



Doc ID: 007348520046 Type: ANNEX
Recorded: 11/08/2017 at 11:35:25 AM
Fee Amt: \$232.00 Page 1 of 46
Dallas County Iowa
Chad C. Airhart RECORDER
File#

BK 2017 PG 21960

Documents to be recorded to complete annexation of territory to the City of Waukee.

City Development Case Number UA17-20.

**Preparer: Matt Rasmussen
City Development Board Administrator
200 East Grand Avenue
Des Moines, IA 50309
Phone: 515-348-6196**

**Return Recorded Copies to: Iowa Economic Development Authority
City Development Board
Attention: Matt Rasmussen
200 East Grand Avenue
Des Moines, Iowa 50309**

The City of Waukee and the City Development Board (Grantor) are granting the right of annexation into the City of Waukee to 117 Land Company, LLC; Apple Tree Properties, LLC; Crescent Ridge Mini Storage, LC; and Angelo Tonelli & Dana Lynne Tonelli (Grantees).

Legal description of affected territory may be found on pages 7-8 of the Findings of Fact and Conclusion of Law and Determination with Appendix A as the title.

CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE CITY OF	)	NO. UA17-20 WAUKEE
WAUKEE VOLUNTARY ANNEXATION)	
WITHIN THE URBANIZED AREA OF THE	)	FILING OF WRITTEN DECISION
CITY OF WEST DES MOINES)	

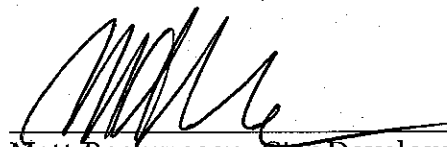
TO: Cities of Waukee and West Des Moines, Dallas County Board of Supervisors,
Dallas County Attorney, Des Moines Area Metropolitan Planning Organization,
Iowa Attorney General, Affected Public Utilities and Parties of Record.

You and each of you are hereby notified that the City Development Board has approved the annexation of territory to the City of Waukee under City Development Board Case File No. UA17-20.

Please find enclosed the Findings of Fact, Conclusions of Law, Determination, and Final Order by the City Development Board approving the annexation. An appeal of the Board's decision may be filed within 30-days of the date of the enclosed Order.

If no appeal is filed within 30-days of the date of this Order, the City Development Board will file with the Iowa Secretary of State and record with the Dallas County Recorder to complete this annexation.

CITY DEVELOPMENT BOARD



Matt Rasmussen, City Development Board Administrator
Phone: 515-348-6196

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon:

Mr. Wayne Reisetter
Dallas Co. Attorney
207 N. 9th Street
Adel, IA 50003-1492

Dallas Co. Bd. of Supervisors
801 Court Street
Adel, IA 50003

Mr. Mike Clayton
Iowa Dist. Trans. Planner
1020 S. Fourth Street
Ames, IA 50010

Mr. Todd Ashby
DMAMPO/CIRTPA
420 Watson Powell Jr. Parkway,
Suite 200
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Mr. Ryan Jacobson
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Mr. Marty Sankey
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800 Lincoln Way
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2205 Ingersoll Avenue
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117 Land Company LLC
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Eclipse Family Trust Dated 4-8-2005
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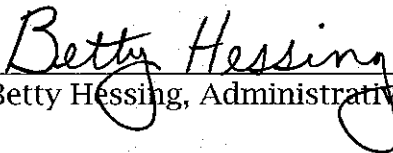
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Adel, IA 50003

Kenneth L. Morrell Trust
33512 U Lane
Adel, IA 50003

Mr. Eric Heikes
Mid American Energy
10510 Douglas Avenue
Urbandale, IA 50322

Said copy was mailed in an envelope addressed to them at the address shown above, with postage fully paid and by depositing same in a United States Post Office depository in Des Moines, Iowa, on the 6th day of October, 2017.

Local Delivery
Honorable Tom Miller, Iowa Attorney General


Betty Hessing, Administrative Assistant

BEFORE THE CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE VOLUNTARY	)	NO. UA17-20 / WAUKEE
ANNEXATION OF THE CITY OF WAUKEE	)	FINDINGS OF FACT AND
WITHIN THE URBANIZED AREA OF THE	)	CONCLUSIONS OF LAW AND
CITY OF WEST DES MOINES	)	DETERMINATION

TO: Cities of Waukee and West Des Moines, Dallas County Board of Supervisors, Dallas County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa Attorney General, Iowa Department of Transportation, affected public utilities and parties of interest.

STATEMENT OF THE CASE

The City of Waukee (hereinafter the "City") filed its request for City Development Board approval of annexation of territory within the urbanized area of West Des Moines on August 11, 2017. Notice of City Development Board review of the request and owners' applications was given on August 17, 2017, and the Board considered the matter at its October 4, 2017, meeting. The City Development Board, having considered the City's request for approval, the property owners' applications, and all evidence submitted by the affected parties hereby makes the following findings of fact, conclusions of law and determination:

FINDINGS OF FACT

1. On June 12, 2017, 117 Land Company, LLC; on June 1, 2017, Apple Tree Properties, LLC; on May 31, 2017, Angelo Tonelli & Dana Lynne Tonelli; on May 19, 2017, and July 12, 2017, Dan M. Brees & Jane Staudt on behalf of Crescent Ridge Mini Storage, LC; by written application, which included a map, requested the City of Waukee to annex the following described property owned by them and located in Dallas County, Iowa:

The proposed annexation territory is described in Appendix A attached hereto and by this reference made a part of.

2. On May 18, 2017, the City of Waukee published in an official county newspaper notice of the City Council's meeting on June 5, 2017, to consider the application for voluntary annexation.
3. On May 15, 2017, the City of Waukee provided a copy of the application for voluntary annexation to the City of West Des Moines, Dallas County Board of Supervisors, Des Moines Area Metropolitan Planning Organization, Iowa Department of Transportation, affected public utilities and parties of interest.
4. By resolution dated June 5, 2017, which contained a legal description, the City Council of Waukee voted to annex the subject property. By resolution dated June 19, 2017, which contained a legal description, the City Council of Waukee voted to approve tax transitioning for the Interstate 80 Business Park annexation.
5. The area to be annexed is within two miles of the City of West Des Moines and is therefore within its urbanized area.
6. The area to be annexed has a common boundary with the City of Waukee of more than 50 feet.
7. The area to be annexed does not contain railroad right-of-way.
8. On August 11, 2017, the City requested the City Development Board to approve the annexation of the territory described in finding number one. Said request included a copy of the owners' applications, map and City Council resolution.
9. On September 12, 2017, the City Development Board notified, by mail, the Cities of Waukee and West Des Moines, Dallas County Board of Supervisors, Dallas County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa State Attorney General, Iowa Department of Transportation and affected public utilities of the proposed annexation and request for approval. Said notice invited oral and written evidence relative to the proposed annexation.
10. The City Development Board received no response from any governmental unit, business or individual.
11. The Board considered the City's request at its October 4, 2017, meeting and found it to be complete and properly filed.

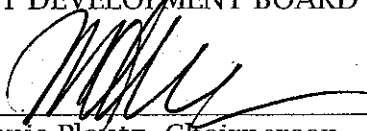
12. Based on the information favoring the annexation found in the City's request and other materials filed by the City of Waukee and the absence of evidence of any potential adverse consequences, the Board finds the annexation to be in the public interest.

CONCLUSIONS OF LAW

1. The territory to be annexed "adjoins" the City of Waukee as the term is defined in Iowa Code Section 368.1(1) and is within the "urbanized area" of the City of West Des Moines as the term is defined in Iowa Code Section 368.1(16).
2. The City published notice of the filing of the application and provided copies of the proposed annexation to parties in accordance with the requirements of Iowa Code Section 368.7.
3. The City Development Board possesses jurisdiction to approve or decline the application for annexation in accord with Iowa Code Section 368.7(3). If the application is approved by the Board, the Board is required to file portions of the proceedings in accord with Iowa Code Section 368.7.
4. The resolution by the City Council of Waukee conforms to Iowa Code Section 368.7.
5. The City of Waukee's request for Board approval and the annexation is in substantial compliance with Iowa Administrative Code r. 263—7.2.
6. In accord with the standards set forth in Iowa Code Chapter 368, including the presumption of validity for voluntary annexation approval set forth in Iowa Code Section 368.6, the annexation proposal is in the public's interest.

Dated this 6th day of October, 2017.

CITY DEVELOPMENT BOARD

for 

Dennis Plautz, Chairperson
Signature affixed by Matt Rasmussen,
Administrator for City Development Board as
authorized under Iowa Administration Code 263 -
9.11(2)

THEREFORE, IT IS ORDERED that the application of the following described territory to the City of Waukee is hereby approved:


The proposed annexation territory is described in Appendix A and attached hereto and by this reference made a part of.

IT IS FURTHER ORDERED that the owner's annexation application and map, City Council resolution, notices of Board review and this Order be filed by the Board with the Waukee City Clerk and that the Board file a copy of the map and legal description with the Iowa Department of Transportation.

To complete the annexation process, the Board Administrator shall mail a copy of this Order and other relevant documents to the Dallas County Recorder and Iowa Secretary of State on or after the 31st day following issuance of this Order. To request a stay of completion of the annexation process, a person or city authorized by Iowa Code Section 368.22 to appeal this Order must deliver to the Board Administrator a timely written request for a stay accompanied by notice of the filing of a petition for judicial review or intent to file a petition for judicial review. Any such request shall be referred to the Board for action at its next regularly scheduled meeting or at a special meeting.

Dated this 6th day of October, 2017.

