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ANNO

SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Documents to be recorded to complete annexation of territory to the City of West Des Moines.

City Development Case Number UA17-05.

**Preparer: Matt Rasmussen
City Development Board Administrator
200 East Grand Avenue
Des Moines, IA 50309
Phone: 515-725-3126**

**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 West Des Moines and the City Development Board (Grantor) are granting the right of annexation into the City of West Des Moines to Microsoft Corporation; The Charles I. & Ruth Colby Investment Trust; and Veronica A. Haluska & John O. Tank (Grantees).

Legal description of affected territory may be found on pages 8 & 9 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. UA17-05 / WEST DES MOINES
WEST DES MOINES VOLUNTARY)	
ANNEXATION WITHIN THE URBANIZED AREA	)	FILING OF WRITTEN DECISION
OF THE CITY OF CUMMING)	

TO: Cities of West Des Moines and Cumming, Madison & Warren County Board of Supervisors, Madison & Warren County Attorneys, Des Moines Area Metropolitan Planning Organization, Iowa State Attorney General, Iowa Department of Transportation, affected public utilities and parties of interest.

You and each of you are hereby notified that the City Development Board has approved the annexation of territory to the City of West Des Moines under City Development Board Case File No. UA17-05.

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 Polk County Recorder to complete this annexation.

CITY DEVELOPMENT BOARD



Matt Rasmussen, City Development Board Administrator
Phone: 515-725-3126

PROOF OF SERVICE

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

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

Mr. Matthew Schultz
Madison Co. Attorney
PO Box 152, 112 N. John Wayne Drive
Winterset, IA 50273

Madison Co. Bd. of Supervisors
PO Box 152
Winterset, IA 50273

Mr. Timothy Ostroski
SICOG
101 East Montgomery Street
Creston, IA 50801-0102

Mr. Todd Ashby
DMAMPO/CIRTPA
420 Watson Powell Jr. Parkway, Suite
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Des Moines, IA 50309

Mr. Ryan Jacobson
West Des Moines City Clerk
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Mr. Tom Becker
Cumming City Council
649 N. 44th Street,
P.O. Box 100
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Mr. Thomas Hadden
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Mr. Clyde Evans
West Des Moines Comm. & Econ. Devl.
Director
4200 Mills Civic Pkwy., Suite 2E, PO Box
65320
West Des Moines, IA 50265-0320

Warren County Board of Supervisors
301 N. Buxton Street, Ste. 202
Indianola, IA 50125

Mr. Donald Flinn
Township Chair
3177 Adams Street
Cumming, IA 50061

Mr. Jeff Ridgway
Township Chair
1294 Timber Ridge Avenue
Van Meter, IA 50261

Ms. Lisa Remy
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3550 Mills Civic Pkwy.
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Mr. Stan Ripperger
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Superintendent
P.O. Box 30
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Mr. Duane Magee
Norwalk Community Schools,
Superintendent
380 Wright Road
Norwalk, IA 50211

Mr. Robert Denson
Des Moines Area Community College
2006 South Ankeny Blvd.
Ankeny, IA 50023

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West Des Moines Water Works
P.O. Box 65320
West Des Moines, IA 50265

Mr. Bill Stowe
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Mr. Eric Heikes
MidAmerican Energy
10510 Douglas Avenue
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CenturyLink Internet Services
2103 E. University Avenue
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Mr. Mike Probst
Mediacom
2205 Ingersoll Avenue
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IDOT, c/o Row Division
800 Lincoln Avenue
Ames, IA 50010

Mr. Vernon Flinn
Flinn Farms, LLC
3711 SE 50th Street
Cumming, IA 50061

General Mfg. Co., c/o The Wittern Group, Inc.
P.O. Box 1333, 8040 University Ave.
Des Moines, IA 50325

Holworth Marjorie Abild
Katherine
2280 20th Avenue
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Ms. Barbara Higgins
3392 105th Street
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Mr. Lemar Koethe
6000 Douglas Ave., Ste. 210
Urbandale, IA 50322

Mr. Joseph Van Ginkel III
Joseph G. Van Ginkel, III Revocable Trust
3378 110th Street
Cumming, IA 50061

Mr. & Mrs. Chad Spieker
3392 110th Street
Cumming, IA 50061

Ms. Nancy Deimerly
1136 N. 60th Street
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IPE1031 REV165, LLC
1922 Ingersoll Avenue
Des Moines, IA 50309

Charles I. Colby & Ruth Colby Investment
Trust
6581 University Avenue
Windsor Heights, IA 50324

Ms. Vicky Haluska
c/o Vereonica Haluska & John O. Tank
86 East 4th St., #17
New York City, NY 10003

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 9th day of March, 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. UA17-05 / WEST DES MOINES
ANNEXATION OF THE CITY OF	)	FINDINGS OF FACT AND
WEST DES MOINES WITHIN THE URBANIZED	)	CONCLUSIONS OF LAW AND
AREA OF THE CITY OF CUMMING	)	DETERMINATION
)	

TO: Cities of West Des Moines and Cumming, Madison & Warren County Board of Supervisors, Madison & Warren County Attorneys, Des Moines Area Metropolitan Planning Organization, Iowa State Attorney General, Iowa Department of Transportation, affected public utilities and parties of interest.

STATEMENT OF THE CASE

The City of West Des Moines (hereinafter the "City") filed its request for City Development Board approval of annexation of territory within the urbanized area of Cumming on February 17, 2017. Notice of City Development Board review of the request and owners' applications was given on February 21, 2017, and the Board considered the matter at its March 8, 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 January 11, 2017, Microsoft Corporation; on July 25, 2016, The Charles I. and Ruth Colby Investment Trust; on October 12, 2016, Veronica A. Haluska & John O. Tank; by written application, which included a map, requested the City of West Des Moines to annex the following described property owned by them and located in Polk County, Iowa:

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

2. On December 7 & 14, 2016, the City of West Des Moines published in an official county newspaper notice of the City Council's meeting on January 23, 2017, to consider the application for voluntary annexation.
3. On December 7, 2016, the City of West Des Moines provided a copy of the application for voluntary annexation to the City of Cumming, Madison & Warren County Board of Supervisors, Des Moines Area Metropolitan Planning Organization, Iowa Department of Transportation and affected public utilities.
4. By resolution dated January 23, 2017, which contained a legal description, the City Council of West Des Moines voted to annex the subject property.
5. The area to be annexed is within two miles of the City of Cumming and is therefore within its urbanized area.
6. The area to be annexed has a common boundary with the City of West Des Moines of more than 50 feet.
7. The area to be annexed does not contain railroad right-of-way.
8. On February 17, 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 February 21, 2017, the City Development Board notified, by mail, the Cities of West Des Moines and Cumming, Madison & Warren County Board of Supervisors, Madison & Warren County Attorneys, 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 March 8, 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 West Des Moines and the absence of evidence of any potential adverse consequences, the Board finds the annexation to be in the public interest.

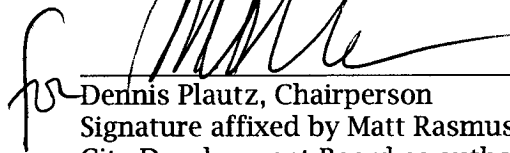
CONCLUSIONS OF LAW

1. The territory to be annexed "adjoins" the City of West Des Moines as the term is defined in Iowa Code Section 368.1(1) and is within the "urbanized area" of the City of Cumming 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 West Des Moines conforms to Iowa Code Section 368.7.
5. The City of West Des Moines'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 9th day of March, 2017.

CITY DEVELOPMENT BOARD



A handwritten signature in black ink, appearing to read 'for Matt Rasmussen', is written over a horizontal line. The signature is stylized and cursive.

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 West Des Moines is hereby approved:

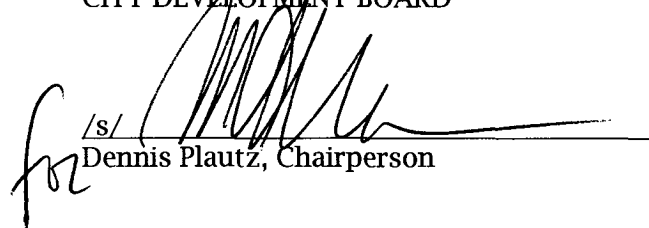
The proposed annexation territory is described in Appendix A and attached hereto and by this reference made a part of.

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 West Des Moines 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 Polk 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 9th day of March, 2017.

CITY DEVELOPMENT BOARD

for /s/ 
Dennis Plautz, Chairperson

PROOF OF SERVICE

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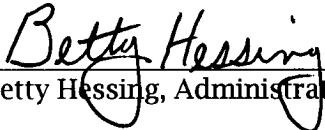
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Local Delivery
Honorable Tom Miller, Iowa Attorney General



Betty Hessing, Administrative Assistant

Appendix A
Legal Description of Territory Proposed to be
Annexed to the City of West Des Moines, Iowa
CDB Case No. UA17-05

TWO TRACTS OF LAND LOCATED SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, AND SECTIONS 6 AND 7 TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA, ARE INCLUDED IN AN AREA BEING PETITIONED FOR ANNEXATION INTO THE CITY OF WEST DES MOINES, IOWA, SAID TRACTS OF LAND BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

TRACT 1 – MADISON COUNTY

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE WEST, ALONG THE SOUTH LINE OF SAID SECTION 1, TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 1, TO THE POINT OF BEGINNING.

TRACT 2 – WARREN COUNTY

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, TO A POINT 688.80 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO THE NORTH RIGHT OF WAY LINE OF ADAMS STREET, WITH SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO A POINT LOCATED 257.79 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH 90°00'00" EAST (ASSUMED BEARING), A DISTANCE OF 60.00 FEET;

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 West Des Moines, Iowa
CDB Case No. UA17-05

THENCE NORTH 00°07'39" WEST (ASSUMED BEARING), A DISTANCE OF 2,339.66 FEET, TO THE NORTH LINE OF SAID SECTION 6;

THENCE EAST, ALONG THE NORTH LINE OF SAID SECTION 6, TO THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35, TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE EAST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE WEST LINE OF SAID SECTION 7;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 7, TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 6, TO THE NORTH RIGHT-OF-WAY LINE OF ADAMS STREET (WARREN COUNTY);

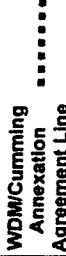
THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ADAMS STREET, TO THE POINT OF BEGINNING.

