
Return to: City Clerk, City of Van Meter, 310 Mill Street, PO BOX 160, Van Meter, IA 50261

RESOLUTION #2024-150

RESOLUTION ASSENTING TO THE ANNEXATION OF CERTAIN REAL ESTATE IDENTIFIED AS LOT 7, LOT 8, LOT 9, LOT 10, LOT 11 & LOT 1 OF VAN METER COUNTRY ESTATES PLAT 1 AND CERTAIN REAL ESTATE OWNED BY EDITH ANN WESTFALL, INCLUDING NONCONSENTING PROPERTY IDENTIFIED HEREIN

WHEREAS, the City of Van Meter, State of Iowa is a duly organized municipal corporation, and

WHEREAS, the duly authorized representatives of the City of Van Meter and the property owners of the properties described herein executed Pre-Annexation Agreements in advance of the City's receipt of the corresponding Voluntary Annexation Applications; and

WHEREAS, there has been presented to the City Council of said City certain Voluntary Applications for Annexation, as required by Section 368.7 of the 2024 Iowa Code executed by and/or on behalf of the owners of the real estate to be annexed as shown on the proposed Map attached here to as Exhibit "A" and legally described as follows:

Lot 7, 2664 Brookview Lane

Lot 7 of Van Meter Country Estates Plat No. 1 being a part of the SE ¼ of the NE ¼ of Section 28, Township 78 North, Range 27 West of the 5th PM, Dallas County, Iowa.

Lot 8, 2668 Brookview Lane

Lot 8 of Van Meter Country Estates Plat No. 1 being a part of the SE ¼ of the NE ¼ of Section 28, Township 78 North, Range 27 West of the 5th PM, Dallas County, Iowa.

Lot 9, 2672 Brookview Lane

Lot 9 of Van Meter Country Estates Plat No. 1 being a part of the SE ¼ of the NE ¼ of Section 28, Township 78 North, Range 27 West of the 5th PM, Dallas County, Iowa.

Lot 10, 2676 Brookview Lane

Lot 10 of Van Meter Country Estates Plat No. 1 being a part of the SE ¼ of the NE ¼ of Section 28, Township 78 North, Range 27 West of the 5th PM, Dallas County, Iowa.

Lot 11, 2680 Brookview Lane

Lot 11 of Van Meter Country Estates Plat No. 1 being a part of the SE ¼ of the NE ¼ of Section 28, Township 78 North, Range 27 West of the 5th PM, Dallas County, Iowa.

Lot 1, 2684 Brookview Lane

Lot 1 of Van Meter Country Estates Plat No. 1 being a part of the SE ¼ of the NE ¼ of Section 28, Township 78 North, Range 27 West of the 5th PM, Dallas County, Iowa.

Certain Real Estate Owned by Edith Ann Westfall

Tract 1 -

Commencing at the southeast corner of Tract B of the southeast quarter of the northeast quarter of Section 28, Township 78 North, Range 27 West of the Fifth Principal Meridian, Dallas County, Iowa as shown on the Plat of Survey recorded in in Book 4 Page 340 in the Office of the Dallas County Recorder; thence west along the south line of said Tract B a distance of approximately 65.5 feet to the southeast corner of Tract D in the southeast quarter of the northeast quarter of said Section 28; thence north along the east line of said Tract D a distance of 75.0 feet to the northeast corner of said Tract D; thence east a distance of approximately 65.5 feet to a point on the east line of said Tract B; thence south along the east line of said Tract B to the Point of Beginning. .12 acres

Tract 2 –

Commencing at the northwest corner of Tract D of the southeast quarter of the northeast quarter of said Section 28; thence south along the west line of said Tract D a distance of 75.0 feet to the southwest corner of said Tract D; thence S 77° 07' W along the southerly line of Tract B of the southeast quarter of the northeast quarter of said Section 28 a distance of 59.4 feet; thence S 45° 09' 05" W along the southerly line of Parcel 2 of the southeast quarter of the northeast quarter of Section 28, Township 78 North, Range 27 West of the Fifth Principal Meridian, Dallas County, Iowa, a distance of 40.0 feet; thence N 45° 11' 35" W along the southerly line of said Parcel 2 a distance of 11.3 feet; thence continuing westerly along the southerly line of said Parcel 2 on a curve with a radius of 619 .65 feet and a delta angle of 10° 44' 4" and a cord bearing of N 50° 08' 53" W a distance of approximately J 15.89 feet; thence N 55° 38' 05" W along the southerly line of said Parcel 2 a distance of 60.0 feet; thence continuing westerly along the southerly line of said Parcel 2 on a curve with a radius of 203.92 feet and a delta angle of 02° 54' 44" and a cord bearing of N 56° 34' 1 O" W a distance of 0.37 feet; thence east across said Parcel 2 and Tract B to the Point of Beginning with the said line following the southerly boundary of the Corporate Limits of the City of Van Meter. .38 acres

This annexation also includes the following non-consenting party.