CITY DEVELOPMENT BOARD

for  /s/ _____
Dennis Plautz, Chairperson

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon:

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Adel, IA 50003-1492

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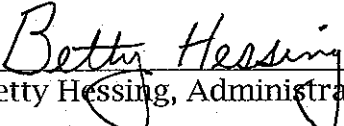
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Local Delivery
Honorable Tom Miller, Iowa Attorney General


Betty Hessing, Administrative Assistant

APPENDIX A
LEGAL DESCRIPTION OF TERRITORY PROPOSED TO BE
ANNEXED TO THE CITY OF WAUKEE, IOWA
CDB CASE NO. UA17-20

THAT PART OF THE NORTH FRACTIONAL ONE-HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION EIGHTEEN (18), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, EXCEPT PARCEL "A" OF THE SURVEY OF THE FRACTIONAL NW 1/4 NE 1/4, SECTION 18-78-26, AS SHOWN IN BOOK 748, PAGE 599, IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA. (INCLUDES INTERSTATE NO. 80 RIGHT OF WAY AND THE ADJACENT EAST HALF OF U LANE RIGHT OF WAY) (PARCEL #1618200002, 1618200007); AND,

THAT PART OF INTERSTATE NO. 80 RIGHT OF WAY LYING WITHIN SECTION SEVEN (7), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; AND,

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, THENCE EAST 71 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 155 FEET, THENCE EAST 335 FEET, THENCE SOUTH 155 FEET, THENCE WEST 335 FEET TO THE TRUE POINT OF BEGINNING, CONSISTING OF APPROXIMATELY 1 ACRE MORE OR LESS, NOW KNOWN AS LOT 1 IN AUDITOR'S PLAT OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA. (PARCEL #1617100003); AND,

ALL THAT PART OF LOT 2 IN THE AUDITOR'S PLAT OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4, NW 1/4) OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 60.6 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE S 0°00'00" 685 FEET TO THE POINT OF BEGINNING; THENCE S89°12'00" EAST 382.7 FEET; THENCE S06°12'00" EAST 130 FEET; THENCE S01°44'00" EAST 227.28 FEET TO THE NORTHEAST CORNER OF LOT 1; THENCE S83°27'00" WEST ALONG THE NORTH LINE OF LOT 1 A DISTANCE OF 335 FEET; THENCE S00°00'00" 155 FEET; THENCE S83°27'00" WEST 71 FEET; THENCE N00°00'00" 563 FEET TO THE POINT OF BEGINNING, CONTAINING 3.7 ACRES MORE OR LESS. (PARCEL #1617100002); AND,

TRACT B OF THE SURVEY OF LOT 2 OF THE AUDITOR'S PLAT OF NW 1/4, NW 1/4, SECTION 17, TOWNSHIP 78 NORTH, RANGE 26, WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, AS SHOWN IN BOOK 2000, PAGE 12483 IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA. (PARCEL #1617100025); AND,

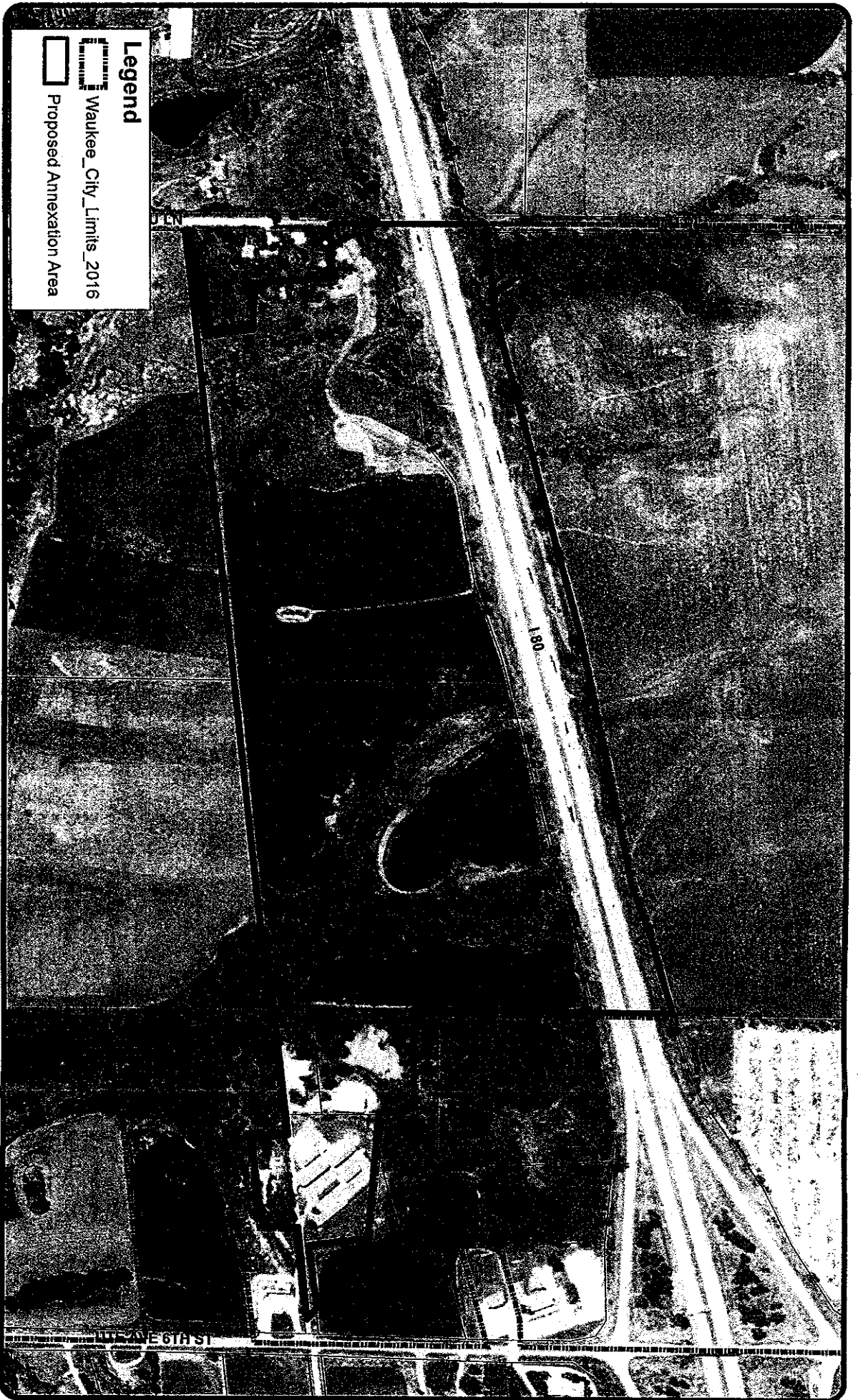
The territory extends to the center line of all
secondary roads adjacent to the above described properties.

APPENDIX A
LEGAL DESCRIPTION OF TERRITORY PROPOSED TO BE
ANNEXED TO THE CITY OF WAUKEE, IOWA
CDB CASE NO. UA17-20



A PORTION OF THE NORTH 209 FEET OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION SEVENTEEN (17) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: AN ACRE, MORE OR LESS STARTING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION SEVENTEEN (17), THENCE EAST 478 FEET, TO THE POINT OF BEGINNING, CONTINUING IN AN EASTERLY DIRECTION ALONG THE NORTH EDGE OF THE ABOVE MENTIONED TRACT 385 FEET, THENCE SOUTH 140 FEET, THENCE IN A WESTERLY DIRECTION PARALLEL TO THE NORTH SIDE, 385 FEET, THENCE NORTH 140 FEET TO THE POINT OF BEGINNING. (PARCEL #1617100008)

SUBJECT PROPERTY CONTAINS 76.8 ACRES MORE OR LESS.

The territory extends to the center line of all
secondary roads adjacent to the above described properties.