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

Annexation Option I



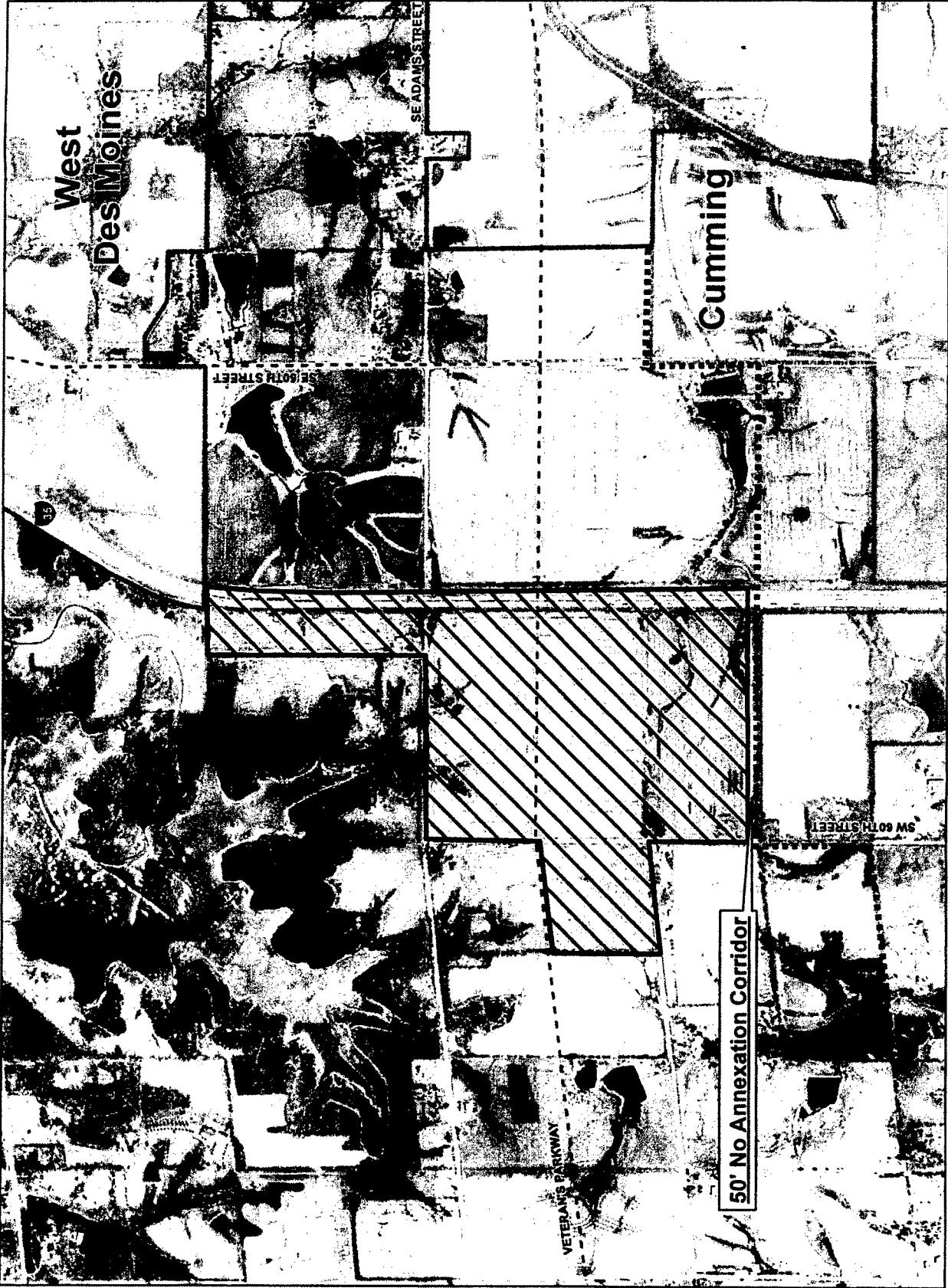
WDM Proposed Annexation



WDM/Cumming Annexation Agreement Line



West Des Moines



West Des Moines

Cumming

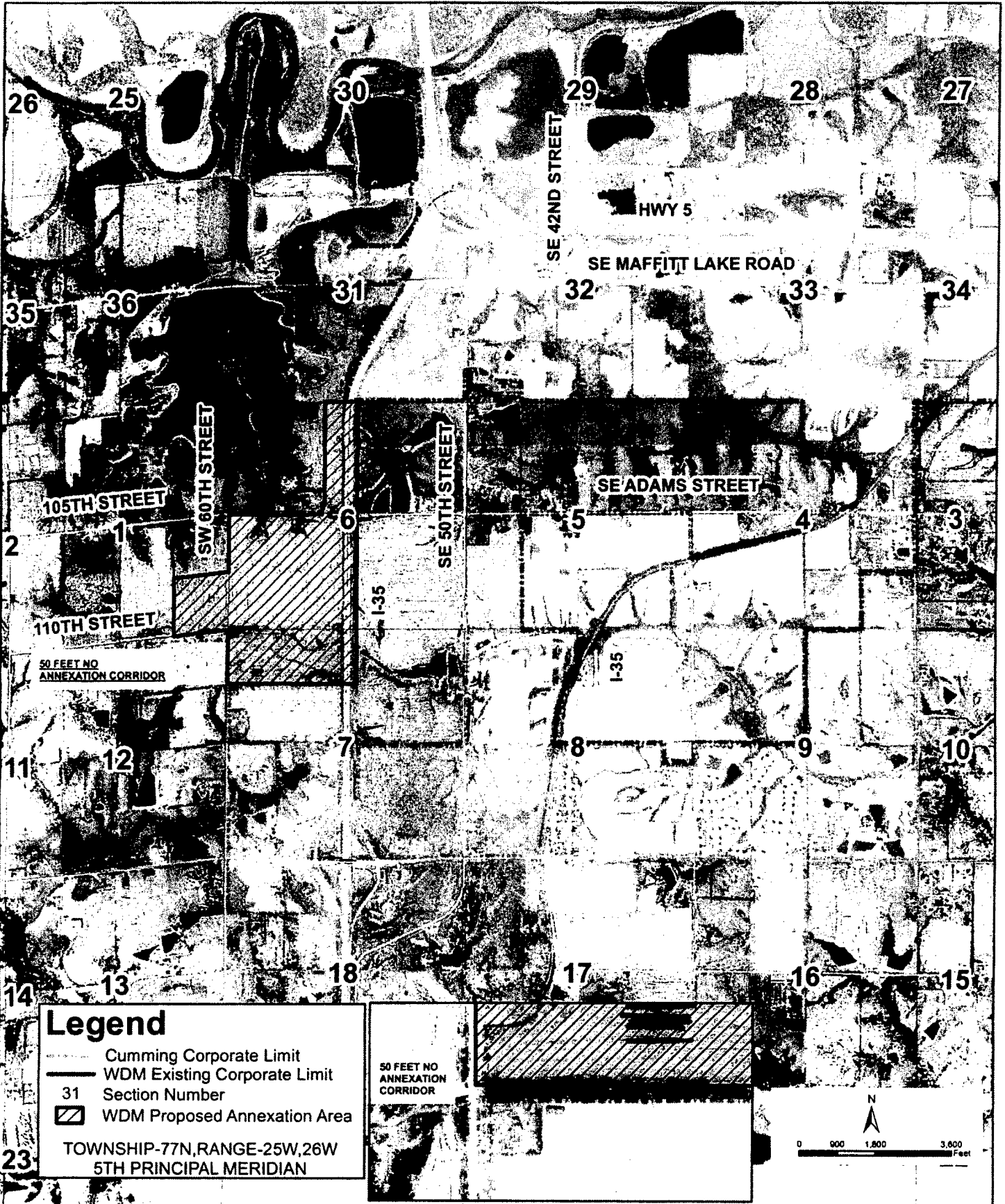
50' No Annexation Corridor

SE ADAMS STREET

SE 60TH STREET

SE 67TH STREET

VETERANS PARKWAY



Legend

- Cumming Corporate Limit
- WDM Existing Corporate Limit
- 31 Section Number
- ▨ WDM Proposed Annexation Area

50 FEET NO ANNEXATION CORRIDOR

TOWNSHIP-77N, RANGE-25W, 26W
5TH PRINCIPAL MERIDIAN



**CITY OF WEST DES MOINES
ENGINEERING SERVICES**
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IOWA 50265
PH: 515.222.3475 FAX: 515.273.0603

PROJECT:

OSMIUM PROPOSED ANNEXATION

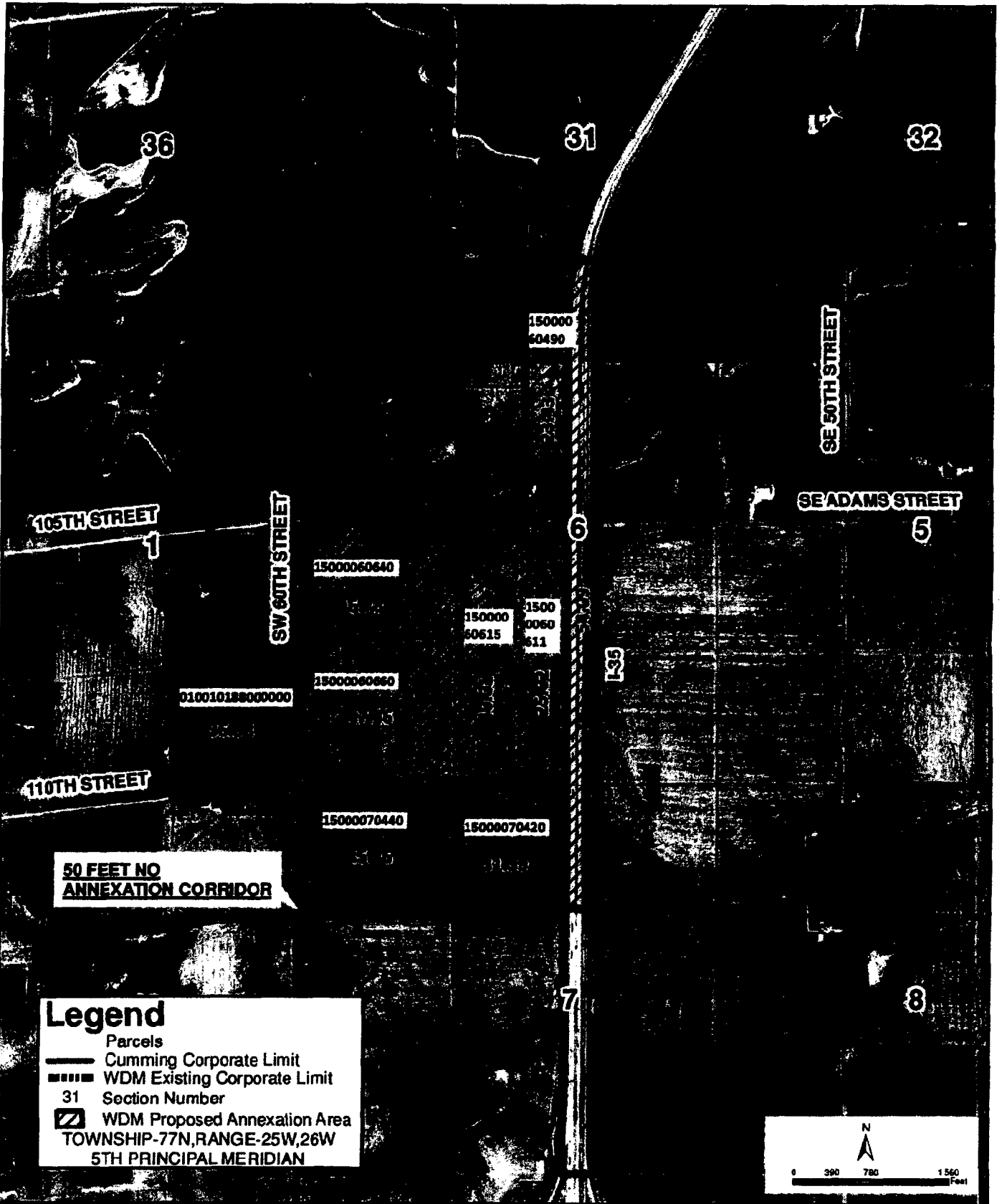
LOCATION:

WARREN AND MADISON COUNTIES

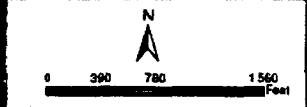
DRAWN BY: REF

DATE: 2/28/2017

SHT. 1 OF 1



Legend
 — Parcels
 — Cumming Corporate Limit
 ■ WDM Existing Corporate Limit
 31 Section Number
 ▨ WDM Proposed Annexation Area
 TOWNSHIP-77N,RANGE-25W,26W
 5TH PRINCIPAL MERIDIAN

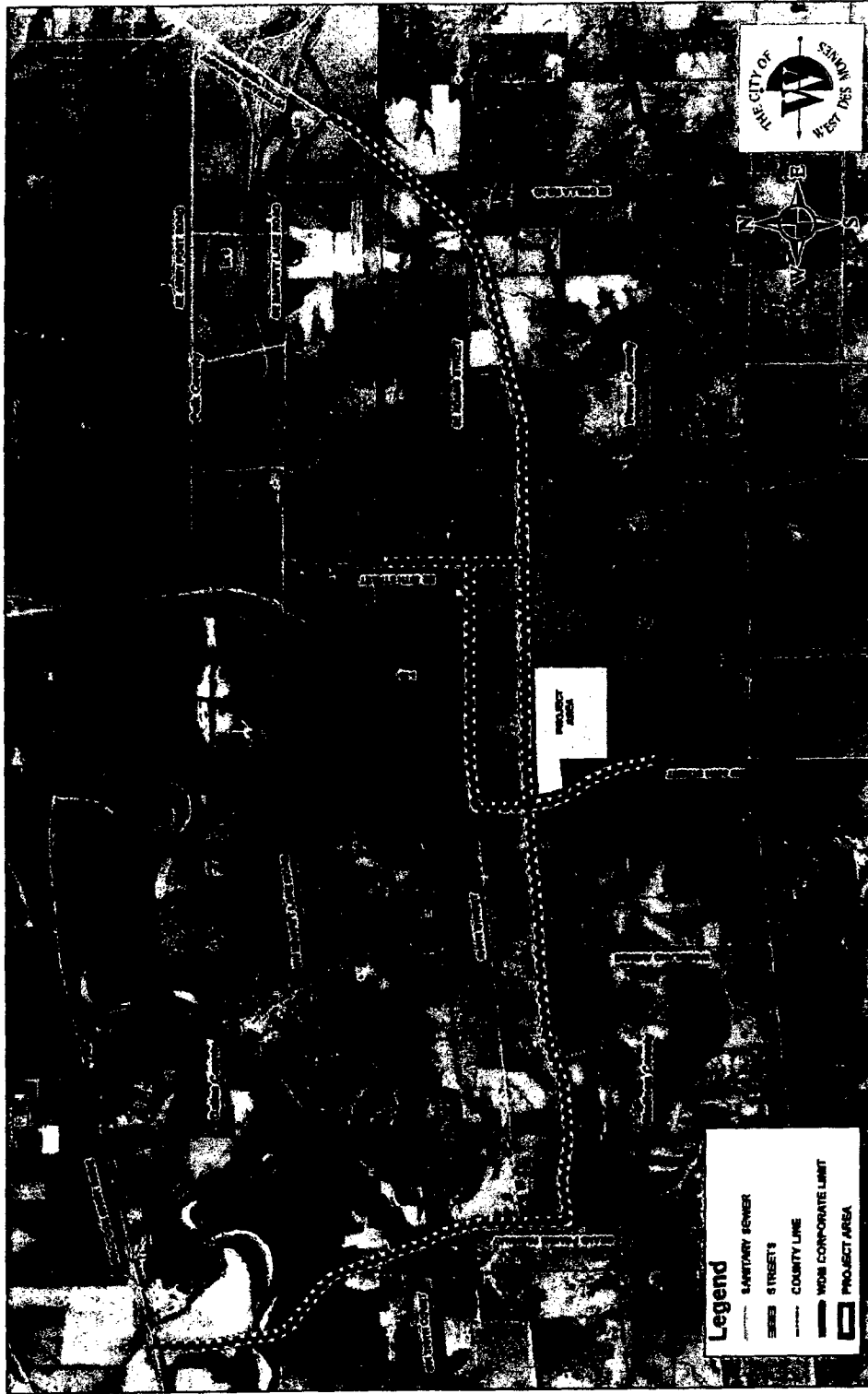



CITY OF WEST DES MOINES
ENGINEERING SERVICES
 4200 MILLS CIVIC PARKWAY
 WEST DES MOINES, IOWA 50265
 PH: 515.222.3475 FAX: 515.273.0603

PROJECT:			OSMIUM PROPOSED ANNEXATION
LOCATION:			WARREN AND MADISON COUNTIES
DRAWN BY:	REF	DATE:	1/03/2016
			SHT. 1 OF 1

Microsoft Osmium Project

- Microsoft's 3rd Data Center in West Des Moines
- 160 acres in Warren County
- 40 acres in Madison County
- 200 total acres
- Four phases of construction
- Each phase is a minimum of 425,250 square feet in size with an estimated building value of \$245,310,000 for each phase
- Total construction is 1,701,000 square feet with an total estimated building value of \$981,240,000



CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE CITY OF	)	NO. UA17-05 / WEST DES MOINES
WEST DES MOINES VOLUNTARY)	
ANNEXATION WITHIN THE URBANIZED AREA	)	NOTICE OF MEETING TO CONSIDER
OF THE CITY OF CUMMING	)	VOLUNTARY ANNEXATION WITHIN AN
	)	URBANIZED AREA

TO: Cities of West Des Moines and Cumming, Madison & Warren County Board of Supervisors, Madison & Warren County Attorneys, 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 March 8, 2017, at the Iowa Economic Development Authority, 200 East Grand Avenue, 2nd Floor Smart Conference Room, Des Moines, 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 866-685-1580; when prompted, enter conference code 5152424815 followed by #. You should then be connected to the meeting.

