City of Carroll

627 N. Adams Street Carroll, Iowa 51401 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager

DATE: September 7, 2021

SUBJECT: Annexation request from LeMar Koethe

Background:

In June 2021 the City of Carroll received the enclosed annexation request from LeMar Koethe for voluntary annexation of approximately 111 acres of land of which 2.06 acres is county right-of-way to be annexed into the City of Carroll's city limits. This land proposed for annexation is situated in unincorporated Carroll County north of E 18th Street between Grant Road and Noble Avenue on the northeast side of Carroll. The legal description of the property is:

> The South 13 acres of the N Frl ½ SW Frl ¼, Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa and the N½ SE ¼ and the South 20 Acres of the S½ NE¼ of Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa.

Please see the enclosed maps showing the existing city limits and also the area currently proposed for annexation.

Iowa Code specifies processes for the following types of annexation applications:

> 100% voluntary annexation, not within an urbanized area of another city;
> 100% voluntary annexation, within an urbanized area of another city;
> 80% voluntary/20% involuntary, not within an urbanized area of another city;
> 80% voluntary/20% involuntary, within an urbanized area of another city; and
> Involuntary

This annexation request is considered 100% voluntary annexation, not within an urbanized area of another city per Iowa Code 368.7. Iowa Code requires City Council to hold a public hearing prior to voting on a resolution considering approval of an annexation request. After Council's consideration of the annexation resolution after the public hearing, the City will send its annexation documents to the Carroll County Recorder for review and recording.

Analysis:

When the City Council reviews annexation applications, they review the following topics: Consistency with the Comprehensive Plan, Street and Utility Connectivity, and Outreach.

Consistency with the City's Comprehensive Plan - Future Land Use Map:
A comprehensive plan serves as a long-range plan for community improvement, development, and growth. Iowa Code recommends for communities to adopt comprehensive plans, and that these plans should "include information on the amount, type, intensity and density of existing land use, trends in the market price, and plans for future land use throughout the municipality" (Chapter 18B). Said plans serve as policy guides, and are intended to be flexible and adaptive over time, setting forth the basic framework to guide activities and manage change.

This site is included in the City's Future Land Use Map as Parks and Open Space, Low Density Residential, and High Density Residential.

Current City of Carroll Land Use Map

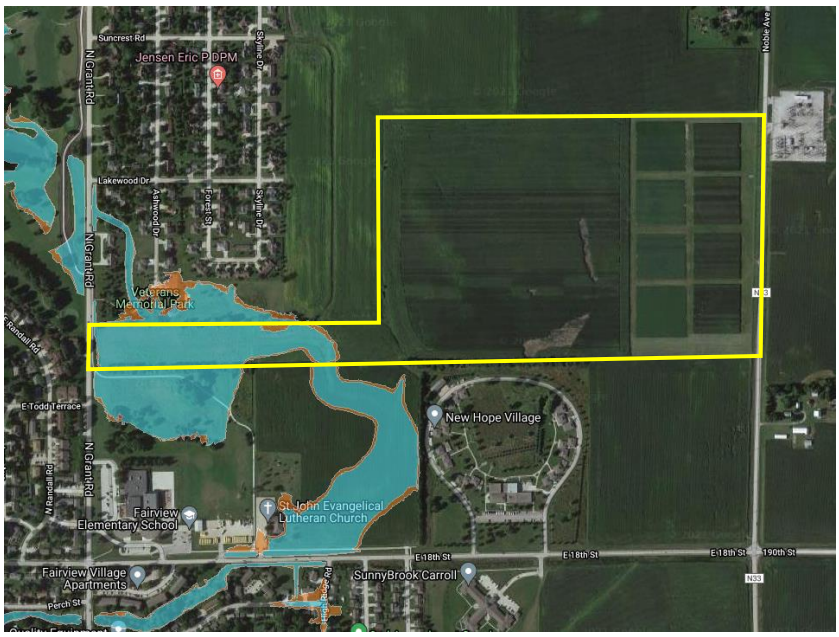
The property is within the City of Carroll's 2-mile zoning area and is currently zoned A-2, Agricultural District with an overlay zoning of AP, Agricultural Preservation. Upon annexation, per City Code 170.05, the property will be automatically rezoned A-1, Agricultural District with overlay of AP, Agricultural Preservation. The annexation application indicates the future land use after annexation will be R-3 or R-4, Residential.