Legend

-  Waukeee_City_Limits_2016
-  Proposed Annexation Area





Waukee
THE KEY TO GOOD LIVING

Proposed Interstate 80 Annexation in Relationship to Rest of City

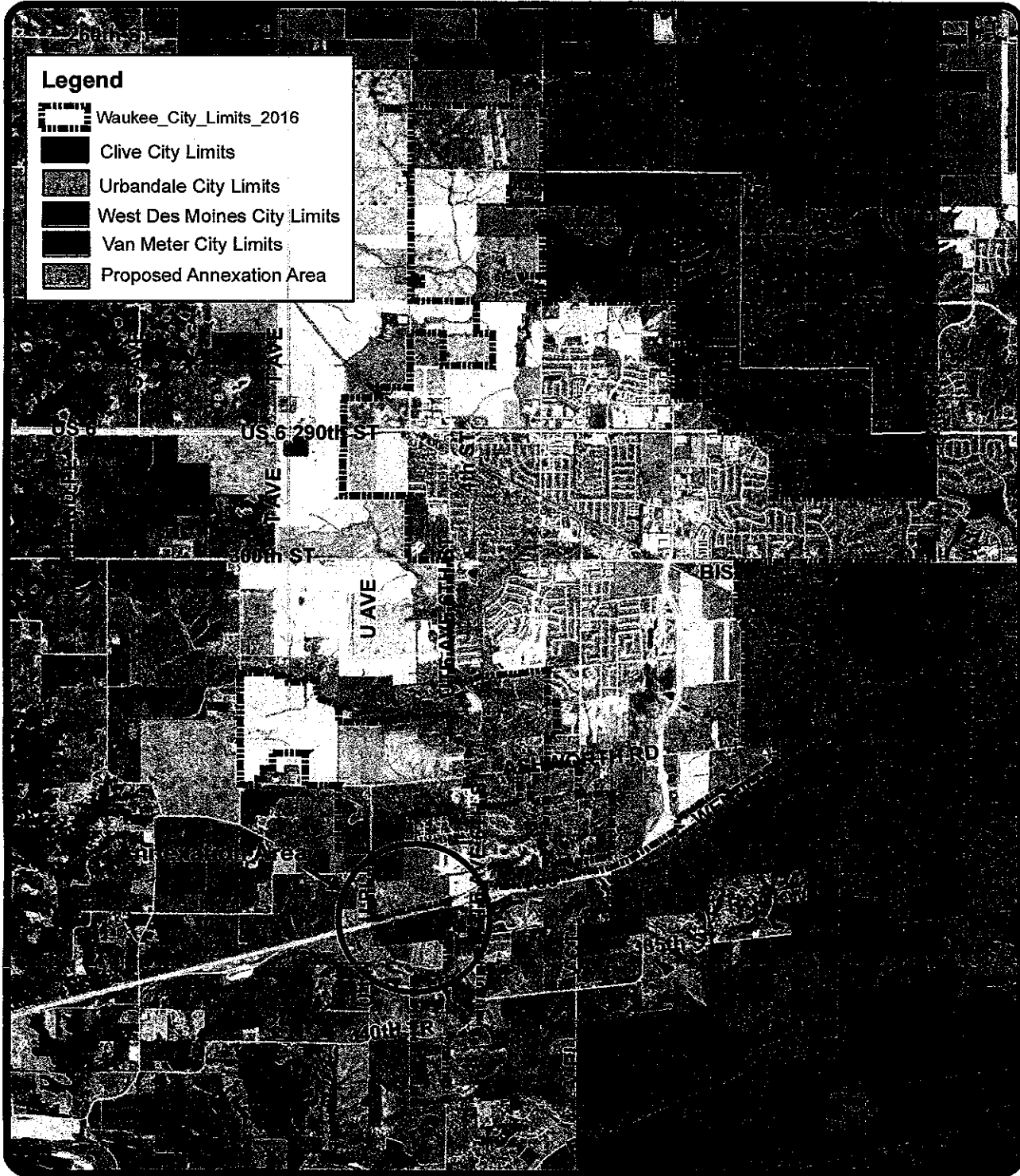
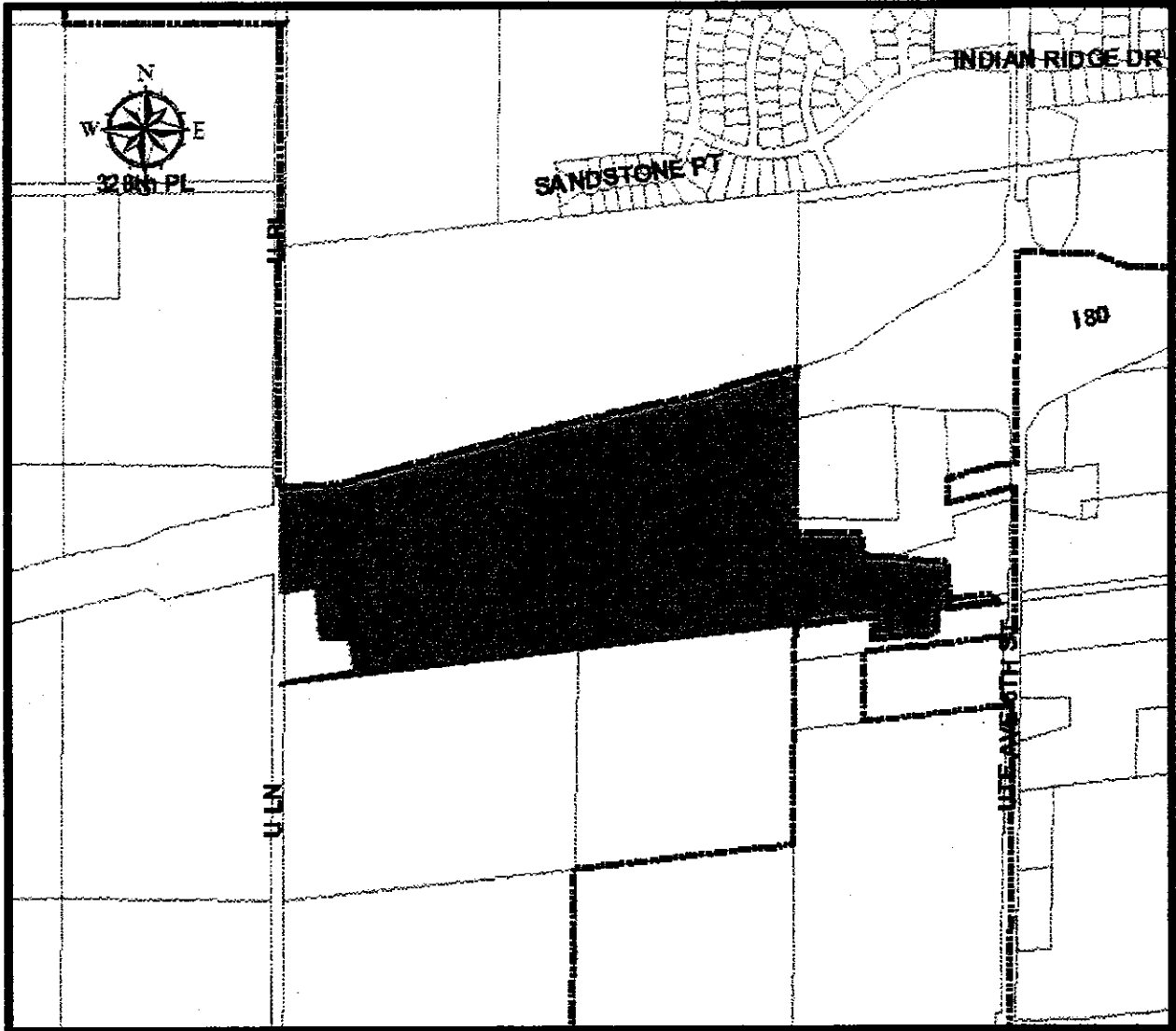





Exhibit A

Map of Annexation Area in Relation to City



Legend

-  Waukee City Limits
-  Parcels
-  Proposed Annexation Boundary

CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE CITY OF	)	NO. UA17-20 / WAUKEE
WAUKEE VOLUNTARY ANNEXATION)	
WITHIN THE URBANIZED AREA OF THE	)	NOTICE OF MEETING TO CONSIDER
CITY OF WEST DES MOINES	)	VOLUNTARY ANNEXATION WITHIN
	)	AN URBANIZED AREA
)	

TO: Cities of Waukee and West Des Moines, Dallas County Board of Supervisors, Dallas County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa State Attorney General, Iowa Department of Transportation and affected public utilities.

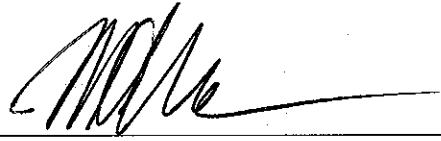
You and each of you are hereby notified that the City Development Board will, pursuant to Iowa Code Section 368.7, consider the above captioned matter at its regular meeting at 1:00 p.m. on October 4, 2017, at Marshalltown City Hall, City Council Chambers, 10 W. State Street, Marshalltown, Iowa. A copy of a map and legal description of the annexation territory is enclosed.

At said meeting, the City Development Board in its deliberations on approval or disapproval of said annexation, may take note of public documents or other evidence and shall give any interested party opportunity to present evidence or comment orally or in writing all in accord with Section 263-7.7, I.A.C. The City Development Board invites oral or written comments relative to the petition on or before the meeting date as noted above.

To participate in this meeting via teleconference, dial 1-515-348-6300; when prompted, enter access code 99343578 followed by #. You should then be connected to the meeting.

Should you have questions regarding this notice, please contact the City Development Board at 515/348-6196.

CITY DEVELOPMENT BOARD

A handwritten signature in black ink, appearing to be 'MR', with a long horizontal line extending to the right.

Matt Rasmussen, Administrator
City Development Board

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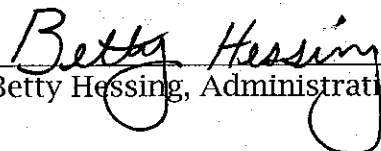
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Local Delivery
Honorable Tom Miller, Iowa Attorney General


Betty Hessing, Administrative Assistant



Waukee
DEVELOPMENT SERVICES

Development Services Department

230 W. Hickman Road

Waukee, IA 50263

Phone: (515) 978-9533

Fax: (515) 987-1845

UA17-20 WAUKEE

August 10, 2017

Iowa Department of Economic Development
City Development Board
Attn: Matt Rasmussen,
200 East Grand Avenue
Des Moines, Iowa 50309

STATE OF IOWA

AUG 11 2017

CITY DEVELOPMENT BOARD

RE: Voluntary Annexation within Urbanized Area - Submittal

Dear City Development Board:

The City of Waukee has recently taken action on a voluntary annexation request of 76.8 acres located south and west of the City of Waukee's current corporate limits. The property is located within Boone Township within Dallas County, Iowa. We are asking for the City Development Board's approval of the City's annexation of this property. In support of the annexation, we enclose the documentation specified in Chapter 263 of the Iowa Administrative Code (2017) and Chapter 368 of the Iowa Code and state as follows:

1. A copy of the Voluntary applications signed by the affected Property Owners along with the accompanying legal description and map exhibits has been enclosed.
2. Please find enclosed a copy of the Resolution of the Waukee City Council approving the application on June 5, 2017 along with a Resolution of the Waukee City Council approving tax transitioning on June 19, 2017.
3. A map of the proposed annexation area showing its relationship to the existing Waukee corporate limits along with the legal description of the annexation area including total number of acres being annexed is enclosed as requested.
4. You will find enclosed a copy of the Notice of Public Hearing, including certification and proof of mailing the same, and a copy of the Affidavit of Publication of the Notice. In addition to the notice, a map depicting the annexation area and legal descriptions were sent to all parties required under Iowa law.
5. You will also find enclosed a copy of the Notice of Consultation that was sent to Boone Township as well as the Dallas County Board of Supervisors in accordance with Iowa law. A consultation was held on March 28, 2017 in which no representatives from Dallas County or Boone Township participated. Please note that at the time the City started the annexation process, not all voluntary petitions had been received. As such, the City initiated the annexation process under the 80/20 rules of annexation and proceeded with scheduling and holding a consultation meeting.
6. You will find enclosed a general statement of the proposal which briefly describes the current and expected use of the annexation territory, any services which the City currently provides to the territory, and the reasons for the property owners' request for annexation, if known.