Should you have questions regarding this notice, please contact the City Development Board at 515/725-3126.

CITY DEVELOPMENT BOARD



Matt Rasmussen, Administrator
City Development Board

PROOF OF SERVICE

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

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Iowa Dist. Trans. Planner
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West Des Moines, IA 50265-0320

Warren County Board of Supervisors
301 N. Buxton Street, Ste. 202
Indianola, IA 50125

Mr. Donald Flinn
Township Chair
3177 Adams Street
Cumming, IA 50061

Mr. Jeff Ridgway
Township Chair
1294 Timber Ridge Avenue
Van Meter, IA 50261

Ms. Lisa Remy
West Des Moines Public Schools
3550 Mills Civic Pkwy.
West Des Moines, IA 50265

Mr. Stan Ripperger
Warren Water District
1204 E. 2nd Avenue
Indianola, IA 50125

Dr. Susi Meade
Winterset Community Schools,
Superintendent
P.O. Box 30
Winterset, IA 50273

Mr. Duane Magee
Norwalk Community Schools,
Superintendent
380 Wright Road
Norwalk, IA 50211

Mr. Robert Denson
Des Moines Area Community College
2006 South Ankeny Blvd.
Ankeny, IA 50023

Warren County Board of Supervisors
301 N. Buxton Street, Ste. 202
Indianola, IA 50125

Ms. Diana Wilson
West Des Moines Water Works
P.O. Box 65320
West Des Moines, IA 50265

Mr. Bill Stowe
Des Moines Water Works
2201 George Flagg Pkwy.
Des Moines, IA 50321

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

Mr. Jim Monaghan
CenturyLink Internet Services
2103 E. University Avenue
Des Moines, IA 50317

Mr. Mike Probst
Mediacom
2205 Ingersoll Avenue
Des Moines, IA 50312

IDOT, c/o Row Division
800 Lincoln Avenue
Ames, IA 50010

Mr. Vernon Flinn
Flinn Farms, LLC
3711 SE 50th Street
Cumming, IA 50061

General Mfg. Co., c/o The Wittern Group, Inc.
P.O. Box 1333, 8040 University Ave.
Des Moines, IA 50325

Holworth Marjorie Abild
Katherine
2280 20th Avenue
Cumming, IA 50061

Ms. Barbara Higgins
3392 105th Street
Cumming, IA 50061

Mr. Lemar Koethe
6000 Douglas Ave., Ste. 210
Urbandale, IA 50322

Mr. Joseph Van Ginkel III
Joseph G. Van Ginkel, III Revocable Trust
3378 110th Street
Cumming, IA 50061

Mr. & Mrs. Chad Spieker
3392 110th Street
Cumming, IA 50061

Ms. Nancy Deimerly
1136 N. 60th Street
Cumming, IA 50061

IPE1031 REV165, LLC
1922 Ingersoll Avenue
Des Moines, IA 50309

Charles I. Colby & Ruth Colby Investment
Trust
6581 University Avenue
Windsor Heights, IA 50324

Ms. Vicky Haluska
c/o Vereonica Haluska & John O. Tank
86 East 4th St., #17
New York City, NY 10003

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 21st day of February, 2017.

Local Delivery
Honorable Tom Miller, Iowa Attorney General


Betty Hessing, Administrative Assistant



THE CITY OF
West Des Moines®
www.wdm.iowa.gov

**Community and Economic
Development**

4200 Mills Civic Parkway, Suite 2E
P.O. Box 65320
West Des Moines, IA 50265-0320

515-273-0770

FAX 515-273-0603
TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

February 16, 2017

FEB 17 2017

CITY DEVELOPMENT BOARD

Honorable Chair and Members of the City Development Board
c/o Iowa Economic Development Authority
200 East Grand Avenue
Des Moines, IA 50309

RE: Voluntary Annexation (Osmium Urban Renewal Area)

Honorable Chair and Members of the Board:

The City of West Des Moines requests that the City Development Board approve the 100% voluntary annexation of 350.62 acres of property encompassing land located along the east right-of-way line of Interstate 35 generally between SE Adams Street and Cumming corporate limits. According to the 2013 Annexation Agreement between the City of West Des Moines and the City of Cumming, the property is wholly within the area that West Des Moines can annex. There is state-owned land included in this annexation along the Interstate 35 right-of-way. The annexation consists of eight parcels, all of which are considered to be agricultural property, according to the Warren County and Madison County Assessors.

The City of West Des Moines's Comprehensive Plan indicates that the property has land use categories of Office and Support Office. In creating the Comprehensive Plan, which was approved in 2010, the City employed smart planning principles.

Microsoft is purchasing a 200-acre site just south of the current corporate limits of the City of West Des Moines on which they are proposing the construction of a 1.7 million square foot data center, Project Osmium. As part of that project, the City is extending streets, water and sewer lines to service the site. All of the infrastructure work will be completed by the end of 2018. The City of West Des Moines is prepared to provide police, fire, public works and emergency medical services to the annexed area.

Of the 200 acres that Microsoft is buying, 160 acres are in Warren County and 40 acres are located in Madison County. In order to make a physical connection with the current City limits, the City is annexing the IDOT right of way along I-35 from the present City Limits to the south edge of the Microsoft project site. In addition to the IDOT right of way, staff is proposing annexation of a 23.43 acre parcel just north of Adams Street and an 80 acre parcel just of Adams Street and adjoining the Microsoft site on the north. All of these parcels are all located in Warren County. Besides the Iowa Department of Transportation's right of way, there are three property owners, Microsoft Corporation, Charles I. and Ruth Colby Investment Trust, and Veronica A. Haluska and John O. Tank involved with the annexation. All parcels are consenting parcels. This is a 100% voluntary annexation.

The City has complied with the notice requirement regarding the right-of-way as noted in the list of mailing recipients.


We request that the requirement for the annexation to be submitted to the board for consideration at the first board meeting conducted 31 or more days after the filing of the request be waived.

In support of the annexation, we enclose the following:

1. A copy of the applications for voluntary annexation of property signed by the trustees of the Charles I. and Ruth Colby Investment Trust, Veronica A. Haluska and John O. Tank, and Microsoft Corporation accompanied by exhibits for the parcels included in the annexation (Exhibit A).
2. A copy of the resolution of the City of West Des Moines approving the annexation of 350.62 acres into the City of West Des Moines (Exhibit B).
3. A location map of the annexation area (Exhibit C-1, C-2, C-3)
4. A copy of the legal description of the annexation area (Exhibit D)
5. A copy of the noticing information including: a copy of the notice that was mailed to the public utilities, governments, and other agencies, a list of the recipients of the mailed notices, proof of certified mailing, and a receipt of publication of the notice in the newspaper of general circulation (Exhibit E).
6. A copy of the letter to the Madison and Warren County Auditor's offices requesting review of the annexation (Exhibit F). Both Auditor's provided a verbal agreement to Clyde Evans verifying the ownership and legal description.
7. A copy of the Annexation Agreement between the City of West Des Moines and the City of Cumming that shows that this area is eligible for annexation by the City of West Des Moines (Exhibit G)

Again, please waive any waiting period for the submittal of the application and place the boundary adjustment on the Board's next meeting agenda. If you have any questions, please feel free to contact me at (515) 273-0770 or clyde.evans@wdm.iowa.gov. City staff will be in attendance at the meeting and will be available to answer questions at that time. Thank you for your consideration.

Sincerely,



Clyde Evans, Director
Community and Economic Development

cc. Tom Hadden, City Manager
Richard Scieszinski, City Attorney
Kevin Williams, Microsoft Corporation

Prepared by: C Evans, Community & Economic Dev, PO Box 65320 West Des Moines IA 50265-0320 (515) 273-0770
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION APPROVING THE VOLUNTARY ANNEXATION OF PROPERTY

WHEREAS, the City of West Des Moines, State of Iowa, is a duly organized municipal corporation; and

WHEREAS, the City of West Des Moines, Iowa, has received an Application for Voluntary Annexation from the property owners of certain real estate under the ownership of said petitioners, located in Warren County and Madison County, Iowa, and shown on the map identified as Exhibit "B" attached hereto and made a part hereof and legally described as follows:

LEGAL DESCRIPTION

See Exhibit "A" attached hereto and made a part hereof.

WHEREAS, such property collectively adjoins the City as required by Chapter 368, Code of Iowa, 2013;

WHEREAS, all required notification has been carried out pursuant to Chapter 368, Code of Iowa, 2013; and


WHEREAS, it is in the best interests of the City and public that said property be annexed to the City of West Des Moines, at this time; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The Applications for Voluntary Annexation are hereby approved and said property shown and described in Exhibit "A" and Exhibit "B" shall be annexed to the City of West Des Moines, Iowa, in accordance with Chapter 368, Code of Iowa, 2013, and such property shall hereinafter become and be part of the City of West Des Moines, Iowa.

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

PASSED AND ADOPTED on January 23, 2017



Steven K. Gaer
Mayor

ATTEST:



Ryan T. Jacobson
City Clerk

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
TREVILYAN	✓			
MICKELSON				✓
TRIMBLE	✓			
MESSERSCHMIDT	✓			
SANDAGER	✓			

MOTION BY Messerschmidt
SECOND BY: Trimble
ROLL CALL # 17-019

17-01-23-13

**EXHIBIT A
LEGAL DESCRIPTION
OSMIUM DEVELOPMENT ANNEXATION
CITY OF WEST DES MOINES**

TWO TRACTS OF LAND LOCATED SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, AND SECTIONS 6 AND 7 TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA, ARE INCLUDED IN AN AREA BEING PETITIONED FOR ANNEXATION INTO THE CITY OF WEST DES MOINES, IOWA, SAID TRACTS OF LAND BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

TRACT 1 – MADISON COUNTY

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE WEST, ALONG THE SOUTH LINE OF SAID SECTION 1, TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 1, TO THE POINT OF BEGINNING.