This annexation application is consistent with the City's Future Land Use Map, which guides for Low Density Residential, and High Density Residential. The property will need to be rezoned for the proposed future development and will be subject to public notice and action by the Planning and Zoning Commission and City Council. The area immediately south of Veterans Park is in a low area and is subject to high water conditions during wet seasons. This area will need to remain open space or be developed in a way that prevents flood conditions.

This annexation application is consistent with the following objective of the City's Comprehensive Plan:

> Land Use Policy 12: Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other requirements.

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps(FIRM):



FEMA develops FIRM maps throughout the County that are official maps that display floodplains, more explicitly special flood hazard areas and risk premium zones. Communities use these maps to regulate development within these areas in order to decrease the risk of loss by flood. The current FIRM maps were last updated for Carroll County on September 15, 2017.

The map above shows the current FIRM maps for this area. A portion of the property, east of Grant Road and South of Veterans Park is within an identified special flood hazard area as shown on the FIRM maps. This area was identified in the City's comprehensive plan as Parks and Open Space in part due to this designation. Any development within an identified special flood hazard area is required to follow the City's Flood Plan Regulation in Chapter 165 of the Code of Ordinances.

Street & Utility Connectivity:

The requested annexation area has direct access to both Grant Road and Griffith Road (County N33/Noble Avenue). Internal roads and utilities to serve the property will be planned, reviewed, and developed at the time a subdivision application is submitted to the City. Any road access from Grant Road will need to contend with wet conditions and drainage that is present on the property immediately east of Grant Road which could lead to the primary access point coming off Griffith Road. ***Comment by Randy Krauel, Public Works Director****: This annexation area will be served by existing utilities location in the northeast corner of the Fairview Elementary School site. These utilities are sized to adequately serve the proposed annexation area.*

Outreach:
As required by Chapter 368 of the Iowa Code, on July 7, 2021 the City mailed an annexation consultation notice to the Carroll County Board of Supervisors and the Grant Township Trustees. The City held the required consultation notice on July 23, 2021 at 9:30A.M. – see attached minutes for information on that meeting. No objections to the proposed annexation were filed at the consultation meeting. Chapter 368 of the Iowa Code allows each county and township to make written recommendations for modification to the proposed annexation no later than seven business days following the date of the consultation. No recommendations have been received as of the date of this memo.

Chapter 368 of the Iowa Code states that not later than thirty days after the consultation, the board of supervisors of each county that contains all or a portion of the territory to be annexed shall, by resolution, state whether or not it supports the application or whether it takes no position in support of or against the application. Additionally, a copy of the resolution shall be immediately filed with the annexing city and shall be considered by the city council when taking action on the application. Finally, failure of a board of supervisors to adopt a resolution shall not delay the proceedings on the application nor shall such failure be considered a deficiency either in the application or in the annexing city's proceedings. No resolution has been received as of the date of this memo.

The City also notified the Carroll County Attorney's Office on August 13, 2021 since roadway area is also included for annexation – no comment has been received to date. The City also notified the Carroll County Auditor's Office for a review of the legal description and parcel ownership and on September 2, 2021 the Auditor's Office noted that the listed legal and ownership were complete and accurate.

As required by Iowa Code, notice of the City Council public hearing was published in the Carroll Times Herald on August 27, 2021 notifying the public of the requested annexation.

The City Council will hold their public hearing for annexation consideration during their meeting on Monday, September 13, 2021. Following Council's required public hearing, City Council may consider approval of the annexation resolution.

Alternatives:
The following options exist for the City Council:

1. Approve the annexation request
2. Deny the annexation request
3. Table pending additional comment/feedback

PLANNING AND ZONING COMMISSION RECOMMENDATION:
The Planning and Zoning Commission reviewed the proposed annexation on August 11, 2021 and recommends that the Carroll City Council approve the request.