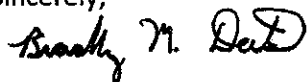
7. Enclosed you will find a letter from the Dallas County Auditor's Office detailing verification of ownership and the legal description within the proposed annexation territory.
8. The proposed annexation territory is subject to an existing moratorium agreement with the City of Van Meter. A copy of the existing moratorium agreement is enclosed.
9. The City has complied with the notice requirements of Section 368.5, in that the annexation area includes secondary roads and the Dallas County Attorney was notified in accordance with 368.5 of the Iowa Code.
10. The City of Waukee certifies that the City has complied with the notice requirements of Iowa Code section 368.7(3) including proof of mailing of the application and affidavit of publication of the required public notice as discussed elsewhere in this letter and detailed within the documents attached. The dates of the required period of notice were as follows:

Action:	Date:	Period of Notice Provided:
Notice of Consultation regarding annexation mailed by certified and regular mail	March 21, 2017	
Consultation held with Dallas County Board of Supervisors and Adel, Van Meter, Walnut Township Board of Trustees	March 28, 2017	35 business days prior to Notice of Public Hearing being sent.
Notice of Public Hearing regarding annexation mailed by certified and regular mail	May 16 , 2017 15 BLH	14 business days and excluding Memorial Day prior to Public Hearing on Annexation being held.
Public Notice published in Des Moines Register	May 18, 2017	12 business days prior to Public Hearing on Annexation being held

Please consider this a request for the City Development Board's approval at the next available meeting. In addition to this original submittal, fifteen copies have been provided for your use. If you need any further information or materials, please do not hesitate to give me a call at 515-978-7899.

Thank you for your kind consideration of this matter.

Sincerely,



Brad Deets
Development Services Director
City of Waukee

CC: Steve Brick, City Attorney

THE CITY OF WAUKEE, IOWA

RESOLUTION 17-258

RESOLUTION APPROVING THE VOLUNTARY ANNEXATION OF PROPERTY –
I-80 BUSINESS PARK

WHEREAS, the City of Waukee, State of Iowa, is a duly organized municipal corporation, and;

WHEREAS, the City of Waukee, Iowa has received an Application for Voluntary Annexation from several property owners located south of Interstate 80, 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 DESCRIPTIONS

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, 2017, and;

WHEREAS, all required notification has been carried out pursuant to Chapter 368, code of Iowa, 2017, and;

WHEREAS, a public hearing was held concerning said applications and the annexation on June 5, 2017 as required by law.

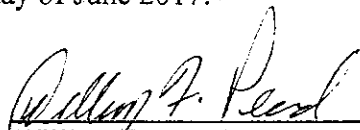
WHEREAS, it is in the best interests of the City and public that said property be annexed to the City of Waukee, at this time.

BE IT THEREFORE RESOLVED, by the City Council of the City of Waukee as follows:

SECTION 1. The Application for Voluntary Annexation is hereby approved and said property described in Exhibit “B” shall be annexed to the City of Waukee Iowa, in accordance with Chapter 368, code of Iowa, 2017, and such property shall hereinafter become and be part of the City of Waukee, Iowa.

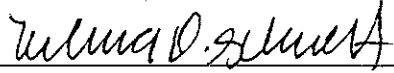
SECTION 2. The Mayor and the City Clerk are hereby authorized and directed to prepare and execute all documents necessary for this annexation and are directed to file the same as required by the Code of Iowa.

Passed and adopted by the City Council on the 5th day of June 2017.



William F. Peard, Mayor

Attest:

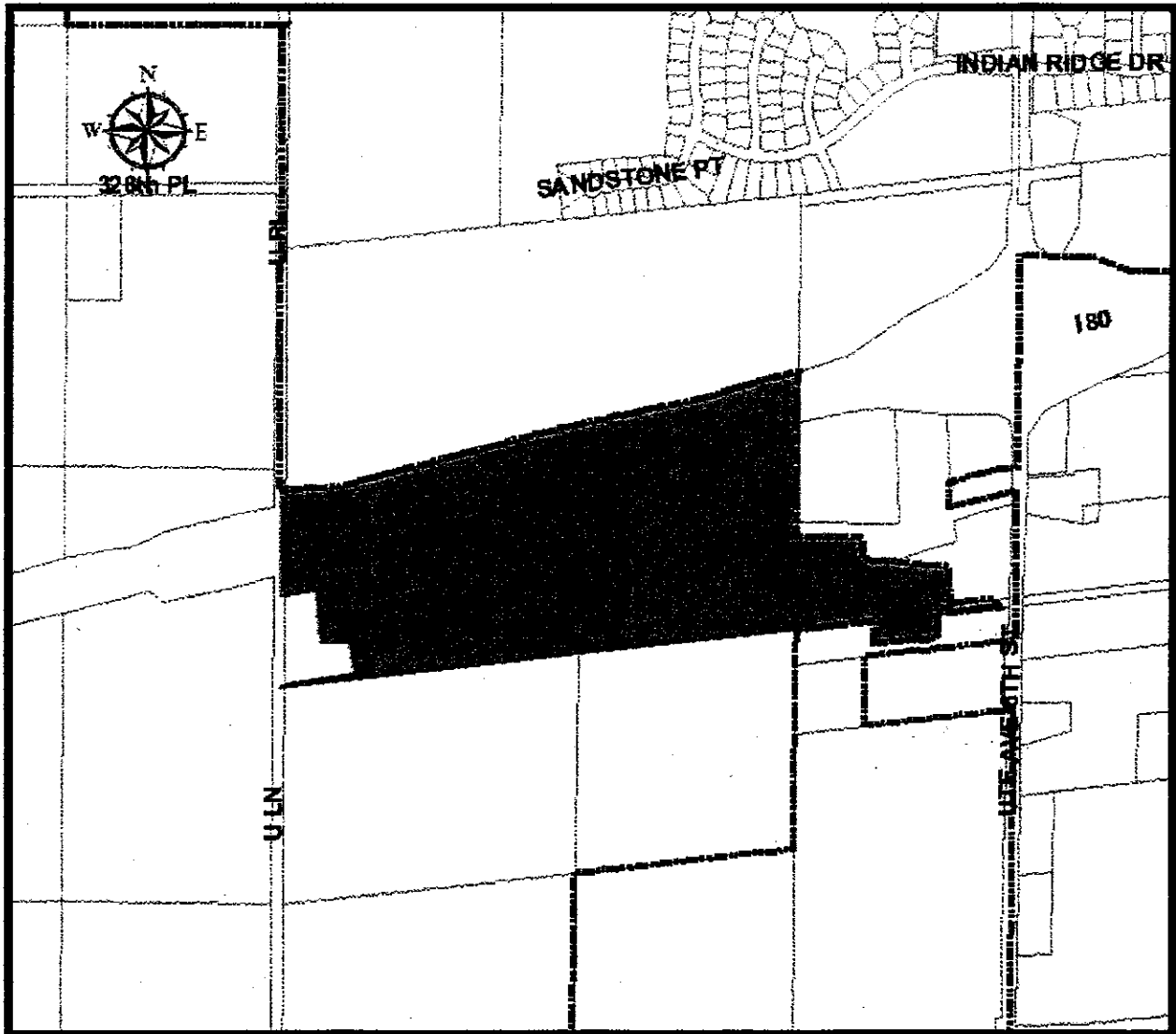


Rebecca D. Schuett, City Clerk

ROLL CALL VOTE	AYE	NAY	ABSENT	ABSTAIN
Anna Bergman	X			
R. Charles Bottenberg	X			
Brian Harrison	X			
Shelly Hughes	X			
Larry R. Lyon	X			

Exhibit A

Map of Annexation Area in Relation to City



Legend




-  Waukeee City Limits
-  Parcels
-  Proposed Annexation Boundary

Exhibit B
Legal Description:

THAT PART OF THE NORTH FRACTIONAL ONE-HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION EIGHTEEN (18), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, EXCEPT PARCEL "A" OF THE SURVEY OF THE FRACTIONAL NW 1/4 NE 1/4, SECTION 18-78-26, AS SHOWN IN BOOK 748, PAGE 599, IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA. (INCLUDES INTERSTATE NO. 80 RIGHT OF WAY AND THE ADJACENT EAST HALF OF U LANE RIGHT OF WAY) (PARCEL #1618200002, 1618200007); AND,

THAT PART OF INTERSTATE NO. 80 RIGHT OF WAY LYING WITHIN SECTION SEVEN (7), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; AND,

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, THENCE EAST 71 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 155 FEET, THENCE EAST 335 FEET, THENCE SOUTH 155 FEET, THENCE WEST 335 FEET TO THE TRUE POINT OF BEGINNING, CONSISTING OF APPROXIMATELY 1 ACRE MORE OR LESS, NOW KNOWN AS LOT 1 IN AUDITOR'S PLAT OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA. (PARCEL #1617100003); AND,

ALL THAT PART OF LOT 2 IN THE AUDITOR'S PLAT OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4, NW 1/4) OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 60.6 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE S 0°00'00" 685 FEET TO THE POINT OF BEGINNING; THENCE S89°12'00" EAST 382.7 FEET; THENCE S06°12'00" EAST 130 FEET; THENCE S01°44'00" EAST 227.28 FEET TO THE NORTHEAST CORNER OF LOT 1; THENCE S83°27'00" WEST ALONG THE NORTH LINE OF LOT 1 A DISTANCE OF 335 FEET; THENCE S00°00'00" 155 FEET; THENCE S83°27'00" WEST 71 FEET; THENCE N00°00'00" 563 FEET TO THE POINT OF BEGINNING, CONTAINING 3.7 ACRES MORE OR LESS. (PARCEL #1617100002); AND,

TRACT B OF THE SURVEY OF LOT 2 OF THE AUDITOR'S PLAT OF NW 1/4, NW 1/4, SECTION 17, TOWNSHIP 78 NORTH, RANGE 26, WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, AS SHOWN IN BOOK 2000, PAGE 12483 IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA. (PARCEL #1617100025); AND,

A PORTION OF THE NORTH 209 FEET OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION SEVENTEEN (17) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: AN ACRE, MORE OR LESS STARTING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION SEVENTEEN (17), THENCE EAST 478 FEET, TO THE POINT OF BEGINNING, CONTINUING IN AN EASTERLY DIRECTION ALONG THE NORTH EDGE OF THE ABOVE MENTIONED TRACT 385 FEET, THENCE SOUTH 140 FEET, THENCE IN A WESTERLY DIRECTION PARALLEL TO THE NORTH SIDE, 385 FEET, THENCE NORTH 140 FEET TO THE POINT OF BEGINNING. (PARCEL #1617100008)

SUBJECT PROPERTY CONTAINS 76.8 ACRES MORE OR LESS.

