ZC-99-015

COMPARED

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

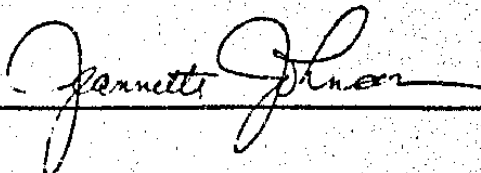
I, JEANNETTE JOHNSON, on my oath do solemnly swear that I am the Accountant of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

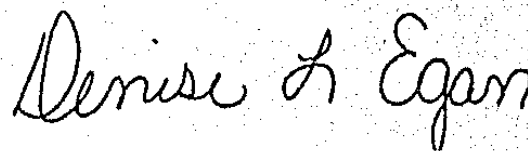
The attached notice was published in said newspaper for 1__ consecutive time(s) as follows:

The first publication thereof

- began on the 30_____ day of __August_____, 1999
- the 2nd on the _____ day of __September_____, 1999
- the 3rd on the _____ day of __September_____, 1999
- the 4th on the _____ day of _____, 1999
- the 5th on the _____ day of _____, 1999

Signed in my presence by the said JEANNETTE JOHNSON and by her sworn to before me this __10__ day of __September_____, A.D. 1999.





Notary Public
Legal Typist

Filed this 30_____ day of __August, A.D. 1999
Publication Cost: \$ __10.10_____
Proof of Publication Fee: \$ _____

BK100PG16316

COMPARED

**NOTICE OF PUBLIC HEARING
ON PROPOSED VOLUNTARY ANNEXATION
OF PROPERTY**

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has scheduled a Public Hearing on a proposed voluntary annexation of approximately 107 acres located on the west side of State Orchard Road, north of Greenview Road, concurrent with rezoning of the property and preliminary plan approval. You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the 13th day of September, 1993, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which time and place all persons interested in said matter will be given an opportunity to be heard.

Olga Ramirez
City Clerk

Planning Case No. AN-99-001
1999(8)30-1 Monday

BK 100PG 16317