STAFF RECOMMENDATION:
That the City Council hold a public hearing and consider approving the request to annex 111 acres of land described as the South 13 acres of the N Frl ½ SW Frl ¼, Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa and the N½ SE ¼ and the South 20 Acres of the S½ NE¼ of Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa.

City of Carroll, Iowa
Application for Voluntary Annexation

Applicant/Owner Information

Applicant: LeMar Koethe Date: 06-18-2021

Address: 6000 Douglas Avenue, Suite 210, Des Moines, IA 50322

Contact Person: LeMar Koethe Fax: _____

Telephone: 515-250-3161 / 515-252-9993 e-mail: lkinvestlive.com

Property Owner (if different than Applicant): _____

Owner's Address: _____

Telephone: _____ e-mail: _____

Parcel Information

Location of Parcel: west of Noble Avenue and north of E 18th Street, Carroll, Iowa
(Address, Streets intersected, etc.)

Legal Description: Parcels 07-18-200-005, 07-18-400-001 and 07-18-400-002: The N1/2 SE1/4 and the South 20 Acres of the S1/2 NE1/4 of Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa.

Parcel 07-18-326-002: The South 13 acres of the N Frl ½ SW Frl ¼ , Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa.

Current Land Use: A-2, Agricultural District with A-P, Agricultural Preservation Overlay District

Proposed Land Use after Annexation: R-3 or R-4, Residential

Proposed Zoning Designation: to be determined

Please state the reason(s) for wishing to join the City of Carroll: To be part of a great city for development

Please explain how City water and sanitary sewer would serve the parcel(s): to be determined

Required Attachments

The applicant is required to attach the following:

Item	Included? Yes/No
A map showing all land included in this request for annexation. Map must include all parcels of land, the names of the owner of all parcels, and must show the parcel(s) in relation to the entire City of Carroll and neighboring properties. If the requested land abuts a County road or right of way, the map must show that the requested annexation extends to the middle of the County road or County right of way.	Y
Number of acres of each separate parcel included in the request for annexation, and the total acreage of all parcels included in this request.	111 Acres
Name, Address and telephone number of the owners of all property included in this request for annexation.	Y
Written statement from the owners of all property included in this request, stating whether they concur with the request to be annexed to Carroll, signed by each property owner.	N/A
Name, address and telephone number of all utility companies who provide, or would provide, services to any or all parcels of land included in this request. Legal description of any land which abuts a County roadway or right of way extending to the middle of said roadway or right of way, and identifies land, roadway or right of way which would be severed from Carroll County when annexed to the City of Carroll.	N/A

LeMar Koetho is Sole owner of property

Please attach additional sheets when necessary

Applicant's certification and Signatures: I/We, (the undersigned) do hereby request that the City of Carroll, Iowa, annex the parcel(s) of land identified as set out in this application. I/we certify the information presented in this application is complete and accurate to the best of my/our knowledge, that I am familiar with the legal nature of this request, and that this request complies with all existing laws, statues, regulations and ordinances.