THE CITY OF WAUKEE, IOWA

RESOLUTION 17-297

RESOLUTION APPROVING THE TAX TRANSITIONING CONCERNING THE VOLUNTARY ANNEXATION OF PROPERTY – INTERSTATE 80 BUSINESS PARK

WHEREAS, the City of Waukee, State of Iowa, is a duly organized municipal corporation, and;

WHEREAS, the City of Waukee, Iowa has received an Application for Voluntary Annexation from several property owners located south of the current City Limits, 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 DESCRIPTIONS

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, 2017, and;

WHEREAS, all required notification has been carried out pursuant to Chapter 368, code of Iowa, 2017, and;

WHEREAS, a public hearing was held concerning said applications and the annexation on June 5, 2017 as required by law, and;

WHEREAS, on June 5, 2017, following public hearing, the City determined it is in the best interests of the City and public that said property be annexed to the City of Waukee and approved the same however the resolution (17-258) inadvertently omitted the authorization of tax transitioning and the City Council deems it appropriate to amend and supplemental resolution (17-258) to approve tax transitioning for the property being annexed as specifically provided herein..

BE IT THEREFORE RESOLVED, by the City Council of the City of Waukee amends and supplements Resolution 17-258 as follows:

SECTION 1. The Application for Voluntary Annexation is hereby approved and said property described in Exhibit “B” shall be annexed to the City of Waukee Iowa, in accordance with Chapter 368, code of Iowa, 2017, and such property shall hereinafter become and be part of the City of Waukee, Iowa.

SECTION 2. Tax transitioning of City taxes is hereby approved for property within the annexation area, as authorized by Iowa Law, in the following percentages:

- (a) In the first and second year following annexation of the Subject Property, the Subject Property is taxed by City - 75% tax transitioning

- (b) Third and Fourth year – 60% tax transitioning
- (c) Fifth and Sixth year – 45% tax transitioning,
- (d) Seventh and Eighth year - 30% tax transitioning
- (e) Ninth and Tenth year – 15% tax transitioning.

Tax transitioning shall only be authorized for each specific property annexed hereunder until such property is rezoned from A-1 zoning to another City zoning classification.

SECTION 3. The Mayor and the City Clerk are hereby authorized and directed to prepare and execute all documents necessary for this annexation and are directed to file the same as required by the Code of Iowa.

Passed and adopted by the City Council on the 19th day of June 2017.



 Anna Bergman, Mayor Pro Tem

Attest:

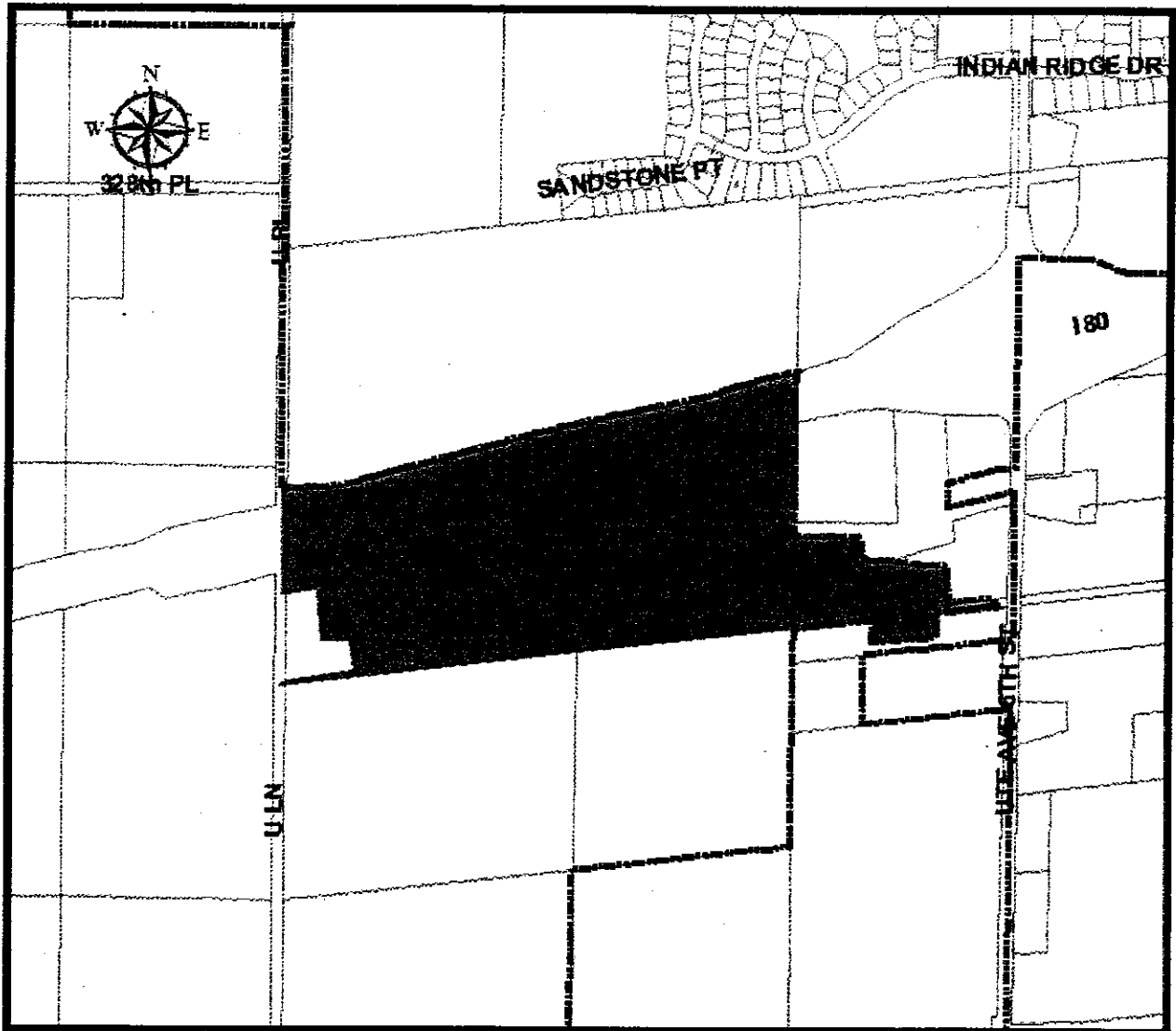


 Rebecca D. Schuett, City Clerk

ROLL CALL VOTE	AYE	NAY	ABSENT	ABSTAIN
Anna Bergman	X			
R. Charles Bottenberg	X			
Brian Harrison			X	
Shelly Hughes				X
Larry R. Lyon	X			

Exhibit A

Map of Annexation Area in Relation to City



Legend




-  Waukeee City Limits
-  Parcels
-  Proposed Annexation Boundary

Exhibit B
Legal Description:

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THAT PART OF INTERSTATE NO. 80 RIGHT OF WAY LYING WITHIN SECTION SEVEN (7), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; AND,

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, THENCE EAST 71 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 155 FEET, THENCE EAST 335 FEET, THENCE SOUTH 155 FEET, THENCE WEST 335 FEET TO THE TRUE POINT OF BEGINNING, CONSISTING OF APPROXIMATELY 1 ACRE MORE OR LESS, NOW KNOWN AS LOT 1 IN AUDITOR'S PLAT OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORHT OF RANGE TWENTY SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA. (PARCEL #1617100003); AND,

ALL THAT PART OF LOT 2 IN THE AUDITOR'S PLAT OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4, NW 1/4) OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 60.6 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE S 0°00'00" 685 FEET TO THE POINT OF BEGINNING; THENCE S89°12'00" EAST 382.7 FEET; THENCE S06°12'00" EAST 130 FEET; THENCE S01°44'00" EAST 227.28 FEET TO THE NORTHEAST CORNER OF LOT 1; THENCE S83°27'00" WEST ALONG THE NORTH LINE OF LOT 1 A DISTANCE OF 335 FEET; THENCE S00°00'00" 155 FEET; THENCE S83°27'00" WEST 71 FEET; THENCE N00°00'00" 563 FEET TO THE POINT OF BEGINNING, CONTAINING 3.7 ACRES MORE OR LESS. (PARCEL #1617100002); AND,

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A PORTION OF THE NORTH 209 FEET OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION SEVENTEEN (17) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: AN ACRE, MORE OR LESS STARTING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION SEVENTEEN (17), THENCE EAST 478 FEET, TO THE POINT OF BEGINNING, CONTINUING IN AN EASTERLY DIRECTION ALONG THE NORTH EDGE OF THE ABOVE MENTIONED TRACT 385 FEET, THENCE SOUTH 140 FEET, THENCE IN A WESTERLY DIRECTION PARALLEL TO THE NORTH SIDE, 385 FEET, THENCE NORTH 140 FEET TO THE POINT OF BEGINNING. (PARCEL #1617100008)

SUBJECT PROPERTY CONTAINS 76.8 ACRES MORE OR LESS.