LOT 12 – Brookview Lane (street lot) owned by the Van Meter Country Estates Homeowners Association (HOA)

Lot 12 of Van Meter Country Estates Plat No. 1 being a part of the SE ¼ of the NE ¼ of Section 28, Township 78 North, Range 27 West of the 5th PM, Dallas County, Iowa. 1.50 acres

WHEREAS, the City of Van Meter, Iowa has been unable to determine the legal, active status of the HOA despite multiple conversations with the residents of Van Meter Country Estates Plats 1 and 2 (properties within city limits and outside of city limits), and

WHEREAS, the City of Van Meter, Iowa desires to annex said territory upon the Applications hereto presented, and

WHEREAS, the City of Van Meter, Iowa has complied with Section 368.7 of the 2024 Iowa Code by publishing and sending by certified mail the required notices, and

WHEREAS, notice of proposed annexation was given to the Dallas County Board of Supervisors and Van Meter Township by certified mail dated July 17, 2024 with an invitation to a consultation meeting with City Staff held at 3:00pm on August 1, 2024 at the Van Meter City Hall to discuss the proposed annexation, and

WHEREAS, neither party sent representatives to the consultation meeting; and

WHEREAS, notice of proposed annexation was sent to the non-consenting property owner and all affected utilities by certified mail dated August 2, 2024; and

WHEREAS, notice of public hearing was sent by certified mail on August 20, 2024 to all affected utilities, cities located within 2 miles of the property, the Dallas County Board of Supervisors, all applicants and owners of land included in and adjoining to the proposed annexation territory and the non-consenting property owner as required by Section 368.7 of the Iowa Code, and

WHEREAS, notice of the public hearing was published in the Des Moines Register on August 30, 2024 and September 4, 2024, as well as posted electronically at www.vanmeteria.gov and physically at Van Meter City Hall, the Van Meter Post Office and the Van Meter Public Library, as provided by law, setting the time and place of hearing on the proposed annexation at 7:00pm on September 9, 2024 during the regularly scheduled business meeting of the City Council of the City of Van Meter at the Van Meter United Methodist Church located at 100 Hazel Street, Van Meter, IA 50261, and

WHEREAS, Resolution #2024-102 was adopted by the City Council of the City of Van Meter on September 9, 2024 and City Staff submitted the required information to the City Development Board, a division of the Iowa Economic Development Authority and received feedback that additional information was required including but not limited updated voluntary annexation applications from the current owners of certain parcels, and

WHEREAS, due notice of the proposed annexation (including full legal descriptions, copies of the annexation applications and certain maps) and notice of the public hearing was sent to the non-consenting party, impacted utilities, Dallas County Board of Supervisors, cities located within 2 miles of the proposed annexation boundaries, all applicants and adjoining property owners via certified mail on November 12, 2024; and

WHEREAS, notice of the public hearing was published in the Des Moines Register on November 20, 2024, as well as posted electronically at www.vanmeteria.gov and physically at Van Meter City Hall, the Van Meter Post Office and the Van Meter Public Library, as provided by law, setting the time and place of hearing on the proposed annexation at 7:00pm on December 9, 2024 during the regularly scheduled business meeting of the City Council of the City of Van Meter at the Van Meter United Methodist Church located at 100 Hazel Street, Van Meter, IA 50261, and

WHEREAS, a revised notice (due to an inadvertent omission of one legal description on the 11/12/24 notice) of the proposed annexation (including full legal descriptions, copies of the annexation applications and certain maps) and notice of the public hearing was sent to the non-consenting party, impacted utilities, Dallas County Board of Supervisors, Dallas County Auditor, cities located within 2 miles of the

proposed annexation boundaries, all applicants and adjoining property owners via certified mail on November 12, 2024; and

WHEREAS, in accordance with the published and mailed notices, those interested in the annexation, both for and against, have been given opportunity to be heard with respect thereto and the opportunity to present their views to the City Council, and

WHEREAS, the territory proposed to be annexed adjoins the boundaries of the City of Van Meter, is not within the boundaries of any other city and is located within the boundaries of the urbanized areas of the City of De Soto and the City of Waukee, and