TRACT 2 – WARREN COUNTY

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, TO A POINT 688.80 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO THE NORTH RIGHT OF WAY LINE OF ADAMS STREET, WITH SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO A POINT LOCATED 257.79 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH 90°00'00" EAST (ASSUMED BEARING), A DISTANCE OF 60.00 FEET;

THENCE NORTH 00°07'39" WEST (ASSUMED BEARING), A DISTANCE OF 2,339.66 FEET, TO THE NORTH LINE OF SAID SECTION 6;

THENCE EAST, ALONG THE NORTH LINE OF SAID SECTION 6, TO THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35, TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

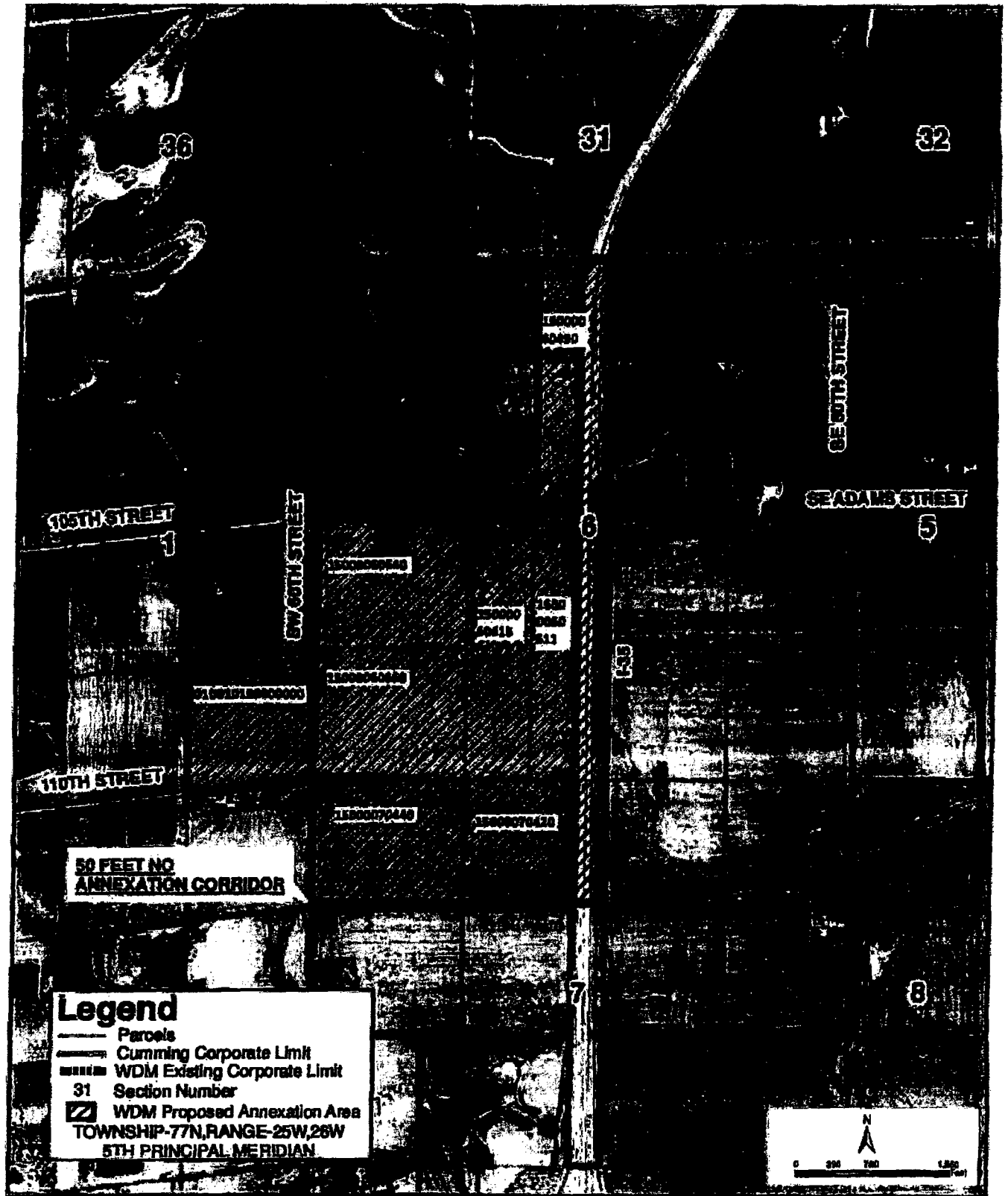
THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE EAST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE WEST LINE OF SAID SECTION 7;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 7, TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 6, TO THE NORTH RIGHT-OF-WAY LINE OF ADAMS STREET (WARREN COUNTY);

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ADAMS STREET, TO THE POINT OF BEGINNING.



Legend

- Parcels
- Cumming Corporate Limit
- WDM Existing Corporate Limit
- 31** Section Number
- WDM Proposed Annexation Area

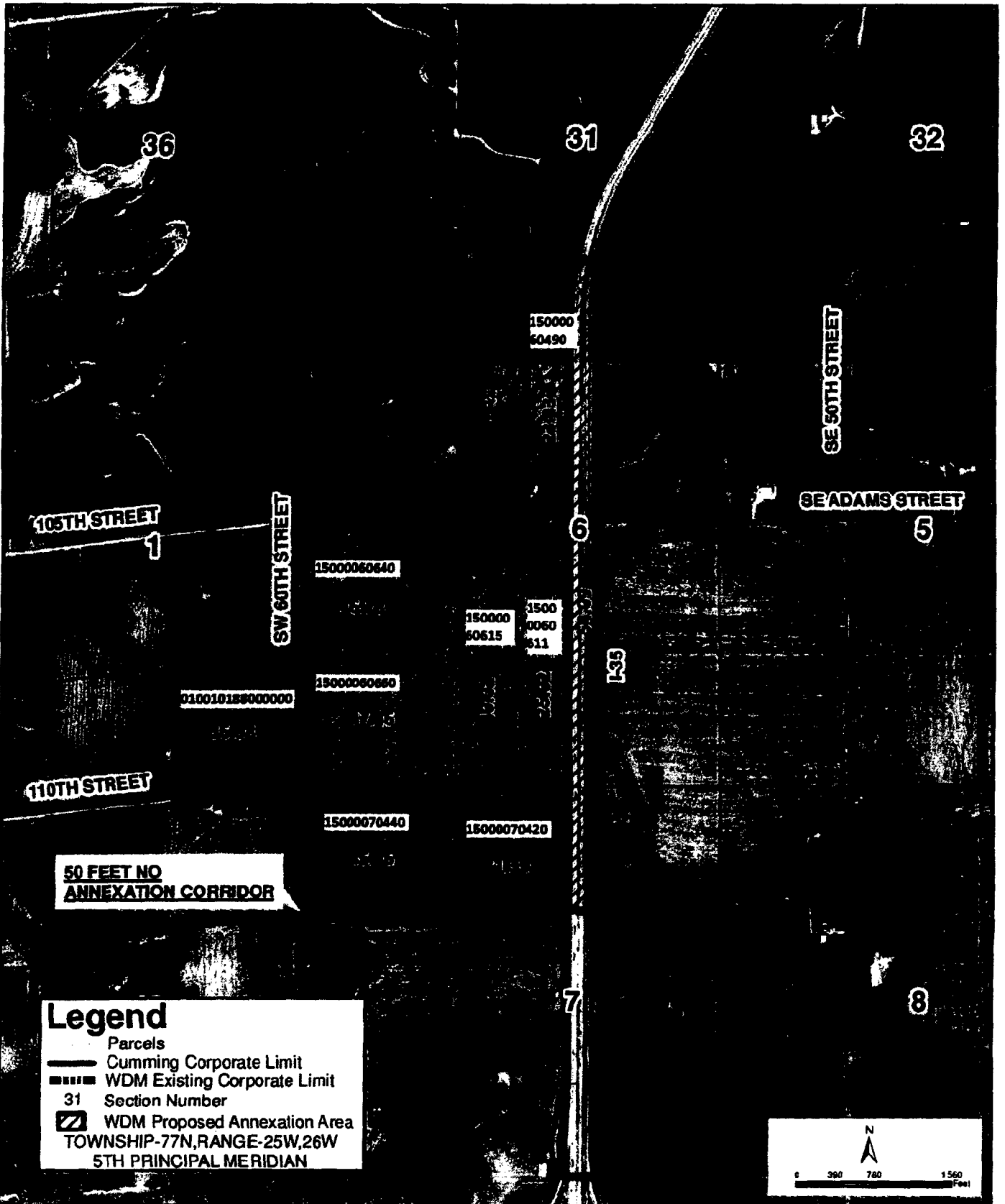
TOWNSHIP-77N,RANGE-25W,26W
5TH PRINCIPAL MERIDIAN



THE CITY OF WEST DES MOINES


**CITY OF WEST DES MOINES
ENGINEERING SERVICES**
400 MILLS CIRC PARKWAY
WEST DES MOINES, IOWA 50265
PH: 515.282.3475 FAX: 515.272.0500

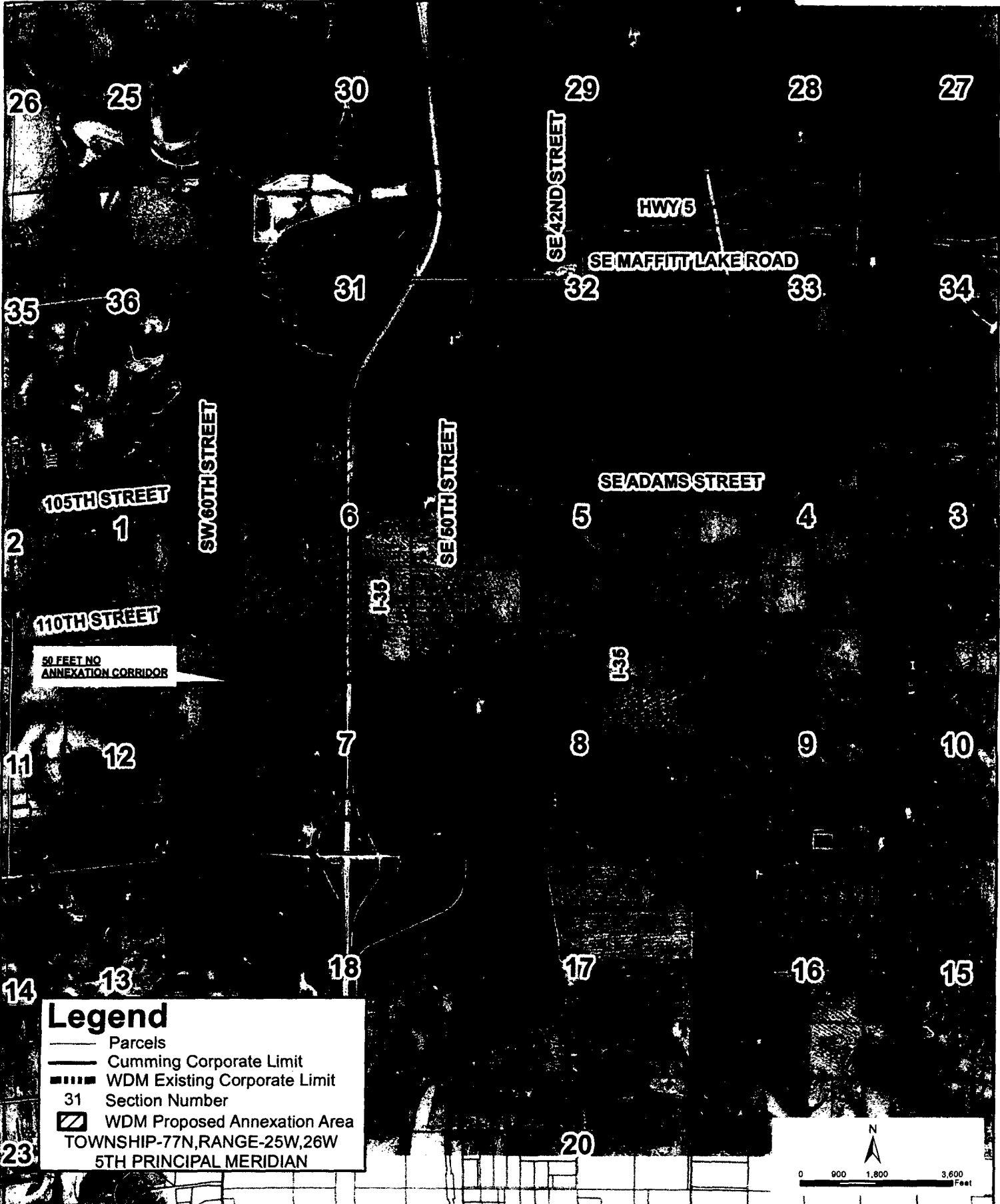
PROJECT: OSMIUM PROPOSED ANNEXATION		
LOCATION: WARREN AND MADISON COUNTIES		
DRAWN BY: REP	DATE: 11/03/2016	SHT. 1 OF 1



Legend
 - Parcels
 - Cumming Corporate Limit
 - WDM Existing Corporate Limit
 31 Section Number
 [Hatched Box] WDM Proposed Annexation Area
 TOWNSHIP-77N,RANGE-25W,26W
 5TH PRINCIPAL MERIDIAN



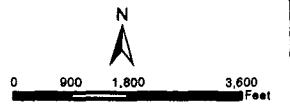
 <p>CITY OF WEST DES MOINES ENGINEERING SERVICES 4200 MILLS CIVIC PARKWAY WEST DES MOINES, IOWA 50265 PH: 515.222.3475 FAX: 515.273.0603</p>	PROJECT: OSMIUM PROPOSED ANNEXATION	
	LOCATION: WARREN AND MADISON COUNTIES	
	DRAWN BY: REF	DATE: 11/03/2016	SHT. 1 OF 1



Legend

- Parcels
- Cumming Corporate Limit
- ▬ WDM Existing Corporate Limit
- 31 Section Number
- ▨ WDM Proposed Annexation Area