Development Services Department
230 W. Hickman Road
Waukee, IA 50263
Phone: (515) 978-9533
Fax: (515) 987-1845

May 16, 2017

CITY OF WAUKEE
NOTICE OF PUBLIC HEARING CONCERNING APPLICATION FOR VOLUNTARY ANNEXATION
INTO THE CITY OF WAUKEE

The City of Waukee has received an Application for the Voluntary Annexation of certain property into the City of Waukee, Iowa. As provided by State Law, additional land is being included in the annexation proposal without the consent of the owners, to avoid the creation of an island and/or to create more uniform boundaries. Please find enclosed a legal description of the territory to be annexed and a map showing the combined territory to be annexed and its relationship to the City.

NOTICE IS HEREBY GIVEN of a public hearing on the Application for Voluntary Annexation into the City of Waukee. The public hearing has been set for 5:30 p.m. on Monday, June 5, 2017 and shall be held at the City of Waukee Council Chambers located at Waukee City Hall, 230 W. Hickman Road, Waukee, Iowa. After the public hearing the Waukee City Council will take action concerning the annexation.

The Application for Voluntary Annexation is available for viewing at the Clerk's Office at the Waukee City Hall located at 230 W. Hickman Road in the City of Waukee, Iowa. Additional information concerning the annexation proposal may be obtained from Brad Deets, Development Services Director by calling (515) 978-9533.

You are invited to participate in said hearing at the time and place referenced in this notice. It is the responsibility of individuals with a disability requiring special accommodation to inform the City Clerk's Office, by the close of business on the 1st day of June 2017, in order to allow full participation in the meeting. Please call (515) 978-9533 to request accommodations be provided.

Sincerely,

A handwritten signature in black ink that reads "Brad Deets". The signature is written in a cursive style with a large, stylized "D" at the end.

Brad Deets
Development Services Director

Enclosures

1. Legal Description of the annexation area
2. Map of the Annexation Area in relationship to the City

Legal Description of Property Proposed to be Annexed:

THAT PART OF THE NORTH FRACTIONAL ONE-HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION EIGHTEEN (18), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, LYING SOUTH OF INTERSTATE ROUTE NO. 80, EXCEPT PARCEL "A" OF THE SURVEY OF THE FRACTIONAL NW 1/4 NE 1/4, SECTION 18-78-26, AS SHOWN IN BOOK 748, PAGE 599, IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA. (PARCEL #1618200002, 1618200007); AND,

THAT PART OF INTERSTATE NO. 80 RIGHT OF WAY LYING WITHIN SECTION SEVEN (7), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; AND,

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, THENCE EAST 71 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 155 FEET, THENCE EAST 335 FEET, THENCE SOUTH 155 FEET, THENCE WEST 335 FEET TO THE TRUE POINT OF BEGINNING, CONSISTING OF APPROXIMATELY 1 ACRE MORE OR LESS, NOW KNOWN AS LOT 1 IN AUDITOR'S PLAT OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA. (PARCEL #1617100003); AND,

ALL THAT PART OF LOT 2 IN THE AUDITOR'S PLAT OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4, NW 1/4) OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 60.6 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE S 0°00'00" 685 FEET TO THE POINT OF BEGINNING; THENCE S89°12'00" EAST 382.7 FEET; THENCE S06°12'00" EAST 130 FEET; THENCE S01°44'00" EAST 227.28 FEET TO THE NORTHEAST CORNER OF LOT 1; THENCE S83°27'00" WEST ALONG THE NORTH LINE OF LOT 1 A DISTANCE OF 335 FEET; THENCE S00°00'00" 155 FEET; THENCE 83°27'00" WEST 71 FEET; THENCE 00°00'00" 563 FEET TO THE POINT OF BEGINNING, CONTAINING 3.7 ACRES MORE OR LESS. (PARCEL #1617100002); AND,

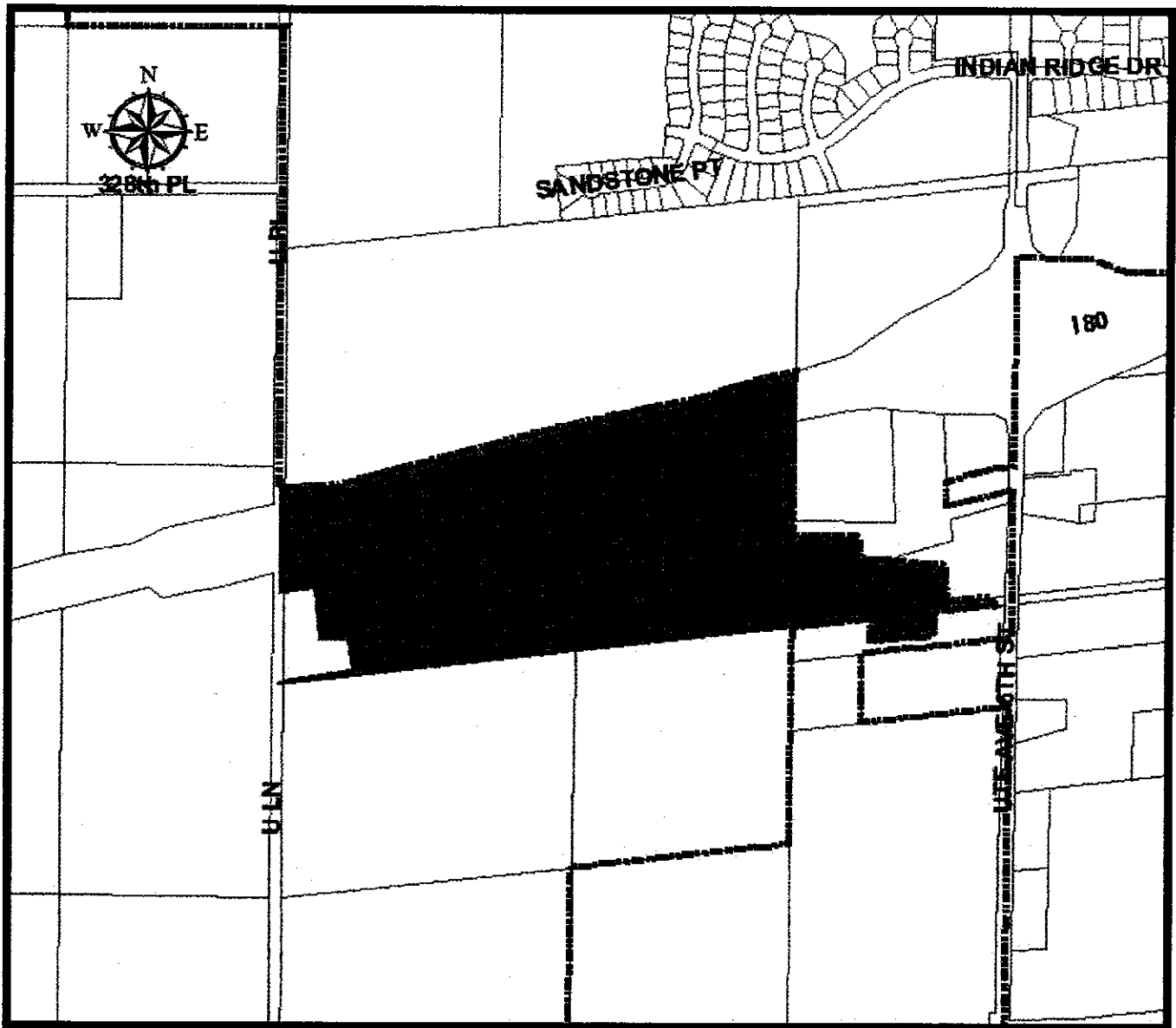
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

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SUBJECT PROPERTY CONTAINS 76.8 ACRES MORE OR LESS.

Map of Annexation Area in Relation to City



Legend

-  Waukeee City Limits
-  Parcels
-  Proposed Annexation Boundary

Raccoon River Annexation - Public Notice Distribution

Name	Attention	Address	City	State	Zip Code
DMAMPO	Attn: Todd Ashby	420 Watson Powell Jr, Way Suite 200	Des Moines	Iowa	50309
CIRTPA	Attn: Todd Ashby	420 Watson Powell Jr, Way Suite 200	Des Moines	Iowa	50309
Mike Clayton	Iowa District Transportation Planner	1020 S. Fourth Street	Ames	Iowa	50010
Iowa DOT, Rights of Way Division	Attn: Mary Sankey	800 Lincoln Way	Ames	Iowa	50010
Mid American Energy	Attn: Eric Helkes	10510 Douglas Avenue	Urbandale	Iowa	50322
Mediacom	Attn: Mike Probst	2205 Ingersoll Avenue	Des Moines	Iowa	50312
Xenia Rural Water	Attn: Gary Benjamin	23998 141st Street PO Box 39	Bouton	Iowa	50039
Century Link	Attn: Jim Monaghan	2103 E. University Avenue, 2nd Floor	Des Moines	Iowa	50317
Des Moines Water Works	Attn: Bill Stowe	2201 George Flagg Parkway	Des Moines	Iowa	50321
Consolidated Communications	Attn: Jason Trenkamp	2859 59th Street	Urbandale	Iowa	50322
Dallas County Iowa Attorney	Attn: Wayna Reisetzer	207 N. 9th Street	Adel	Iowa	50003
Dallas County Department of Planning		907 Court Street, Ste. 2	Adel	Iowa	50003
Dallas County Board of Supervisors	Dallas County Iowa Courthouse	801 Court Street	Adel	Iowa	50003
Brad Goughly		15468 150th Street	Perry	Iowa	50220
Mark Harrison		595 SE Northbranch Drive	Waukee	Iowa	50263
Kim Chapman		23901 Scenic View Drive	Adel	Iowa	50003
City of West Des Moines	Attn: Ryan Jacobson	4200 Mills Civic Parkway	West Des Moines	Iowa	50265
117 Land Company LLC		9550 Hickman Road, Suite 101	Clive	Iowa	50322
Angelo and Dana Lynne Tonelli		PO Box 471	Waukee	Iowa	50263
Apple Tree Properties, LLC		8926 NW 72nd Place	Johnston	Iowa	50131
Crescent Ridge Mini Storage LC		714 42nd Street	West Des Moines	Iowa	50265
Kenneth L Morrell Trust		33512 U Lane	Adel	Iowa	50003
Jeffrey and Judy Morrell		33188 U Lane	Adel	Iowa	50003
Eclipse Family Trust Dated 4-8-2005		1421 41st Street	Des Moines	Iowa	50311
Dennis and Pamela Prouty		29976 328th Place	Adel	Iowa	50003

I hereby certify that I, Brad Deets, Development Services Director mailed Notice of Public Hearing for Annexation to the above addresses by certified mail

on May 15, 2017 pursuant to Iowa State Code Section 368.7(2)c.