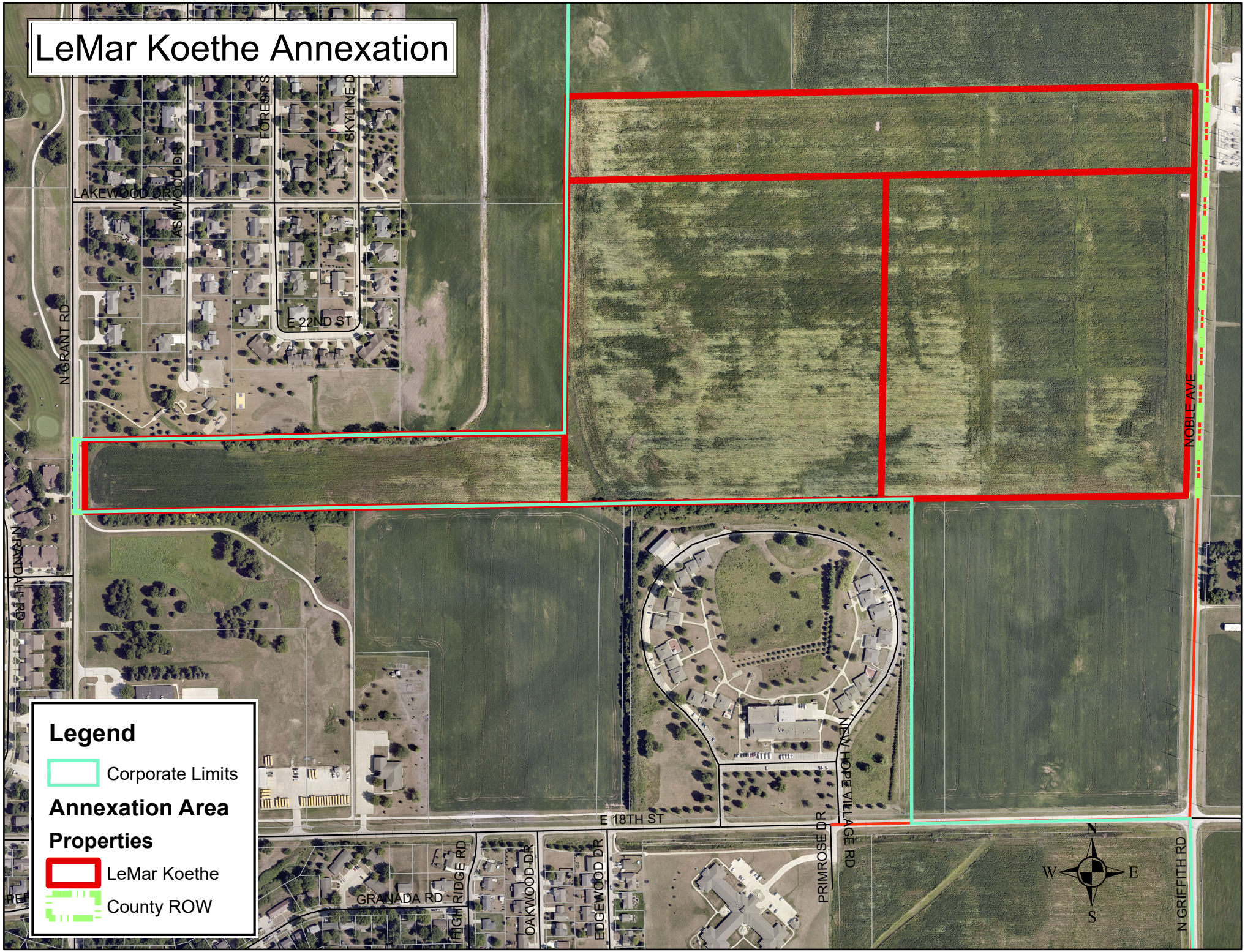
(signature) 6/18/2021 (date)

(signature) (date)

(applicant's name - printed)

(applicant's name - printed)

LeMar Koethe Annexation



PETITION FOR ANNEXATION
CONSULTATION MEETING
July 23, 2021
9:30 AM
COUNCIL CHAMBERS AT CARROLL CITY HALL

A consultation meeting was held in the Council Chambers of Carroll City Hall to review the proposed Request for Voluntary Annexation that was submitted by LeMar Koethe for the following described real estate that is contained in said Request:

> the South 13 acres of the N Frl ½ SW Frl ¼, Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa and the N½ SE ¼ and the South 20 Acres of the S½ NE¼ of Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa

Containing a total of approximately 111 acres of property of which 2.06 acres is county right-of-way.

On July 7, 2021, formal notice was provided via USPS to the Carroll County Board of Supervisors and all of the Trustees of Grant Township.

The consultation meeting began at 9:30AM and the following were in attendance: Hubert Hagemann, Grant Township Trustee, Matt Meiners, Chase Werden, Jay Norgaard and Todd and Jalynn Wanninger. Representing the City of Carroll, Mike Pogge-Weaver, City Manager and Randy Krauel, Public Works Director.