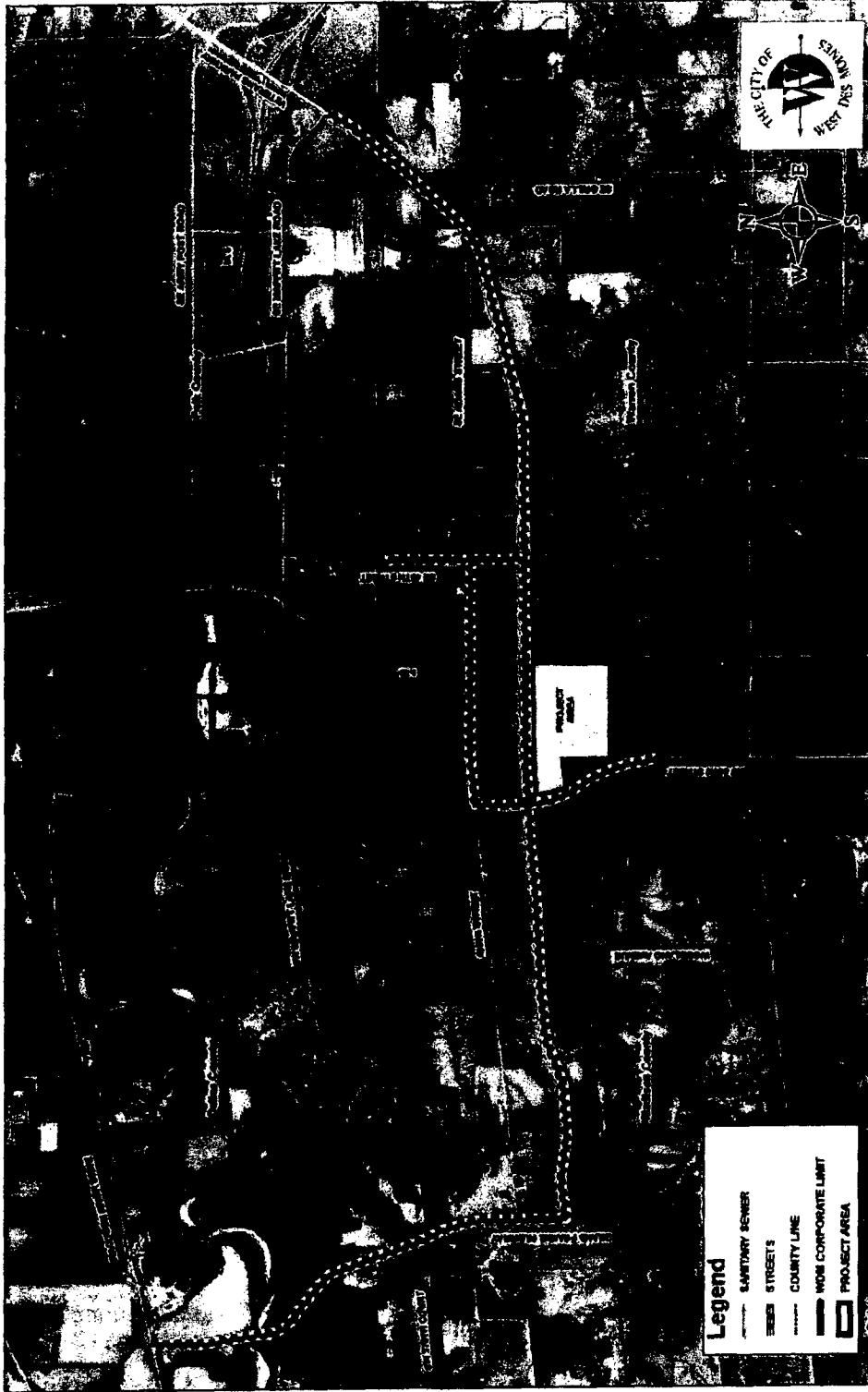
TOWNSHIP-77N, RANGE-25W, 26W
5TH PRINCIPAL MERIDIAN



CITY OF WEST DES MOINES
ENGINEERING SERVICES
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IOWA 50265
PH: 515.222.3475 FAX: 515.273.0603

PROJECT: OSMIUM PROPOSED ANNEXATION		
LOCATION: WARREN AND MADISON COUNTIES		
DRAWN BY: REF	DATE: 12/14/2016	SHT. 1 OF 1

Microsoft Osmium Project



Microsoft's 3rd Data Center in West Des Moines

160 acres in Warren County

40 acres in Madison County

200 total acres

Four phases of construction

Each phase is a minimum of 425,250 square feet in size with an estimated building value of \$245,310,000 for each phase

Total construction is 1,701,000 square feet with an total estimated building value of \$981,240,000





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**Community and Economic
 Development**

4200 Mills Civic Parkway, Suite 2E
 P.O. Box 65320
 West Des Moines, IA 50265-0320

515-273-0770

FAX 515-273-0603
 TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

November 30, 2016

Ms. Heidi Burhans
 Madison County Auditor
 PO Box 152
 Winterset, IA 50273

COPY

RE: Proposed West Des Moines Annexation

Dear Ms. Burhans:

According to Iowa Administrative Code, Section 263, Chapter 7.2(2)d, we are required to send to the County Auditor(s) the legal description outlining a proposed annexation territory and a list of all property owners that we know of within the proposed area for the purpose of verifying that there are no breaks within the legal boundary description and that the land owners listed by us are the current land owners. You are allowed fourteen (14) business days to complete this verification process and return notification to us of any problems.

Therefore, in light of this requirement, please find enclosed the following for the parcel of land within Madison County that the City of West Des Moines is proposing to annex;

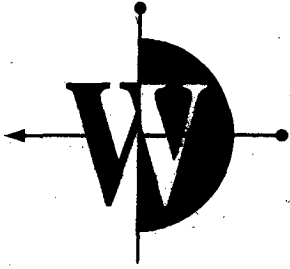
- landowner's annexation application
- legal description of annexation area
- a general location map
- an exhibit showing the parcels to be annexed with parcel identification number and ownership information

Thank you in advance for verifying ownership information and the legal boundary. Please feel free to contact me with any questions at (515) 273-0770 or at clyde.evans@wdm.iowa.gov.

Respectfully,

Clyde Evans
 Director, Community and Economic Development

Enclosures



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FAX 515-273-0603
TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

October 27, 2016

COPY

Ms. Tracy VanderLinden
Warren County Auditor
301 N. Buxton St., Ste. 202
Indianola, IA 50125

RE: Proposed West Des Moines Annexation

Dear Ms. VanderLinden:

According to Iowa Administrative Code, Section 263, Chapter 7.2(2)d, we are required to send to the County Auditor(s) the legal description outlining a proposed annexation territory and a list of all property owners that we know of within the proposed area for the purpose of verifying that there are no breaks within the legal boundary description and that the land owners listed by us are the current land owners. You are allowed fourteen (14) business days to complete this verification process and return notification to us of any problems.

Therefore, in light of this requirement, please find enclosed the following for the parcels of land within Warren County that the City of West Des Moines is proposing to annex;

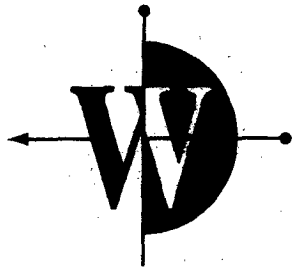
- landowner's annexation application
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- a general location map
- an exhibit showing the parcels to be annexed with parcel identification number and ownership information

Thank you in advance for verifying ownership information and the legal boundary. Please feel free to contact me with any questions at (515) 273-0770 or at clyde.evans@wdm.iowa.gov.

Respectfully,

Clyde Evans
Director, Community and Economic Development

Enclosures



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 West Des Moines, IA 50265-0320

515-273-0770

FAX 515-273-0603
 TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

December 7, 2016

COPY

VIA CERTIFIED MAIL

RE: West Des Moines Annexation: Warren County, Iowa
City Councils and Board of Supervisors

Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., December 27, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider an application for voluntary annexation of contiguous parcels into the City of West Des Moines.

The City of West Des Moines has received an application for Voluntary Annexation into the City for a portion of Section 6 and 7 in Linn Township, Warren County. In general, the proposed annexation encompasses 313.64 acres of land along the east right-of-way of Interstate 35 and generally south of SE Adams Street. In total, the annexation acres are 350.62 acres in Madison County and Warren County.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing must be submitted on or before the time of the public hearing to Clyde Evans, Community & Economic Development, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50265-0320. Upon conclusion of the public hearing, the City Council will take action on the proposal.

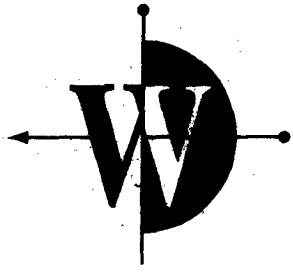
It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call 515-222-3603 to have accommodations provided.

Additional information regarding the proposed annexation may be obtained by e-mailing clyde.evans@wdm.iowa.gov or by telephone at (515) 273-0770.

Sincerely,

Clyde Evans, Director
 Community & Economic Development

Enclosures



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515-273-0770

FAX 515-273-0603
TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

December 7, 2016

COPY

VIA CERTIFIED MAIL

**RE: West Des Moines Annexation: Warren County, Iowa
Utilities, Public Agencies, Other Interests**

Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., December 27, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider an application for voluntary annexation of contiguous parcels into the City of West Des Moines.

The City of West Des Moines has received applications for Voluntary Annexation into the City for a portion of Section 6 and 7 in Linn Township, Warren County. In general, the proposed annexation encompasses 313.64 acres of land along the east right-of-way of Interstate 35 and generally south of SE Adams Street. In total, the annexation acres are 350.62 acres in Madison County and Warren County.

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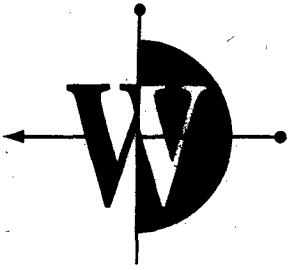
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Additional information regarding the proposed annexation may be obtained by e-mailing clyde.evans@wdm.iowa.gov or by telephone at (515) 273-0770.

Sincerely,

Clyde Evans, Director
Community and Economic Development

Enclosures



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Development

4200 Mills Civic Parkway, Suite 2E
P.O. Box 65320
West Des Moines, IA 50265-0320

515-273-0770

FAX 515-273-0603
TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

COPY

December 7, 2016

VIA REGULAR MAIL

RE: West Des Moines Annexation: Warren County, Iowa
Surrounding Property Owners Notification

Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., December 27, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider an application for voluntary annexation of contiguous parcels into the City of West Des Moines.

The City of West Des Moines has received an application for Voluntary Annexation into the City for a portion of Section 6 and 7 in Linn Township, Warren County. In general, the proposed annexation encompasses 313.64 acres of land along the east right-of-way of Interstate 35 and generally south of SE Adams Street. In total, the annexation acres are 350.62 acres in Madison County and Warren County.

A requirement within the State Code dictates that we must notify adjacent land owners of a proposed annexation. Our maps indicate that you are owners of or have interest in land adjacent to the annexation area; therefore, you are receiving this notice. This annexation only includes the properties shown in the highlighted area on the enclosed map. The proposed annexation does not affect properties not included in the annexation area. This letter is only being sent to satisfy a requirement of the State.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing must be submitted on or before the time of the public hearing to Clyde Evans, Community and Economic Development Department, PO Box 65320, West Des Moines, Iowa 50265-0320. Upon conclusion of the public hearing, the City Council will take action on the proposal.

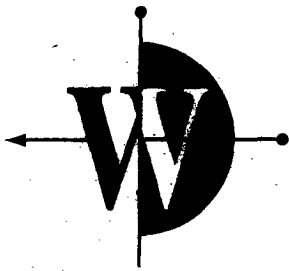
It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call (515) 222-3600 to have accommodations provided.

Additional information regarding the proposed annexation may be obtained through the City of West Des Moines Community and Economic Development Department at (515) 273-0770.

Respectfully,

Clyde Evans, Director
Community & Economic Development

Enclosures



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Development

4200 Mills Civic Parkway, Suite 2E
P.O. Box 65320
West Des Moines, IA 50265-0320

515-273-0770

FAX 515-273-0603
TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

December 7, 2016

COPY

VIA CERTIFIED MAIL

RE: West Des Moines Annexation: Madison County, Iowa
City Councils and Board of Supervisors

Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., December 27, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider an application for voluntary annexation of contiguous parcels into the City of West Des Moines.

The City of West Des Moines has received an application for Voluntary Annexation into the City for a portion of Section 1 in Lee Township, Madison County. In general, the proposed annexation in Madison County encompasses 36.98 acres of land west of SW 60th Street and north of 110th Street. In total, the annexation acres are 350.62 acres in Madison County and Warren County.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing must be submitted on or before the time of the public hearing to Clyde Evans, Community & Economic Development, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50265-0320. Upon conclusion of the public hearing, the City Council will take action on the proposal.

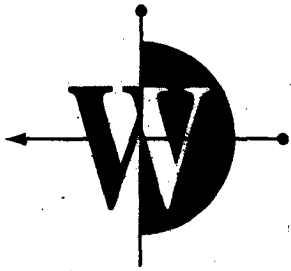
It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call 515-222-3603 to have accommodations provided.

Additional information regarding the proposed annexation may be obtained by e-mailing clyde.evans@wdm.iowa.gov or by telephone at (515) 273-0770.

Sincerely,

Clyde Evans, Director
Community & Economic Development

Enclosures



THE CITY OF
West Des Moines®
www.wdm.iowa.gov

Community and Economic
Development

4200 Mills Civic Parkway, Suite 2E
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FAX 515-273-0603
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December 7, 2016

COPY

VIA CERTIFIED MAIL

RE: West Des Moines Annexation: Madison County, Iowa
Utilities, Public Agencies, Other Interests

Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., December 27, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider an application for voluntary annexation of contiguous parcels into the City of West Des Moines.

The City of West Des Moines has received applications for Voluntary Annexation into the City for a portion of Section 1 in Lee Township, Madison County. In general, the proposed annexation in Madison County encompasses 36.98 acres of land west of SW 60th Street and north of 110th Street. In total, the annexation acres are 350.62 acres in Madison County and Warren County.