Brad Deets
Brad Deets, Development Services Director

Brad Deets
Attest:

I hereby certify that I, Brad Deets, Development Services Director hand delivered Notice of Public Hearing for Annexation to the following individuals below on September 9, 2016

Name	Attention	Address	City	State	Zip Code
City of Waukee Gas Department	Attn: John Gibson	230 W. Hickman Road	Waukee	Iowa	50263

Brad Deets
Brad Deets, Development Services Director

Brad Deets
Attest:

AFFIDAVIT OF PUBLICATION

COPY OF ADVERTISEMENT

Exhibit "A"

STATE OF IOWA

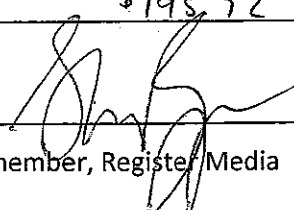
SS

COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of **The Des Moines Register** newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register on the following dates

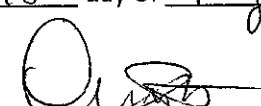
5-18-17

\$195.72


Staff member, Register Media

Subscribed and sworn to before me by said affiant this

18th day of May, 2017


Notary Public in and for the State of Iowa



CITY OF WAUKEE
NOTICE OF PUBLIC HEARING CONCERNING
APPLICATION FOR VOLUNTARY ANNEXATION INTO THE
CITY OF WAUKEE

NOTICE IS HEREBY GIVEN of a public hearing on Applications for Voluntary Annexation into the City of Waukee. The public hearing has been set for 5:30 p.m. on June 5, 2017 and shall be held at the City of Waukee Council Chambers located at Waukee City Hall, 230 W. Hickman Road, Waukee, Iowa. As provided by State Law, additional land is being included in the annexation proposal, without the consent of the owners, to avoid the creation of an island and/or to create more uniform boundaries. After the public hearing the Waukee City Council will take action concerning the annexation.

The Applications for Voluntary Annexation are available for viewing at the Clerk's Office at the Waukee City Hall located at 230 W. Hickman Road in the City of Waukee, Iowa. Published with this Notice is the legal description and map of the territory which the Waukee City Council will consider annexing at the public hearing referenced above. Additional information concerning the annexation proposal may be obtained from the Development Services Director at (515) 978-7899.

The public is invited to participate in said hearing at the time and place referenced in this notice. It is the responsibility of individuals with a disability requiring special accommodation to inform the City Clerks Office, by the close of business on the 1st day of June, 2017, in order to allow full participation in the meeting. Please call (515) 978-7900 to request accommodations be provided.

Legal Description:

THAT PART OF THE NORTH FRACTIONAL ONE-HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION EIGHTEEN (18), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, LYING SOUTH OF INTERSTATE ROUTE NO. 80, EXCEPT PARCEL "A" OF THE SURVEY OF THE FRACTIONAL NW 1/4 NE 1/4, SECTION 18-78-26, AS SHOWN IN BOOK 748, PAGE 599, IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA. (PARCEL #1618200002, 1618200007); AND,

THAT PART OF INTERSTATE NO. 80 RIGHT OF WAY LYING WITHIN SECTION SEVEN (7), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; AND,

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, THENCE EAST 71 FEET TO THE TRUE

POINT OF BEGINNING, THENCE NORTH 155 FEET, THENCE EAST 335 FEET, THENCE SOUTH 155 FEET, THENCE WEST 335 FEET TO THE TRUE POINT OF BEGINNING, CONSISTING OF APPROXIMATELY 1 ACRE MORE OR LESS, NOW KNOWN AS LOT 1 IN AUDITOR'S PLAT OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA. (PARCEL #1617100003); AND,

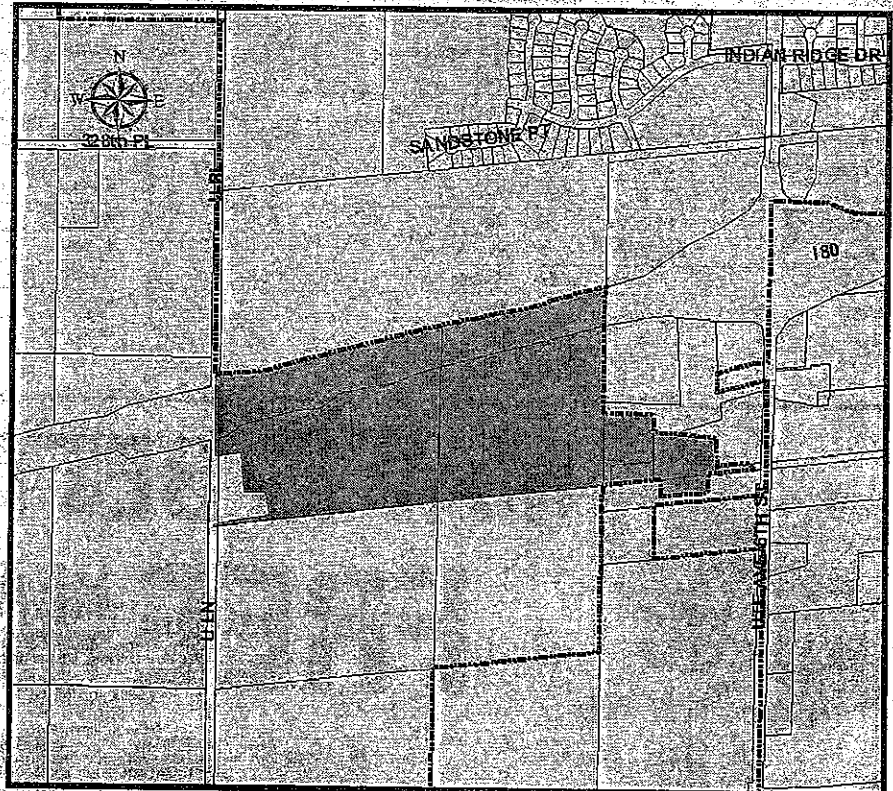
ALL THAT PART OF LOT 2 IN THE AUDITOR'S PLAT OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4, NW 1/4) OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 60.6 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE S 0°00'00" 685 FEET TO THE POINT OF BEGINNING; THENCE S89°12'00" EAST 382.7 FEET; THENCE S08°12'00" EAST 130 FEET; THENCE S01°44'00" EAST 227.28 FEET TO THE NORTHEAST CORNER OF LOT 1; THENCE S83°27'00" WEST ALONG THE NORTH LINE OF LOT 1 A DISTANCE OF 335 FEET; THENCE S00°00'00" 155 FEET; THENCE 83°27'00" WEST 71 FEET; THENCE 00°00'00" 563 FEET TO THE POINT OF BEGINNING, CONTAINING 3.7 ACRES MORE OR LESS. (PARCEL #1617100002); AND,

TRACT B OF THE SURVEY OF LOT 2 OF THE AUDITOR'S PLAT OF NW 1/4, NW 1/4, SECTION 17, TOWNSHIP 78 NORTH, RANGE 26, WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, AS SHOWN IN BOOK 2000, PAGE 12483 IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA. (PARCEL #1617100025); AND,

A PORTION OF THE NORTH 209 FEET OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION SEVENTEEN (17) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: AN ACRE, MORE OR LESS STARTING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION SEVENTEEN (17), THENCE EAST 478 FEET, TO THE POINT OF BEGINNING, CONTINUING IN AN EASTERLY DIRECTION ALONG THE NORTH EDGE OF THE ABOVE MENTIONED TRACT 385 FEET, THENCE SOUTH 140 FEET, THENCE IN A WESTERLY DIRECTION PARALLEL TO THE NORTH SIDE, 385 FEET, THENCE NORTH 140 FEET TO THE POINT OF BEGINNING. (PARCEL #1617100008)

SUBJECT PROPERTY CONTAINS 76.8 ACRES MORE OR LESS.

Map of Annexation Area in Relation to City



Legend

Waukee City Limits



March 21, 2017

Dallas County Board of Supervisors	Boone Township Board of Trustees
Dallas County Iowa Courthouse 801 Court Street Adel, Iowa 50003	Tom Bell 36675 Meadow Lane Cumming, IA 50061
Brad Golightly 15468 150 th Street Perry, Iowa 50220-6210	Kathy Hancock 33551 335 th Street Waukee, IA 50263
Mark Hanson 595 Northbranch Drive Waukee, Iowa 50263-9583	Patti Brown 31565 Napa Valley Drive Waukee, IA 50263
Kim Chapman 23901 Scenic View Drive Adel, Iowa 50003	

Notice of Consultation Meeting on Waukee's Proposed Annexation

The City of Waukee has received an Application for the Annexation of certain property to the City. A copy of the Application, legal description, and a map depicting the location of the property and its relationship to the City is enclosed herewith for your reference. The map and legal description includes property that may be annexed without the owner's consent to avoid the creation of an island.