Discussions were held regarding the proposed annexation. Mr. Pogge-Weaver led the discussion and reviewed the proposed annexation with those that were in attendance. A map was distributed to those in attendance that showed the location of the property that is proposed to be annexed. It was explained that the property that was to be annexed was 111 acres in size and is generally located north of 18th St and west of Noble Ave. It was discussed that the property is included in the City's Future Land Use Map as Parks and Open Space, Low Density Residential, and High Density Residential. It was explained that the property is currently zoned A-2, Agricultural District with an overlay zoning of AP, Agricultural Preservation. Upon annexation, per City Code, the property will be automatically rezoned A-1, Agricultural District with overlay of AP, Agricultural Preservation.

It was asked how the property would be served with water and sewer. Mr. Pogge-Weaver explained that water is available along Grant Road and sewer was available in the northeast corner of the Fairview Elementary School site.

A number of general development questions were asked. It was explained by Mr. Pogge-Weaver that this was the first of several steps in the development process. In the future the property would need to be rezoned and a subdivision application would need to be submitted and development type questions/concerns would be addressed when future development applications are submitted.

No objections to the proposed annexation were filed at the consultation meeting. The meeting concluded at 10:22 AM

Michel J. Pogge-Weaver
City Manager

MJP-W:kjs

RESOLUTION NO. _____

RESOLUTION APPROVING THE VOLUNTARY ANNEXATION OF LAND ADJACENT TO THE NORTHEAST BOUNDARY OF THE CITY OF CARROLL INTO THE CORPORATE LIMITS OF THE CITY OF CARROLL

WHEREAS, there has been presented to the City Council a Petition/Application for annexation, executed by the owner of the following described real estate, namely LeMar Koethe, which lie adjacent to the corporate limits of the City of Carroll, Iowa:

Parcel No. 07-18-326-002

The South 13 acres of the N Frl ½ SW Frl ¼ , Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa

Parcels No. 07-18-200-005, 07-18-400-001 and 07-18-400-002

The N1/2 SE1/4 and the South 20 Acres of the S1/2 NE1/4 of Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa.

WHEREAS, an annexation area map is attached to this resolution as Exhibit A; and

WHEREAS, public land, right of way, or easement is also included herein without the written consent of Carroll County, which public land, right of way or easement of Carroll County adjoins the properties described herein; and

WHEREAS, the territory included in the Petition/Application contain an approximate total of 111 acres, of which 2.06 acres is county right-of-way or easement; and

WHEREAS, no Carroll County Board of Supervisors resolution was adopted and filed with the City of Carroll after consultation on the proposed annexation, which consultation occurred on July 23, 2021; and

WHEREAS, all mailings of the petitions/applications and notice of public hearing have been made in a timely manner to the non-consenting owners, public utilities, Chair of the Board of Supervisors, and County Attorney; and notice of public hearing on the petition/application was published in the Carroll Times Herald on August 27, 2021; and

WHEREAS, a public hearing was conducted on this date, after published notice thereof, and the Council gave due consideration to objections and evidence for and against the annexation, as reflected by the record of the public hearing; and

WHEREAS, it is in the best interest of the City of Carroll that said real estate be annexed, and said annexation is consistent with the City's Comprehensive Plan.

NOW, THEREFORE BE IT RESOLVED that the voluntary annexation referenced herein of the following described real estate is hereby approved and the corporate limits of the City of Carroll, Iowa are extended to include said real estate:

The South 13 acres of the N Frl ½ SW Frl ¼ , Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa

The N1/2 SE1/4 and the South 20 Acres of the S1/2 NE1/4 of Section 18, Township 84 North, Range 34 West 5th P.M., Carroll County, Iowa.

And Carroll County public land, right of way or easement adjoining the above stated properties.

BE IT FURTHER RESOLVED, that the City staff is directed and authorized to proceed with submitting this matter for annexation to the Iowa Secretary of State.

Passed and approved by the Carroll City Council this 13th day of September, 2021.