WHEREAS, the City of Van Meter, Iowa is including the non-consenting property as defined and described herein for the purpose of not creating an island of unincorporated property and to lend towards more uniform and complete corporate limits for the City of Van Meter; now

THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Van Meter, Iowa as follows:

1. No public comment (either for or against the proposed annexation) were received prior to or at the public hearing on December 9, 2024.
2. That the application for annexation of the real estate as legally described herein is hereby found to be consistent with the City's long-range plans for the area and is hereby approved.
3. If the applicants do not withdraw their application within three business days from this date, the City Clerk is hereby authorized and directed to cause these annexation proceedings to be filed with the City Development Board in accordance with Iowa Code Chapter 368 and applicable provisions of the Iowa Administrative Code.
4. The City Administrator, City Clerk, and City Attorney are hereby authorized to seek approval of this annexation in its entirety and each part thereof, by the City Development Board in accordance with the procedures established in Iowa Code Chapter 368 and related applicable provisions of the Iowa Administrative Code.

Following due consideration, the Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

PASSED BY THE CITY COUNCIL OF THE CITY OF VAN METER, IOWA, BY A VOTE OF _____

TO _____ ON THE 9TH DAY OF DECEMBER 2024 AND APPROVED THIS 9TH DAY OF DECEMBER 2024.

Joe Herman, Mayor

ATTEST: Jessica Drake, City Clerk

Acknowledgement of Corporation

STATE OF IOWA)
)SS
DALLAS COUNTY)

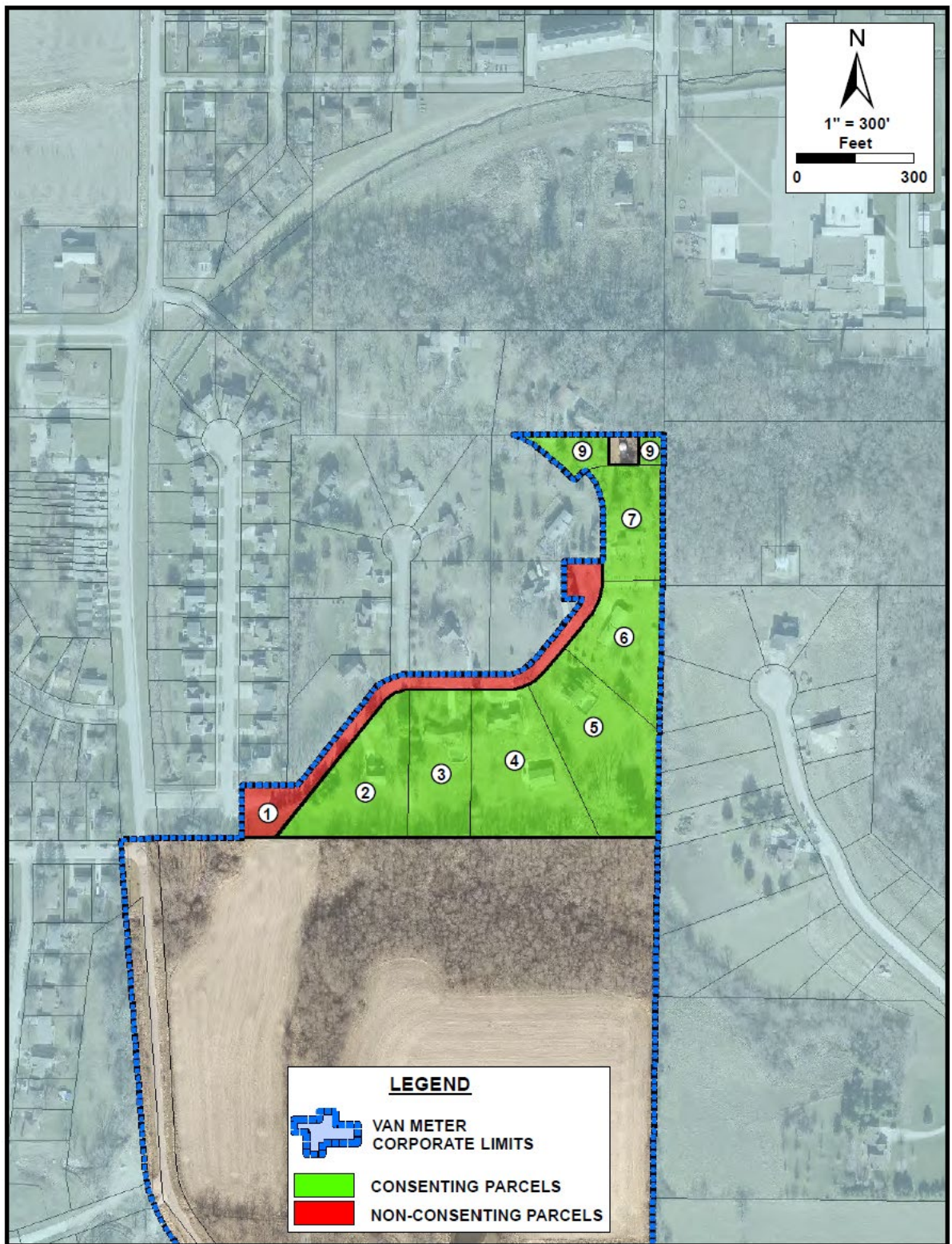
On this 26th day of September, 2024, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joe Herman and Jessica Drake, to me personally known, who being by me duly sworn did say that they are respectively the Mayor and City Clerk of the City of Van Meter, Iowa; and that said instrument was signed and sealed on behalf of said corporation by authority of the City Council of the City of Van Meter, Iowa; and the said Joe Herman and Jessica Drake acknowledged the said instrument to be the voluntary act and deed of said corporation.