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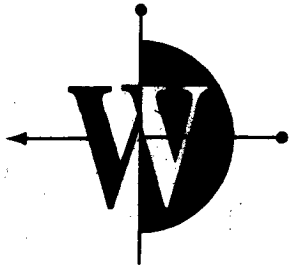
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Sincerely,

Clyde Evans, Director
Community and Economic Development

Enclosures



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West Des Moines, IA 50265-0320

515-273-0770

FAX 515-273-0603
TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

December 7, 2016

COPY

VIA REGULAR MAIL

RE: West Des Moines Annexation: Madison County, Iowa
Surrounding Property Owners Notification

Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., December 27, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider an application for voluntary annexation of contiguous parcels into the City of West Des Moines.

The City of West Des Moines has received an application for Voluntary Annexation into the City for a portion of Section 1 in Lee Township, Madison County. In general, the proposed annexation in Madison County encompasses 36.98 acres of land west of SW 60th Street and north of 110th Street. In total, the annexation acres are 350.62 acres in Madison County and Warren County.

A requirement within the State Code dictates that we must notify adjacent land owners of a proposed annexation. Our maps indicate that you are owners of or have interest in land adjacent to the annexation area; therefore, you are receiving this notice. This annexation only includes the properties shown in the highlighted area on the enclosed map. The proposed annexation does not affect properties not included in the annexation area. This letter is only being sent to satisfy a requirement of the State:

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing must be submitted on or before the time of the public hearing to Clyde Evans, Community and Economic Development Department, PO Box 65320, West Des Moines, Iowa 50265-0320. Upon conclusion of the public hearing, the City Council will take action on the proposal.

It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call (515) 222-3600 to have accommodations provided.

Additional information regarding the proposed annexation may be obtained through the City of West Des Moines Community and Economic Development Department at (515) 273-0770.

Respectfully,

Clyde Evans, Director
Community & Economic Development

Enclosures

AFFIDAVIT OF MAILING

RE: ANNEXATION/PUBLIC HEARING NOTIFICATION: Osmium Voluntary Annexation

STATE OF IOWA)
) SS:
COUNTY OF POLK)

The undersigned, first being duly sworn, states that on the 7th day of December, 2016, he/she personally mailed to the named persons identified on the attached Exhibit 'V', a packet of information regarding a proposed voluntary annexation for territory in Warren and Madison Counties into the City of West Des Moines. Such mailing was done by certified mail, each such document being mailed in a sealed envelope with proper postage thereon, addressed to the said persons at their last known addresses.



SUBSCRIBED AND SWORN to before me this 7th day of December, 2016.


Notary Public - State of Iowa



	Last	First	Title/Business	Address	City	State	Zip	Certified Mail
Consultation Hearing								
	Becker, Mayor	Tom	City Council of the City of Cumming	PO Box 100	Cumming	IA	50061	7015-0640-0001-4423-7051
Auditor	Burhans	Heidi	Madison County Board of Supervisors	112 N John Wayne Dr, PO Box 152	Winterset	IA	50273	7015-0640-0001-4423-7037
	Price	Aaron	Madison County Bd of Supervisors	PO Box 152	Winterset	IA	50273	7015-0640-0001-4423-6993
	Duff	Robert	Madison County Bd of Supervisors	PO Box 152	Winterset	IA	50273	7015-0640-0001-4423-7006
	Clifton	Phil	Madison County Bd of Supervisors	PO Box 152	Winterset	IA	50273	7015-0640-0001-4423-6986
Auditor	VanderLinden	Traci	Warren County Board of Supervisors	301 N. Buxton Street, Ste. 202	Indianola	IA	50125	7015-0640-0001-4423-7044
	McIntyre	Cystal	Warren County Board of Supervisors	301 N. Buxton Street, Ste. 202	Indianola	IA	50125	7015-0640-0001-4423-5972
	Shull	Doug	Warren County Board of Supervisors, Chair	301 N. Buxton Street, Ste. 202	Indianola	IA	50125	7015-0640-0001-4423-6979
	Yordi	Dean	Warren County Board of Supervisors	301 N. Buxton Street, Ste. 202	Indianola	IA	50125	7004-1350-0001-2052-2455
Township Trustees	Flinn	Donald G.	Township Chair	3177 Adams Street	Cumming	IA	50061	7015-0640-0001-4423-7020
	Ridgway	Jeff	Township Chair	1294 Timber Ridge Avenue	Van Meter	IA	50261	7015-0640-0001-4423-7013
Public Hearing								
City Clerk	Jacobson	Ryan	City of West Des Moines	PO Box 65320	West Des Moines	IA	50265	Direct Delivery
City	Becker, Mayor	Tom	City Council of the City of Cumming	PO Box 100	Cumming	IA	50061	7016-0910-0001-8219-2638
Schools	Remy	Lisa	Superintendent: WDM Public Schools	3550 Mills Civic Pkwy	West Des Moines	IA	50265	7016-0910-0001-8219-2845
	Meade	Dr. Susi	Superintendent: Winterset Community Schools	PO Box 30	Winterset	IA	50273	7016-0910-0001-8219-2662
	Magee	Duane	Superintendent: Norwalk Community School District	380 Wright Road	Norwalk	IA	50211	7016-0910-0001-8219-2669
Auditor	Denson	Robert	Des Moines Area Community College	2006 South Ankeny Blvd.	Ankeny	IA	50023	7016-0910-0001-8219-2676
	Burhans	Heidi	Madison County Board of Supervisors	112 N John Wayne Dr, PO Box 152	Winterset	IA	50273	7016-0910-0001-8219-2690
	Price	Aaron	Madison County Bd of Supervisors	PO Box 152	Winterset	IA	50273	7016-0910-0001-8219-2706
	Duff	Robert	Madison County Bd of Supervisors	PO Box 152	Winterset	IA	50273	7016-0910-0001-8219-2713
Auditor	VanderLinden	Phil	Madison County Bd of Supervisors	PO Box 152	Winterset	IA	50273	7016-0910-0001-8219-2720
	McIntyre	Traci	Warren County Board of Supervisors	301 N. Buxton Street, Ste. 202	Indianola	IA	50125	7016-0910-0001-8219-2737
	Shull	Cystal	Warren County Board of Supervisors	301 N. Buxton Street, Ste. 202	Indianola	IA	50125	7016-0910-0001-8219-2744
	Yordi	Doug	Warren County Board of Supervisors, Chair	301 N. Buxton Street, Ste. 202	Indianola	IA	50125	7016-0910-0001-8219-2751
Township Trustees	Flinn	Donald G.	Warren County Board of Supervisors	301 N. Buxton Street, Ste. 202	Indianola	IA	50125	7016-0910-0001-8219-2768
Utilities	Ridgway	Jeff	Township Chair	3177 Adams Street	Cumming	IA	50061	7016-0910-0001-8219-2775
	Ripperger	Stan	Township Chair	1294 Timber Ridge Avenue	Van Meter	IA	50261	7016-0910-0001-8219-2782
	Wilson	Diana	Warren Water District	1204 E. 2nd Avenue	Indianola	IA	50125	7016-0910-0001-8219-2799
	Stowe	Bill	West Des Moines Water Works	PO Box 65320	West Des Moines	IA	50265	Direct Delivery
	Helkes	Eric	Des Moines Water Works	2201 George Flagg Parkway	Des Moines	IA	50321	7016-0910-0001-8219-2805
	Monaghan	Jim	MidAmerican Energy	10510 Douglas Avenue	Urbandale	IA	50322	7016-0910-0001-8219-2812
	Probst	Mike	Century Link Internet Services	2103 E. University Avenue	Des Moines	IA	50317	7016-0910-0001-8219-2829
MPO	Ashby	Todd	Mediacom	2205 Ingersoll Avenue	Des Moines	IA	50312	7016-0910-0001-8219-2843
DOT	Iowa Dept of Transportation		Des Moines Area MPO	420 Watson Powell, Jr. Way, Ste. 200	Des Moines	IA	50309	7016-0910-0001-8219-2836
Adjacent Landowners	Flinn	Vernon	c/o Row Division	800 Lincoln Ave.	Arnes	IA	50010	7016-0910-0001-8219-2850
	City of Des Moines	DM Water Works	Flinn Farms, LLC	3711 SE 50th Street	Cumming	IA	50061	Regular Mail
	General Manufacturing Co.		c/o Bill Stowe	2201 George Flagg Parkway	Des Moines	IA	50321	7016-0910-0001-8219-2805
	Abild	Marlorie	c/o The Wittern Group, Inc.	PO Box 1333, 8040 University Avenue	Des Moines	IA	50325	Regular Mail
	Higgins	Barbara	Katherine Holworth	2280 20th Avenue	Cumming	IA	50061	Regular Mail
	Koehne	Lemar		3392 105th Street	Cumming	IA	50061	Regular Mail
	Van Ginkel, III	Joseph	Joseph G. Van Ginkel, III Revocable Trust	8000 Douglas Ave., Ste. 210	Urbandale	IA	50322	Regular Mail
	Spleker	Chad & Leslie		3378 110th Street	Cumming	IA	50061	Regular Mail
	Delmerly	Nancy		3392 110th Street	Cumming	IA	50061	Regular Mail
			IPE1031 REV165, LLC	1136 N 60th Street	Cumming	IA	50061	Regular Mail
Landowners			Charles I. Colby and Ruth Colby Investment Trust	1922 INGERSOLL AVE.	DES MOINES	IA	50309	Regular Mail
			c/o Vereonica A. Haluska & John O. Tank	6561 University Ave.	Windsor Heights	IA	50324	Regular Mail
	Haluska	Vicky		86 East 4th Street #17	New York City	NY	10003	Regular Mail

NOTICE OF ANNEXATION

The City of West Des Moines has received an application for Voluntary Annexation into the City for portions of Section 6 in Linn Township, Warren County and Section 1 in Lee Township, Madison County. Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., December 27, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider this application for voluntary annexation of contiguous parcels into the City of West Des Moines. In general, the proposed annexation encompasses 350.62 acres of land along the east right-of-way of Interstate 35 and generally south of SE Adams Street and north of the Cumming corporate limits.

The area is more specifically defined as follows:

TWO TRACTS OF LAND LOCATED SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, AND SECTIONS 6 AND 7 TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA, ARE INCLUDED IN AN AREA BEING PETITIONED FOR ANNEXATION INTO THE CITY OF WEST DES MOINES, IOWA, SAID TRACTS OF LAND BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

TRACT 1 – MADISON COUNTY

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE WEST, ALONG THE SOUTH LINE OF SAID SECTION 1, TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 1, TO THE POINT OF BEGINNING.

TRACT 2 – WARREN COUNTY

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, TO A POINT 688.80 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO THE NORTH RIGHT OF WAY LINE OF ADAMS STREET, WITH SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 00°11'34" WEST (ASSUMED BEARING), TO A POINT LOCATED 257.79 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6;

THENCE NORTH 90°00'00" EAST (ASSUMED BEARING), A DISTANCE OF 60.00 FEET;

THENCE NORTH 00°07'39" WEST (ASSUMED BEARING), A DISTANCE OF 2,339.66 FEET, TO THE NORTH LINE OF SAID SECTION 6;

THENCE EAST, ALONG THE NORTH LINE OF SAID SECTION 6, TO THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35, TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE EAST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE WEST LINE OF SAID SECTION 7;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 7, TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 6, TO THE NORTH RIGHT-OF-WAY LINE OF ADAMS STREET (WARREN COUNTY);

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ADAMS STREET, TO THE POINT OF BEGINNING.

Additional information regarding the proposed annexation, including a map of the proposed annexation area may be obtained from Clyde Evans, Director, at the City of West Des Moines Community & Economic Development Department at (515) 273-0770.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing shall be submitted on or before the time of the public hearing to Clyde Evans, Community & Economic Development Department, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50265-0320.

It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call 515-222-3600 to have accommodations provided.

Ryan T. Jacobson
City Clerk



AFFIDAVIT OF PUBLICATION

State of Iowa

County of Warren, ss.:

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 RECORD HERALD & INDIANOLA TRIBUNE

newspaper of general circulation printed and published in the City of Indianola, Warren County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Record-Herald & Indianola Tribune on the following dates:

Ad No.	Start Date:	Run Dates:	Cost:
0001773542	12/14/16	12/14/16	\$107.96

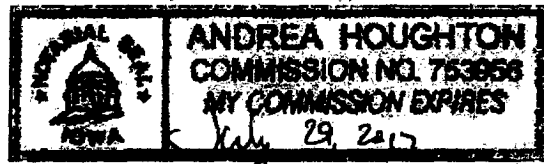
Copy of Advertisement
Exhibit "A"


Staff member, The Record Herald & Indianola Tribune

Subscribed and sworn to before me by said affiant this

14th day of December, 2016


Notary Public for the state of Iowa



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THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 1, TO THE POINT OF BEGINNING.

TRACT 2 - WARREN COUNTY
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF

THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA.

THENCE EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6 TO A POINT 688.80 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6.

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THENCE NORTH 00°07'39" WEST (ASSUMED BEARING), A DISTANCE OF 2,429.83 FEET TO THE NORTH LINE OF SAID SECTION 6.

THENCE EAST, ALONG THE NORTH LINE OF SAID SECTION 6 TO THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35.

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35 TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 28 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA.

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE EAST LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7.

THENCE WEST, ALONG A LINE 50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE WEST LINE OF SAID SECTION 7.

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 7 TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 28 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA.

THENCE NORTH, ALONG THE WEST LINE OF SAID SECTION 6 TO THE NORTH RIGHT-OF-WAY LINE OF ADAMS STREET (WARREN COUNTY).

