



**CITY OF WAUKEE, IOWA  
CITY COUNCIL MEETING COMMUNICATION**

**MEETING DATE:** August 16, 2021

**AGENDA ITEM:** Public hearing on an annexation moratorium agreement between the City of Waukee, Iowa and the City of West Des Moines, Iowa

**FORMAT:** Public Hearing

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**SYNOPSIS INCLUDING PRO & CON:** The Cities of Waukee and West Des Moines previously had an annexation moratorium agreement that expired in 2017.

City staff has coordinated with the City of West Des Moines in a new ten year annexation moratorium agreement. The agreement defines a line which each community could annex up to. That line generally extends along County Road R-22 (Ute Avenue) from Interstate 80 to Booneville Road.

**FISCAL IMPACT INCLUDING COST/BENEFIT ANALYSIS:**

**COMMISSION/BOARD/COMMITTEE COMMENT:**

**STAFF REVIEW AND COMMENT:** Prior to the public hearing, a copy of the proposed agreement was mailed to the Dallas County Board of Supervisors and the City Development Board as is required by State Code. West Des Moines is scheduled to hold a public hearing and take action on the agreement on September 7, 2021.

**RECOMMENDATION:** Hold the Public Hearing

**ATTACHMENTS:** I. Annexation Moratorium Agreement  
II. Annexation Boundary Map

**PREPARED BY:** Brad Deets, Development Services Director

**REVIEWED BY:**

**PUBLIC NOTICE INFORMATION –**

**NAME OF PUBLICATION:** Dallas County News  
**DATE OF PUBLICATION:** 7/15/21 and 8/5/21

**ANNEXATION MORATORIUM AND SUBDIVISION REVIEW AGREEMENT  
PURSUANT TO IOWA CODE SECTIONS 368 AND 28E BETWEEN THE CITY OF  
WAUKEE, IOWA AND CITY OF WEST DES MOINES, IOWA**

This Annexation Moratorium and Subdivision Review Agreement (hereinafter “Agreement”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2021, by and between the **City of Waukee**, an Iowa municipal corporation (hereinafter “Waukee”) and the **City of West Des Moines**, an Iowa municipal corporation (hereinafter “West Des Moines”).

**WHEREAS**, it is in the public interest to provide for the orderly annexation of certain territory to Waukee, certain territory to West Des Moines, 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; and,

**WHEREAS**, pursuant to Iowa Code Chapter 368, the cities of Waukee and West Des Moines have negotiated the terms of this Agreement for the purpose of establishing boundaries wherein each city would agree that it would not annex land beyond the established boundaries for the ten-year term of the Agreement; and,

**WHEREAS**, in addition to the terms and conditions of the Agreement, and under the authority of Iowa Code Chapter 28E, the cities of Waukee and West Des Moines desire to establish a boundary between the areas over which each city will exercise its extraterritorial jurisdiction pursuant to Iowa Code §354.9 (2021) to review subdivision plats and plats of survey so that each city will review only those subdivision plats and plats of survey of land located within each city’s areas of possible annexation pursuant to this Agreement; and,

**WHEREAS**, the cities of Waukee and West Des Moines have approved this Agreement after notice and public hearing as provided by Iowa Code §368.4 (2021).

NOW, THEREFORE, the parties to this Agreement hereby covenant and agree as follows:

**ARTICLE 1. GENERAL**

**Section 1. Purpose.**

A. The purpose of this Agreement is to allow the cities of Waukee and West Des Moines to each plan for its orderly future growth. By establishing a boundary for the future growth of each city, both cities can plan for the orderly future extension of public infrastructure and services to serve each city’s future growth area. Without such an agreement, each city’s investment of scarce resources in public infrastructure and services to planned future growth areas may be lost if the area planned to be served by such investment becomes part of the other city.

B. A further purpose of this Agreement is to provide for and avoid duplication in the review of plats and unincorporated land located within two miles of each city and relevant to this Agreement. It is the intent of the two cities that such plats be reviewed only by Dallas County and by the city, which may annex the subject area during the term of this Agreement as more particularly provided in Article 3.

Section 2. Term.

The term of this Agreement shall commence upon the date this Agreement is approved by the City Council of the City of Waukee, or the date this Agreement is approved by the City Council of the City of West Des Moines, whichever occurs later. This Agreement shall thereafter remain in full force and effect for a term of ten years from the date of its approval but may be amended or terminated prior to the expiration of the ten-year term upon mutual agreement of the cities.

Section 3. No Separate Legal Entity or Property Disposition.

No separate legal entity is created by this Agreement and no personal or real property shall be acquired by either city in regard to this Agreement.

Section 4. Administrator.