Notary Public

Notary Seal

My commission expires: _____

EXHIBIT "A" to Resolution #2024-150
Proposed Annexation Territory



Parcel	Property Owner	Area	Consenting	Non-Consenting
1	VM Country Estates	1.50		1.50
2	Porter	1.60	1.60	
3	Folkerts	1.40	1.40	
4	Albertson	2.07	2.07	
5	Clark	2.30	2.30	
6	Hassebrock	1.40	1.40	
7	Costlow	1.00	1.00	
9	Westfall	0.50	0.50	
	Total	11.77	10.27	1.50
			87.256%	12.744%

BOUNDARIES OF THE ANNEXATION

Beginning at the southwest corner of Lot 7 Van Meter County Estates Plat 1, an Official Plat in forming a part of Dallas County, Iowa; thence east along the south line of said Lot 7 to the southeast corner of said Lot 7; thence east along the south line of Lot 8 of Van Meter County Estates Plat 1 to the southeast corner of said Lot 8; thence east along the south line of Lot 9 Van Meter Country Estates Plat 1 to the southeast corner of said Lot 9; thence east along the south line of Lot 10 Van Meter Country Estates Plat 1 to the southeast corner of said Lot 10; thence north along the east line of said Lot 10 to the southeast corner of Lot 11 Van Meter Country Estates Plat 1; thence north along the east line of said Lot 11 to the northeast corner of said Lot 11; thence north along the east line of Lot 1 Van Meter Country Estates Plat 1 to the northeast corner of said Lot 1; thence north along the east line of Tract B of the southeast quarter of the northeast¼ of Section 28, Township 78 North, Range 27 West of the 5th Principal Meridian Dallas County Iowa as shown in the plat of survey recorded in Book 4, Page 340 in the Office of the Dallas County Recorder; a distance of approximately 75.0 feet to a point on the corporate limits of the City of Van Meter; thence west along the corporate limits of the City of Van Meter a distance of approximately 65.5 feet to the northeast corner of Tract D of the northeast quarter of Section 28, Township 78 North, Range 27 West of the 5th Principal Meridian Dallas County, Iowa; thence south along the east line of said Tract D to the southeast corner of said Tract D; thence west along the south line of Tract D to the southwest corner of Tract D, thence north along the west line of Tract D to the northwest corner of Tract D, said point being on the south corporate limits of the City of Van Meter, thence continuing west along the south corporate limits of the City of Van Meter, across Tract B and Parcel 2 of the southeast¼ of the northeast¼ of Section 28, Township 78 North, Range 27 West of the 5th Principal Meridian Dallas County Iowa to the point of intersection with the north line of Lot 2 Van Meter Country Estates Plat 1; thence southeasterly along the easterly line of said Lot 2 to the southeast corner of said Lot 2; thence west along the north line of Lot 12 Van Meter Country Estates Plat 1 to the northwest corner of said Lot 12, thence southwesterly along the northwesterly line of said Lot 12 to the northeast corner of Lot A of Whispering Pines, an Official Plat in and serving part of Dallas County, Iowa; thence south along the east line of said Lot A to the southeast corner of said Lot A; thence east along the south line of Lot 12 Van Meter Country Estates Plat 1 to the point of beginning.