

RESOLUTION 2023-

**A RESOLUTION ANNEXING CERTAIN TERRITORY LOCATED ADJACENT TO THE
SOUTHEAST QUADRANT OF ANKENY REQUESTED BY LEGACY HOUSBY, LLC**

WHEREAS, the titleholders of the following described property have made application for annexation of the same to the City of Ankeny, Iowa:

LEGAL DESCRIPTION:

THE SOUTH 208.71 FEET OF THE WEST 450.42 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND EXCEPT THE SOUTH 416 FEET OF THE NORTH 493 FEET OF THE WEST 225 FEET, THAT PORTION LAYING NORTHWEST OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL IN SECTION 8, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, EXCEPT THAT PART CONVEYED TO POLK COUNTY BY WARRENTY DEED FILED JUNE 19, 1996 AND RECORDED IN BOOK 7426 PAGE 486, POLK COUNTY, IOWA. (Owner: LEGACY HOUSBY, LLC)

LAYMAN'S DESCRIPTION

Approximately 33.941 acres (+/-) of land adjacent to the southeast quadrant of Ankeny and generally located north of NE 54th Avenue, east of SE Four Mile Drive.

WHEREAS, it was understood by the applicants that all streets, alleys, boulevards, sewers, water service and other public utilities located within the above described real estate were to be installed at the sole expense of the developer of said real estate; and

WHEREAS, it appears that the owners are the only titleholders of the respective, above-described real estate; and

WHEREAS, in order to avoid the creation of islands or to create more uniform boundaries, the City, based on its authority in Section 368.7 State Code of Iowa, as amended, has chosen to annex the following described real estate;

LEGAL DESCRIPTION:

THE SOUTH 416 FEET OF THE NORTH 493 FEET OF THE WEST 225 FEET OF THE SW 1/4 OF THE SW 1/4 OF SECTION 8, TOWNSHIP 79, RANGE 23 WEST OF THE 5TH P.M. POLK COUNTY, IOWA EXCEPT PUBLIC ROAD RIGHT OF WAY ON THE WEST SIDE THEREOF. (Owner: RICHARD W. & PEGGY J. GROVES)

LAYMAN'S DESCRIPTION:

Approximately 1.58 acres (+/-) of land adjacent to the southeast quadrant of Ankeny and generally located north of NE 54th Avenue, west of SE Four Mile Drive.

WHEREAS, Section 368.5, Code of Iowa, provides that cities may, in connection with an annexation, annex property owned by the State of Iowa and County. The annexation includes any and all Polk County road right-of-way to the centerline of the adjacent road.

WHEREAS, the non-petitioning property owners of the above parcels have been notified 14 days prior to the date of this resolution by certified mail; and

WHEREAS, each owner of property that adjoins the territory, the Chairperson of the County Board of Supervisors, all non-consenting owners of property and each public utility which serves the area have been notified 14 business days prior to the date of this resolution by regular mail; to the Chairperson of the County Board of Supervisors and the Iowa Attorney General, Polk County Attorney, the Metropolitan Planning Organization, Regional Planning Authority, all affected public utilities, all non-consenting landowners and each city within two miles of the territory

have been notified 14 business days prior to the date of this resolution by certified mail and, further, notice of the proposed annexation was published at least 10 business days prior to the date of this resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Ankeny Iowa, that the above-described real estate should be annexed and is hereby annexed to and made a part of the City of Ankeny, Iowa, subject only to its approval by the City Development Board in accordance with Iowa Code Section 368.7(1).

BE IT FURTHER RESOLVED by the City Council of the City of Ankeny, Iowa, that the City Clerk is hereby authorized to obtain from the Iowa Secretary of State an acknowledgment of its receipt of the herein-referred to map and resolution and the City Clerk is hereby authorized and directed to certify, upon the completion of such acts, the filing of the copies of map and resolution with the Polk County Recorder and the filing of the copies of the resolution, map and legal description of the territory involved with the Iowa Department of Transportation, all as provided in the Code of Iowa.

PASSED AND APPROVED this 20^h day of November, 2023.

Mark E. Holm, Mayor

ATTEST:

Michelle Yuska, City Clerk