The Development Services Director of the City of Waukee shall be the Administrator of this Agreement.

ARTICLE 2. ANNEXATION MORATORIUM AGREEMENT

Section 1. Annexation Boundary Line.

The cities of Waukee and West Des Moines hereby agree upon and approve the establishment of an Annexation Boundary Line legally described as follows:

A LINE IN SECTIONS 8, 17, 19, 20, 29 AND 30 IN TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA DELINEATES AN ANNEXATION MORATORIUM LINE BETWEEN THE CITIES OF WAUKEE, IOWA AND WEST DES MOINES IOWA. THIS LINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A LINE COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF INTERSTATE 80 (I-80) AND COUNTY ROAD R-22 (UTE AVENUE);

THENCE SOUTH, ALONG THE CENTERLINE OF SAID COUNTY ROAD R-22 (UTE AVENUE) TO THE CENTERLINE OF 335<sup>TH</sup> STREET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH

PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA;

THENCE CONTINUING SOUTH ALONG THE WEST LINE OF SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17 TO THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17;

THENCE WEST ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 17 TO THE CENTERLINE OF COUNTY ROAD R-22 (UTE AVENUE);

THENCE SOUTH ALONG THE CENTERLINE OF COUNTY ROAD R-22 (UTE AVENUE) TO THE CENTERLINE OF THE INTERSECTION OF COUNTY ROAD R-22 (UTE AVENUE) AND COUNTY ROAD F-90 (360<sup>TH</sup> STREET);

THENCE WESTERLY ALONG THE CENTERLINE OF COUNTY ROAD F-90 (360<sup>TH</sup> STREET) TO THE WEST LINE OF SECTION 30, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA,

such Annexation Boundary Line being generally as shown on the map attached hereto as Exhibit "A".

## Section 2. Annexation Limitations.

A. The city of Waukee agrees for the term of this Agreement to refrain from annexing any land, which is located east of the Annexation Boundary Line described above. The city of West Des Moines agrees for the term of this Agreement to refrain from annexing any land, which is located west of the Annexation Boundary Line described above.

B. Pursuant to Iowa Code §368.4 (2021) and succeeding legislation, the City Development Board shall dismiss any petition, plan or application for a boundary adjustment which would cause either city to annex land in violation of this section.

## ARTICLE 3. REVIEW OF PLATS

### Section 1. Plat Review Authority.

A. Subdivision plats and plats of survey for land located east of the Annexation Boundary Line in the portion of unincorporated Dallas County within two miles of the boundaries of the city of West Des Moines shall be subject to the extraterritorial jurisdiction of the city of West Des Moines pursuant to Iowa Code §354.9 (2021). The city of Waukee hereby waives all right to review and approve any subdivision plats and plats of survey within such area.

B. Subdivision plats and plats of survey for land located west of the Annexation Boundary Line in the portion of unincorporated Dallas County within two miles of the boundaries of the city of Waukee shall be subject to the extraterritorial jurisdiction of the city of Waukee pursuant to Iowa Code §354.9 (2021). The city of West Des Moines hereby waives all

right to review and approve any subdivision plats and plats of survey within such area.

C. Both cities agree that they will use their best efforts to ensure that land uses in areas within their review jurisdiction and which are adjacent to the opposing city’s corporate boundary or review jurisdiction are compatible with the opposing city’s adjacent land uses.

ARTICLE 4. FILING AND RECORDING

Pursuant to Iowa Code §368.4 (2021), this Agreement and the Resolution approving the Agreement from each City shall be filed with the City Development Board within ten days of the later date of approval by the approving cities. Pursuant to Iowa Code §28E.8 (2021), this Agreement shall also be filed with the Iowa Secretary of State and recorded in the Office of the Dallas County Recorder.

IN WITNESS WHEREOF, the City of Waukee and the City of West Des Moines have caused this Agreement to be executed by their respective Mayors, with attestation by their respective City Clerks.

CITY OF WAUKEE, IOWA

ATTEST:

By: \_\_\_\_\_  
Courtney Clarke, Mayor

By: \_\_\_\_\_  
Rebecca D Schuett, City Clerk

STATE OF IOWA        )  
                                  ) SS  
COUNTY OF DALLAS )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Courtney Clarke and Rebecca D. Schuett, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the **City of Waukee, Iowa**, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; that the Council, as contained in the Resolution adopted by City Council under Resolution No. \_\_\_\_\_ passed by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2021, and that Courtney Clarke and Rebecca D. Schuett, as such officers, acknowledged the execution of the instrument to be the voluntary act and deed of the City of Waukee, Iowa, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

CITY OF WEST DES MOINES, IOWA

ATTEST:

By: \_\_\_\_\_  
Steven K. Gaer, Mayor

By: \_\_\_\_\_  
Ryan T. Jacobson, City Clerk

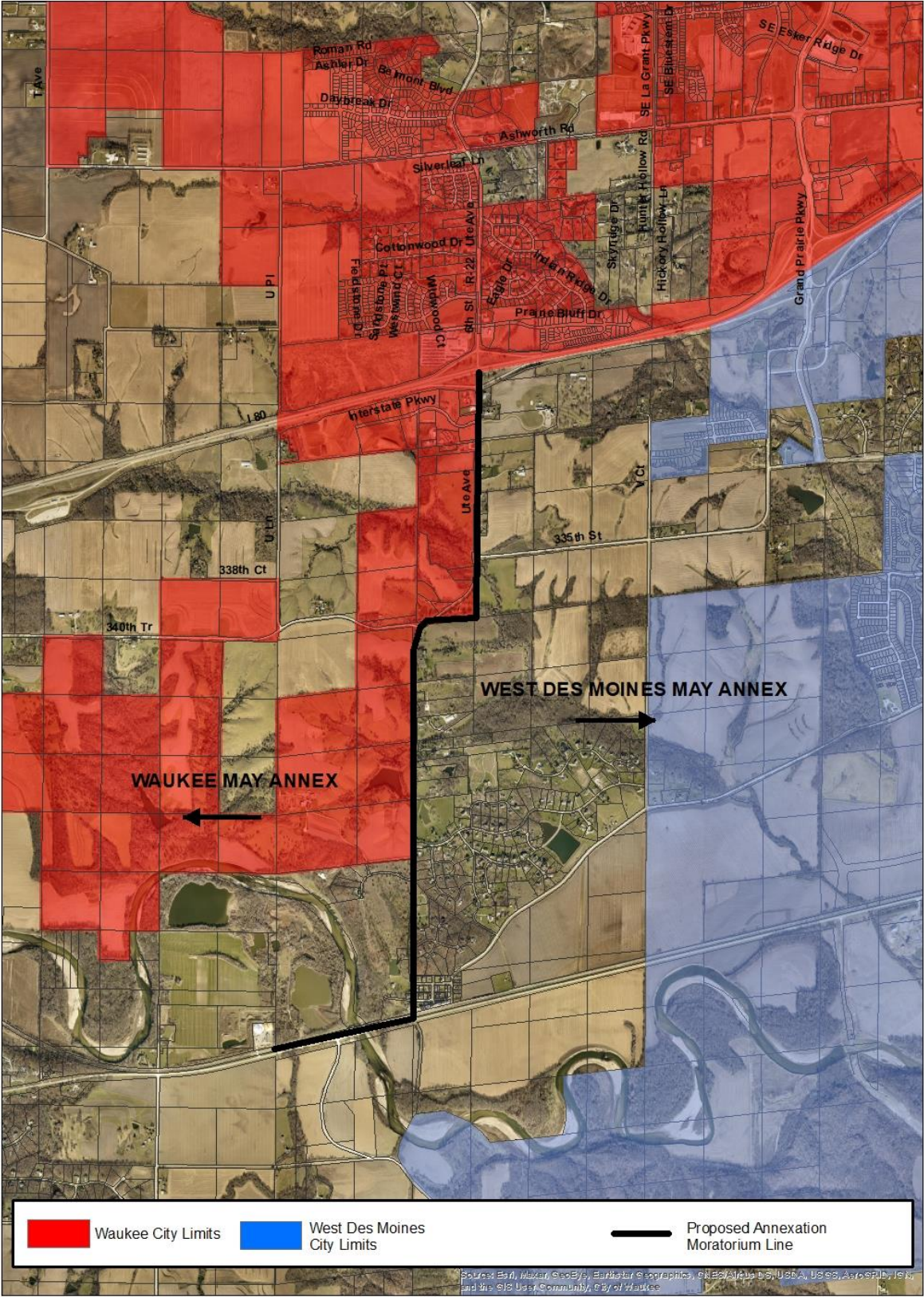
STATE OF IOWA       )  
                                  ) SS  
COUNTY OF POLK)

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven K. Gaer and Ryan T. Jacobson, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the **City of West Des Moines, Iowa**, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; that the Council, as contained in the Resolution adopted by City Council under Resolution No. \_\_\_\_\_ passed by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2021, and that Steven K. Gaer and Ryan T. Jacobson, as such officers, acknowledged the execution of the instrument to be the voluntary act and deed of the City of West Des Moines, Iowa, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

# Exhibit A

## Map of Annexation Boundary Line



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, City of Waukee