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ADAMS STREET, TO THE POINT OF BEGINNING.

Additional information regarding the proposed annexation, including

a map of the proposed annexation area may be obtained from Clyde Evans, Director, at the City of West Des Moines Community & Economic Development Department at (515) 273-0770.

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Ryan T. Jacobson
City Clerk

Published in the Record Herald
and Indianola Tribune on
Wednesday, Dec. 14, 2016

STATE OF IOWA
SS
MADISON COUNTY

AFFIDAVIT OF PUBLICATIONS

TED GORMAN being duly sworn says he is publisher of WINTERSET MADISONIAN a once weekly paper of General circulation, published in Winterset, Iowa, and that the notice, a copy which is annexed and made part hereof was correctly published in said paper.

for the period 1 consecutive weeks, the last publication thereof being

on the 7 day of Dec 20 16

Ted Gorman

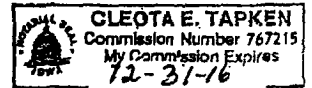
Subscribed and sworn to before me this

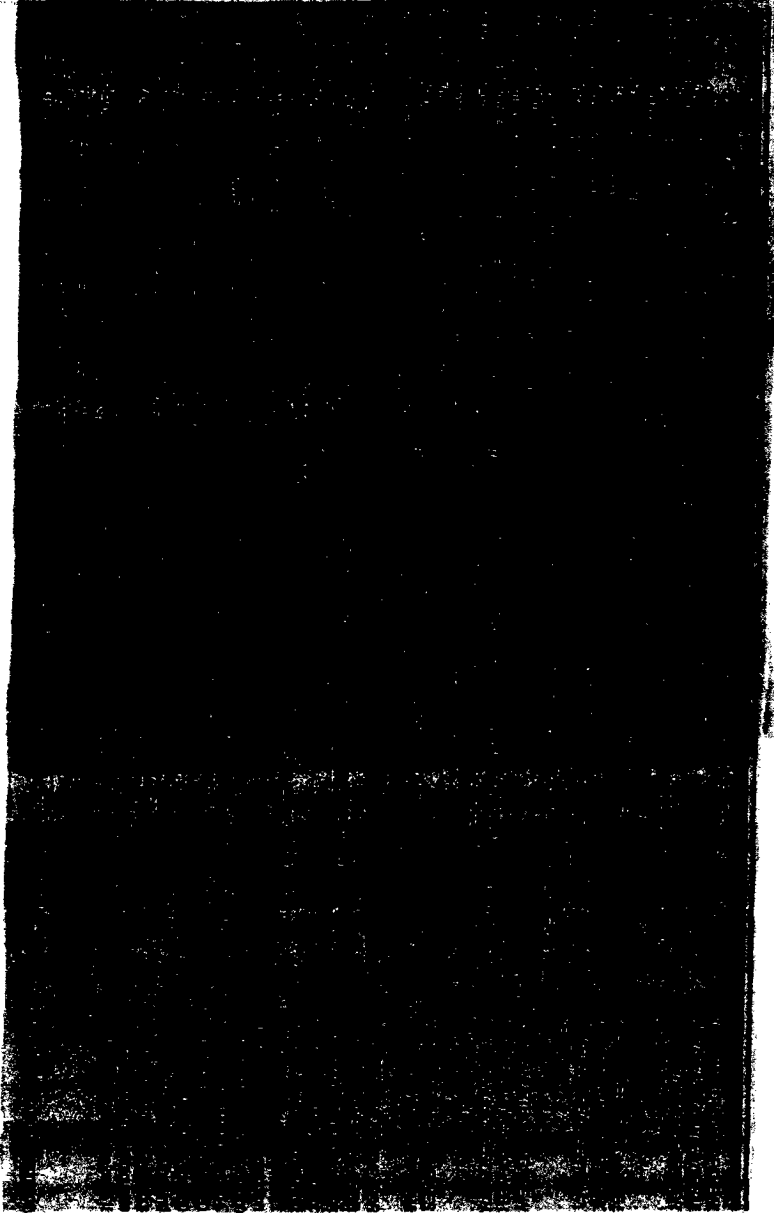
8 day of Dec. 20 16

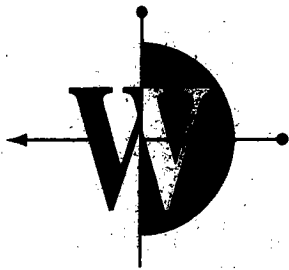
Gleota Tapken

NOTARY PUBLIC
In and for Madison County

Fee 15.07
\$







THE CITY OF
West Des Moines®
 www.wdm.iowa.gov

**Community and Economic
 Development**

4200 Mills Civic Parkway, Suite 2E
 P.O. Box 65320
 West Des Moines, IA 50265-0320

515-273-0770

FAX 515-273-0603
 TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

November 30, 2016

Ms. Heidi Burhans
 Madison County Auditor
 PO Box 152
 Winterset, IA 50273

COPY

RE: Proposed West Des Moines Annexation

Dear Ms. Burhans:

According to Iowa Administrative Code, Section 263, Chapter 7.2(2)d, we are required to send to the County Auditor(s) the legal description outlining a proposed annexation territory and a list of all property owners that we know of within the proposed area for the purpose of verifying that there are no breaks within the legal boundary description and that the land owners listed by us are the current land owners. You are allowed fourteen (14) business days to complete this verification process and return notification to us of any problems.

Therefore, in light of this requirement, please find enclosed the following for the parcel of land within Madison County that the City of West Des Moines is proposing to annex;

- landowner's annexation application
- legal description of annexation area
- a general location map
- an exhibit showing the parcels to be annexed with parcel identification number and ownership information

Thank you in advance for verifying ownership information and the legal boundary. Please feel free to contact me with any questions at (515) 273-0770 or at clyde.evans@wdm.iowa.gov.

Respectfully,

Clyde Evans
 Director, Community and Economic Development

Enclosures

Schoon, Kay

From: Heidi Burhans <hburhans@madisoncoia.us>
Sent: Saturday, January 21, 2017 2:50 PM
To: Schoon, Kay
Cc: Evans, Clyde
Subject: RE: Proposed West Des Moines Annexation
Attachments: 0295_001.jpg

Ms. Schoon:

Please see attached, and here is the response I received from our County Assessor:

From: Joni Hopkins
Sent: Friday, January 20, 2017 4:01 PM
To: Heidi Burhans <hburhans@madisoncoia.us>
Subject: City of West Des Moines - Osmium Project

Heidi:

I have verified Tract 1 in Madison County. The property owners in attached legal description is Veronica A Haluska and John O Tank.

Joni J Hopkins
Madison County Assessor
PO Box 152
112 N John Wayne Dr
Winterset, IA 50273
Phone: 515-462-4303
Fax: 515-462-5888

Regards,

Heidi L. Burhans
Madison Co. Auditor & Commissioner of Elections
112 N John Wayne Dr
PO Box 152
Winterset IA 50273
515.462.3914
hburhans@madisoncoia.us
www.madisoncoia.us

From: Schoon, Kay [<mailto:Kay.Schoon@wdm.iowa.gov>]
Sent: Friday, January 20, 2017 12:06 PM
To: Heidi Burhans <hburhans@madisoncoia.us>
Cc: Evans, Clyde <Clyde.Evans@wdm.iowa.gov>
Subject: Proposed West Des Moines Annexation

Ms. Burhans:

TRACT 1 – MADISON COUNTY

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE WEST, ALONG THE SOUTH LINE OF SAID SECTION 1, TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE NORTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 1, TO THE POINT OF BEGINNING.



THE CITY OF
West Des Moines®
www.wdm.iowa.gov

**Community and Economic
Development**

4200 Mills Civic Parkway, Suite 2E
P.O. Box 65320
West Des Moines, IA 50265-0320

515-273-0770

FAX 515-273-0603
TDD/TTY 515-222-3334

E-mail ced@wdm.iowa.gov

October 27, 2016

COPY

Ms. Tracy VanderLinden
Warren County Auditor
301 N. Buxton St., Ste. 202
Indianola, IA 50125

RE: Proposed West Des Moines Annexation

Dear Ms. VanderLinden:

According to Iowa Administrative Code, Section 263, Chapter 7.2(2)d, we are required to send to the County Auditor(s) the legal description outlining a proposed annexation territory and a list of all property owners that we know of within the proposed area for the purpose of verifying that there are no breaks within the legal boundary description and that the land owners listed by us are the current land owners. You are allowed fourteen (14) business days to complete this verification process and return notification to us of any problems.

Therefore, in light of this requirement, please find enclosed the following for the parcels of land within Warren County that the City of West Des Moines is proposing to annex;

- landowner's annexation application
- legal description of annexation area
- a general location map
- an exhibit showing the parcels to be annexed with parcel identification number and ownership information

Thank you in advance for verifying ownership information and the legal boundary. Please feel free to contact me with any questions at (515) 273-0770 or at clyde.evans@wdm.iowa.gov.

Respectfully,

Clyde Evans
Director, Community and Economic Development

Enclosures

Warren County Auditor

301 N. Buxton, Suite 101, Indianola, Iowa 50125

Telephone (515) 961-1020

**Traci VanderLinden
Auditor & Commissioner
of Elections**

Fax (515) 961-1049

February 7, 2017

**City of West Des Moines
Attn: Clyde Evans
4200 Mills Civic Parkway
West Des Moines, Iowa 50265**

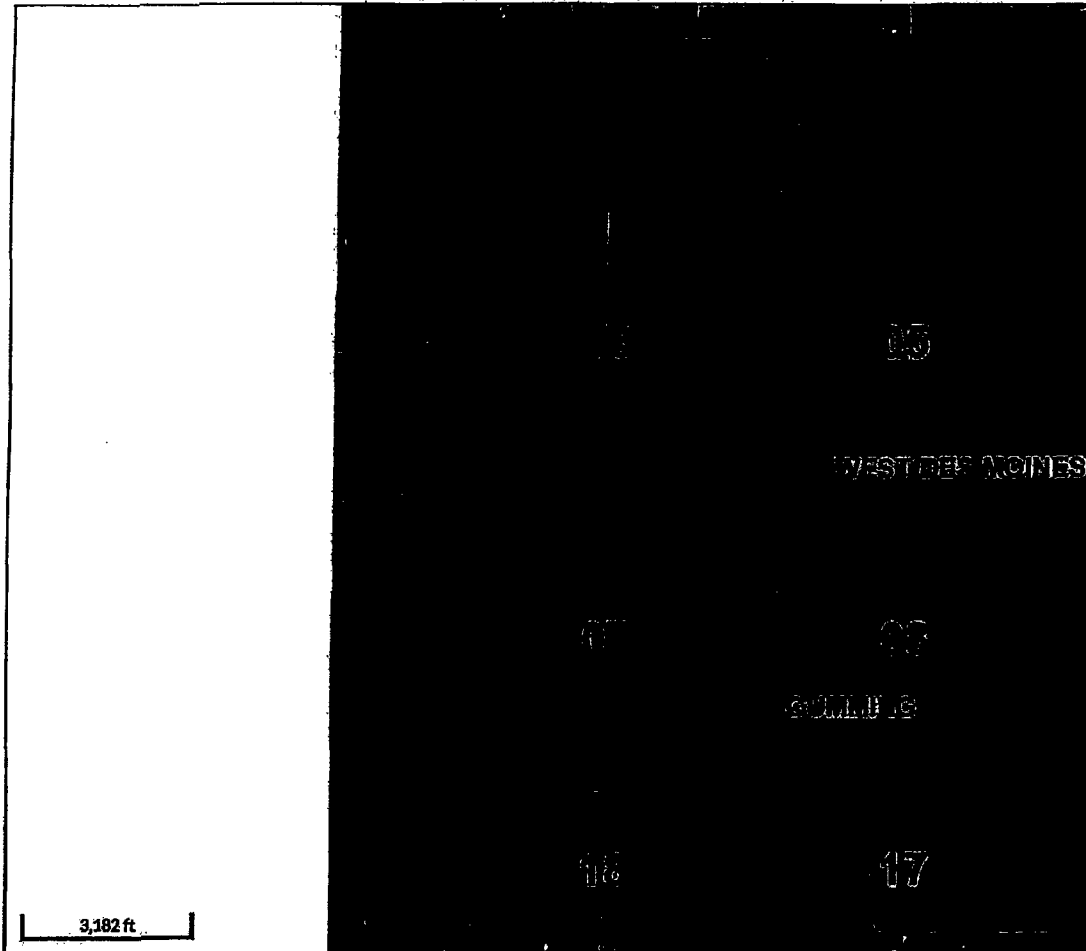
Dear Mr Clyde Evans,

I am writing to confirm that I have verified the landowners, Charles and Ruth Colby of which part is now in the name of Microsoft Corp. and the legals for their properties Proposed West Des Moines Annexation.