The City is holding a consultation meeting pursuant to Iowa Code Section 368.7(1). **You are hereby notified** that the consultation meeting has been scheduled for 3:00 p.m. on Tuesday, March 28, 2017, in the City Council Chambers, 230 W Hickman Road, Waukee, Iowa.

Please feel free to contact me with any other questions you may have regarding this meeting.

Respectfully,

Brad Deets
Development Services Director
515-987-4522
bdeets@waukee.org

Enclosures:
Voluntary Petition with Attachments
Annexation Area Map
Legal Description of Annexation Area



Memo

To: City Development Board

From: Brad Deets, Development Services Director *BMD*

Date: August 10, 2017

Re: General Statement of Proposed Interstate 80 Annexation

Attach:

The proposed annexation consists of four properties. The largest property, owned by 117 Land Company, LLC, is located directly south of Interstate 80, and is approximately 66 acres in size. The owner 117 Land Company, LLC approached the City regarding the voluntary annexation of the property. The property is contiguous to adjacent property owned by 117 Land Company, LLC which has already been zoned for business park activities. Construction is currently under way of the necessary public utilities and streets to serve the proposed business park. It is intended that the property subject to annexation would be developed as Phase 2 of the business park currently under construction.

In order to bring in the larger 66 acre parcel, it was necessary to also bring in three additional properties in order to avoid the creation of an island within Dallas County. The three remaining properties consist of an existing self-storage facility, a shop that is utilized by a local builder and a single family residence. The City was able to work with these three property owners in bringing those properties in voluntarily. At this time, there are no specific plans for the further development or redevelopment of these three properties.

The City is currently in the process of extending water and sanitary sewer to serve the proposed development property as well as future property located south of Interstate 80. The proposed improvements are expected to be bid towards the end of August with the completion of the improvements in the Spring of 2018. The remaining three properties are currently served by Xenia Rural Water and private septic which will be maintained for those properties for the foreseeable future.



Memo

A good portion of the area proposed within the annexation area is already served by the Waukee Fire and EMS Department. Upon completion of the annexation, the City's Police Department would be responsible for patrolling the area and responding to any calls within the annexation territory. Both Departments have seen increased staffing levels over the last several years which puts them in good position to serve the area proposed within the annexation.

Brad Deets

From: Jared Higley <Jared.Higley@dallascountyiowa.gov>
Sent: Thursday, June 29, 2017 11:57 AM
To: Brad Deets
Cc: Sarah Murphy
Subject: RE: Waukee Annexation - Legal Description

Brad,

Sarah and I have reviewed and discussed your revisions. We have no issues with the proposal for I-80 Business Park.

Regarding the proposed Ruan annexation, we do have a couple of notes we'd like to bring to your attention. This is specifically related to the S1/2 of the SE1/4 of 13-78-27. 338th Ct lies directly north and is adjacent to parcels 15-13-400-003 and 15-13-400-004. In addition, U LN lies directly east of parcel 15-13-400-004. We would also like to point out as an fyi that since 338th Ct lies solely in the N1/2 of the SE1/4, the underlying ownership is not held by Ruan Incorporated.

Please let us know if you have any questions. Thank you.

Jared Higley
Real Estate Administrator
Dallas County Auditor's Office
210 N 10th St
Adel, IA 50003
515.993.6893

From: Brad Deets [mailto:bdeets@waukee.org]
Sent: Monday, June 26, 2017 1:07 PM
To: Jared Higley
Cc: Sarah Murphy
Subject: RE: Waukee Annexation - Legal Description

Jared and Sarah-

It is the City's intent to annex to the centerlines of the adjacent roadways. Both legals have been revised to reflect that. I believe the other corrections made should address your other questions.

Let me know if you have any additional questions.

Thanks,

ANNEXATION MORATORIUM AGREEMENT

WHEREAS, the City of Van Meter, Iowa (hereinafter referred to as Van Meter), and the City of Waukee, Iowa (hereinafter referred to as Waukee), are interested in the annexation of certain territories that are within the planning areas of each city; and

WHEREAS, it is in the public interest to provide for the orderly annexation of certain territory to Van Meter, certain territory to Waukee, and to assure communication between the two cities so as to allow the best opportunity for orderly development of property, compatible uses, and coordinate public infrastructure along the common boundary to the maximum extent possible;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

SECTION 1. PURPOSE. It is in the public interest for Van Meter and Waukee, to establish an Agreement for annexation, to provide the best opportunity for orderly planning, development, and provision of municipal services. It is also in the public interest to assure communication between the two Cities to create the best opportunity for compatible uses and development, continuity of street systems, and public improvements along the Annexation Boundary established in Section 2 of this Agreement.

SECTION 2. ANNEXATION BOUNDARY. The Cities of Waukee and Van Meter hereby agree to refrain from the annexation of territory within the boundaries shown on the attached Exhibit "A" as provided in this Annexation Moratorium Agreement.

SECTION 3. ANNEXING MORATORIUM. In accordance with Iowa Code Chapter 368 (2014) and defined therein, Van Meter and Waukee agree as follows:

Area A: The City of Waukee shall not annex property in Area A for the term of this Agreement. During this period, the City of Van Meter may use any form of annexation legally available to it under state law to annex property in Area A, without objection from the City of Waukee.

Area B: The City of Van Meter shall not annex property in Area B for the term of this Agreement. During this period, the City of Waukee may use any form of annexation legally available to it under state law to annex property in Area B, without objection from the City of Van Meter.

SECTION 4. APPLICABILITY. This Agreement is applicable to all annexation proceedings, both voluntary and involuntary, and pending annexations as well as any that may be commenced in the future, to the fullest extent allowed and as provided by Iowa Code Chapter 368 (2011). All such proceedings, which have been initiated but not completed, shall be amended to conform to this agreement, and any portion of any petition for annexation, whether voluntary or involuntary, in conflict herewith is hereby terminated and withdrawn. Completion is hereby defined as being

approved by the City Development Board and duly recorded prior to the date of the first City's approval and signature on this Agreement.

Each of the cities agrees not to annex territory in violation of this Agreement. Each City, and their officials, agents and representatives, agree not to aid or support in any way, any person, party, agency, or government body who may oppose, enjoin, or obstruct the other in the pursuit of any annexation that conforms with this Agreement. Terminology used in this Agreement shall be defined in the same manner as it is defined and used in Iowa Code Chapter 368, unless specifically defined herein.

SECTION 5. JOINT DEVELOPMENT COMMUNICATION The cities agree to communicate concerning long range planning and zoning of property along the Annexation Boundary. Zoning and rezonings, site plans, and subdivisions located within 660 feet of the Boundary shall be submitted for review and comment by the staff of each City at least 7 days prior to consideration by a city. Each City will consider the comments of the other City when considering zoning, rezonings, site plans, plats and subdivisions actions.

SECTION 6. STREET IMPROVEMENTS. For street infrastructure planning undertaken within one-eight mile (660 feet) of the Annexation Boundary, the Cities shall communicate their plans for street and access points to the other as plans are being developed and/or modified. Each City agrees to provide comment to the other concerning such planning and placement within a reasonable time for consideration of the planning City in making such plans.

SECTION 7. RIGHTS AND OBLIGATIONS. This Agreement creates rights and obligations only among these two parties as governmental entities, and is to be interpreted, applied, and enforced by these entities only. It is not intended and shall not be interpreted to create any rights, title, or interest in any other person, firm, corporation, or entity, whether or not resident or taxpayer of any City, and whether directly or as a third party beneficiary.

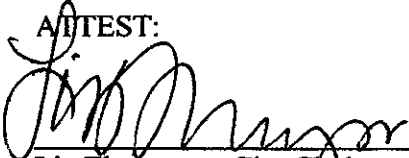
SECTION 8. STATUTORY AUTHORITY. This Agreement is entered into pursuant to Iowa Code Section 368.4 (2011).

SECTION 9. EFFECTIVE DATE AND DURATION. The effective date of this agreement shall be the later of approval dates of the two Cities. Prior to approval, each City is required to publish notice and to hold hearings as required by Iowa Code Section 368.4 (2014). This Agreement shall be in full force and effect until September 17, 2022, at which time it shall expire and be of no further effect. Either party to this agreement may petition for an amendment, extension, or termination of this agreement by providing written notice to the other party with at least thirty (30) days advance notice to amend, extend, or terminate the terms of this agreement. Any amendment, extension, or termination of this Agreement requires the approval of both City Councils before any amendment, extension, or termination becomes effective.

SECTION 10. SEVERABILITY. If any section, provision, or part of this Agreement shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Agreement as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Dated this 13th day of January, ¹⁵~~2014~~

ATTEST:


Liz Thompson, City Clerk

CITY OF VAN METER, IOWA

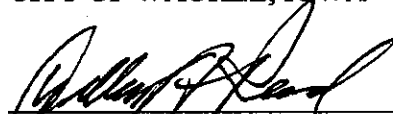

Allan Adams, Mayor

Dated this 5th day of January, ²⁰¹⁵~~2014~~

ATTEST:


Rebecca D. Schuett, City Clerk

CITY OF WAUKEE, IOWA


William F. Peard, Mayor

This Agreement was duly filed and recorded in the Office of the Secretary of State of the State of Iowa on this _____ day of _____, 2014.

Secretary of State

Exhibit A
Moratorium Map - Waukee and Van Meter