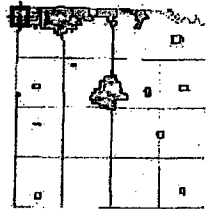
Respectfully,



**Traci VanderLinden
Warren County Auditor**



Overview



Legend

- Roads**
- Interstate
 - Highway
 - Ramp
 - County Hwy
 - County Paved
 - County Gravel
 - County Level B
 - County Level C
 - City Gravel
 - City Street
 - Private Street
- Corporate Limits
 - Parcels
 - Political Township
 - Sections
 - Quarters
 - Water

Parcel ID	15000060490	Alternate ID	n/a	Owner Address	COLBY, CHARLES W/RUTH INV TST
Sec/Twp/Rng	6-77-25	Class	A		6581 UNIVERSITY AVE
Property Address		Acreage	24.62		WINDSOR HEIGHTS IA 50324-1793
District	15657				
Brief Tax Description	6-77-25 PCL A E 1/2 NW (Note: Not to be used on legal documents)				

Disclaimer:

The maps included in this website do not represent a survey and are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contain information required for government purposes. No warranties, expressed or implied, are provided for the data herein, its use or its interpretation. Warren County assumes no responsibility for use or interpretation of the data. Any person that relies on any information obtained from this site does so at his or her own risk. All critical information should be independently verified.

The 2,000 Foot Buffers layer is for law enforcement guidance only, and is based on the best information available at the time it was prepared. This layer should not be considered to be a complete and accurate representation of the locations of every school or child care facility, and will be changed as new information is available. The registered offender is responsible for ensuring that proposed residence is in compliance with the law, and may not rely solely on this layer. The registered offender should seek legal advice from a licensed attorney if needed.

Date created: 2/7/2017
Last Data Uploaded: 2/6/2017 11:49:06 PM



Matt Schultz
Secretary of State
State of Iowa

28E Agreement

FOR OFFICE USE ONLY

FILED

M506792

11/11/2013 3:01:38 PM

PLEASE READ INSTRUCTIONS ON BACK BEFORE COMPLETING THIS FORM

Item 1. The full legal name, organization type and county of each participant to this agreement are:

	Full Legal Name	Organization Type	*County
Party 1	West Des Moines	City	Polk
Party 2	Cumming	City	Warren
Party 3			
Party 4			
Party 5			

*Enter "Other" if
 not in Iowa

Item 2. The type of Public Service included in this agreement is: 560 Planning
 (Enter only one Service Code and Description) Code Number Service Description

Item 3. The purpose of this agreement is: (please be specific)
 Annexation Moratorium and Subdivision Review Agreement

Item 4. The duration of this agreement is: (check one) Agreement Expires 10/22/2023 Indefinite Duration
 [mm/dd/yyyy]

Item 5. Does this agreement amend or renew an existing agreement? (check one)

NO

YES Filing # of the agreement: _____

(Use the filing number of the most recent version filed for this agreement)

The filing number of the agreement may be found by searching the 28E database at: www.sos.state.ia.us/28E.

Item 6. Attach two copies of the agreement to this form if not filing online.

Item 7. The primary contact for further information regarding this agreement is: (optional)

LAST Name Jacobson FIRST Name Ryan

Title Deputy City Clerk Department Deputy City Clerk

Email ryan.jacobson@wdm.iowa.gov Phone 515-222-3603

Annexation Moratorium and Subdivision Review Agreement pursuant to Iowa Code Sections 368 and 28E between the City of Cumming, Iowa and the City of West Des Moines, Iowa

This Annexation Moratorium and Subdivision Review Agreement (hereinafter "Agreement") is made and entered into as of the 14th day of October, 2013, by and between the City of Cumming, an Iowa municipal corporation (hereinafter "Cumming") and the City of West Des Moines, an Iowa municipal corporation (hereinafter "West Des Moines").

WHEREAS, pursuant to Iowa Code Chapter 368, the cities of Cumming and West Des Moines have negotiated the terms of this Annexation Moratorium Agreement for the purpose of establishing boundaries wherein each city will agree that it will 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 Annexation Moratorium Agreement, and under the authority of Iowa Code Chapter 28E, the cities of Cumming 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 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 planned future growth areas or areas potentially affecting the adjacent city; and,

WHEREAS, the cities of Cumming and West Des Moines have approved this Agreement after notice and public hearing as provided by Iowa Code Section 368.4.

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 Cumming 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 but avoid duplication in the review of plats of unincorporated land located within two miles of both cities. It is the intent of the two cities that such plats be reviewed only by Madison County or Warren County as the case may be and by the city in whose planning area the land is located or by the adjacent city that potentially may be affected.

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 West Des Moines, or the date this Agreement is approved by the City Council of the City of Cumming, 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 Community and Economic Development Director of the City of West Des Moines and the Mayor of the City of Cumming shall be the Co-administrators of this Agreement.

ARTICLE 2. ANNEXATION MORATORIUM AGREEMENT

Section 1. Annexation Boundary Line.

The cities of Cumming and West Des Moines hereby agree upon and approve the establishment of an Annexation Boundary Line as legally described in Exhibit "A" and as shown generally on the map attached hereto as Exhibit "B."

Section 2. Annexation Limitations.

The city of Cumming agrees for the term of this Agreement to refrain from annexing any land which is located west and north 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 east and south of the Annexation Boundary Line described above. Pursuant to Iowa Code §368.4 (2011) 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 within the Annexation Area of the city of Cumming (Area A) in the unincorporated area of either Madison County or Warren County within two miles of the boundaries of the city of Cumming shall be subject to the extraterritorial jurisdiction of the city of Cumming pursuant to Iowa Code §354.9 (2013). The city of West Des Moines 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 within the Annexation Area of the city of West Des Moines (Area B) in the unincorporated area of either Madison County or Warren 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 (2011). The city of Cumming 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 communicate with each other so that land uses and areas within their review jurisdiction, and which are adjacent to the opposing city's corporate boundary, are compatible with the opposing city's proposed adjacent land usage.

ARTICLE 4. FILING AND RECORDING

Pursuant to Iowa Code §368.4 (2013), 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 (2013), this Agreement shall also be filed electronically with the Iowa Secretary of State and recorded in the Offices of the Madison County Recorder and the Warren County Recorder.

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

CITY OF WEST DES MOINES, IOWA

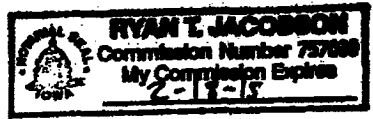
By: [Signature]
Steven K. Gaer, Mayor

ATTEST:
By: [Signature]
Jody E. Smith, City Clerk

APPROVED AS TO FORM:
[Signature]
Richard J. Scieszinski
City Attorney

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 14th day of October, 2013, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared STEVEN K. GAER and JODY E. SMITH, to me personally known, and who, being by me duly sworn did state that they are the Mayor and City Clerk, respectively, of 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 instrument was signed on behalf of City of West Des Moines, Iowa, by authority of its City Council, as contained in the Resolution adopted by City Council under Roll Call No. 13-422 of City Council on the 14th day of October, 2013, and that Steven K. Gaer and Jody E. Smith acknowledged the execution of the instrument to be the voluntary act and deed of City of West Des Moines, Iowa, by it and by them voluntarily executed.




[Signature]
Notary Public in the State of Iowa

CITY OF CUMMING, IOWA



Thomas Becker, Mayor

ATTEST:
By: 

Rachelle Swisher, City Clerk/Treasurer

APPROVED AS TO FORM:

STATE OF IOWA)
) ss:
COUNTY OF WARREN)

On this 22nd day of October, 2013, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared Thomas Becker and Rachelle Swisher, to me personally known, and who, being by me duly sworn did state that they are the Mayor and City Clerk, respectively, of City of Cumming, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; that the instrument was signed on behalf of City of Cumming, Iowa, by authority of its City Council, as contained in the Resolution adopted by City Council in the Resolution No. 2013-29 adopted by City Council on the 14th day of October, 2013, and that Thomas Becker and Rachelle Swisher acknowledged the execution of the instrument to be the voluntary act and deed of City of Cumming, Iowa, by it and by them voluntarily executed.



Notary Public in the State of Iowa



Exhibits:

- A - Legal Description of Annexation Boundary Line
- B - Map of Annexation Boundary Line

EXHIBIT A

**LEGAL DESCRIPTION
OF ANNEXATION BOUNDARY LINE
CITIES OF CUMMING AND WEST DES MOINES, IOWA**

A LINE IN SECTIONS 7 AND 8 IN TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA, AND SECTIONS 11, 12, 14, 15, 22 AND 27 IN TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, DELINEATES AN ANNEXATION MORATORIUM LINE BETWEEN THE CITIES OF CUMMING, IOWA, AND WEST DES MOINES, IOWA, THIS LINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A LINE BEGINNING AT THE WEST DES MOINES CORPORATE LIMITS WITH SAID POINT BEING LOCATED AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 8, TO THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 7, TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12, TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 12;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12, TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 11;

THENCE WEST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 11, TO THE WEST LINE OF THE EAST TWENTY (20) ACRES OF THE SOUTHWEST QUARTER OF SAID SECTION 11;

THENCE SOUTH, ALONG THE WEST LINE OF THE EAST TWENTY (20) ACRES OF THE SOUTHWEST QUARTER OF SAID SECTION 11, TO THE NORTH LINE OF SECTION 14, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 14, TO THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 15;

THENCE SOUTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15

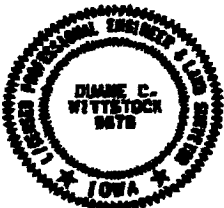
THENCE SOUTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 77 NORTH RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22;

THENCE SOUTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 77 NORTH RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27, WITH SAID POINT BEING THE TERMINATION POINT OF THE LINE.

I hereby certify that this legal description was prepared by me and that I am a duly licensed Professional Engineer and Land Surveyor under the laws of the State of Iowa.




Duane C. Wittstock, P.E., L.S.

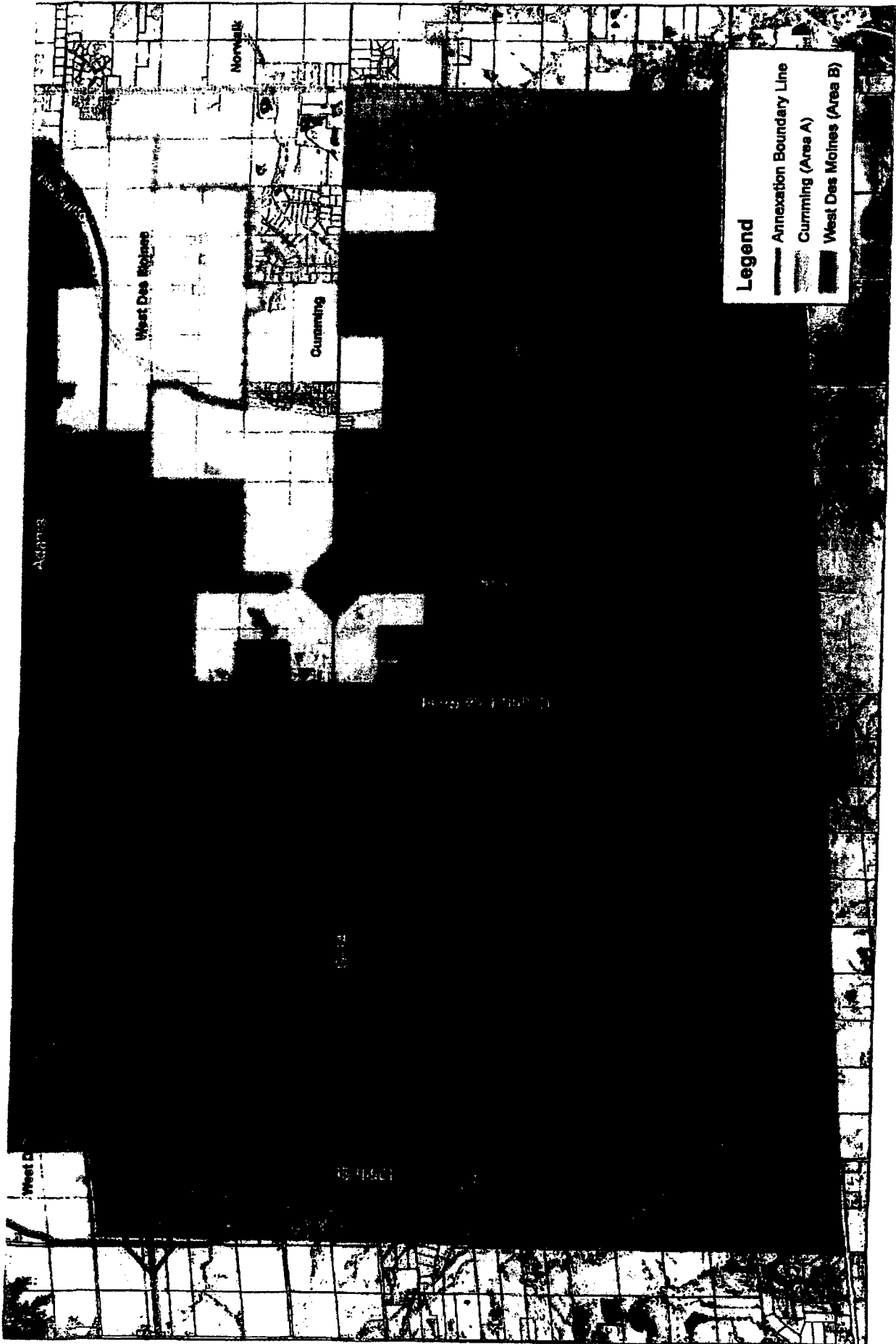
License Number 9678

My License Renewal Date is December 31, 2014

Pages covered by this seal: 1-2

9-4-13
September 4, 2013

EXHIBIT B



Annexation Boundary - Cumming/West Des Moines, 2013