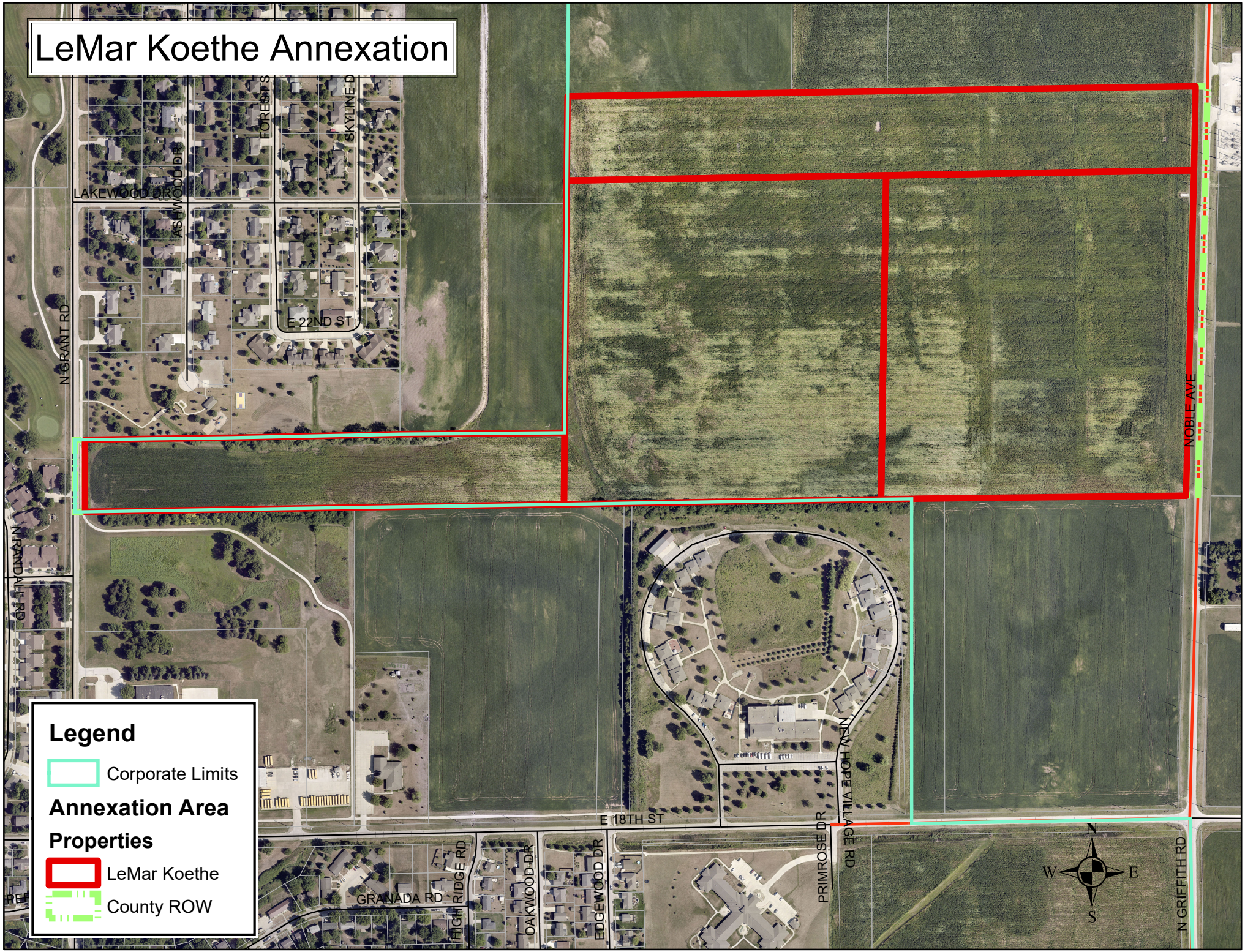
CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

BY: _____
Eric P. Jensen, Mayor

ATTEST:

BY: _____
Laura A. Schaefer, City Clerk

Exhibit A


LeMar Koethe Annexation
LAKEWOOD DR
ASHWOOD DR
FOREST S
SKYLINE D
E 22ND ST
N GRANT RD
N RANDALL RD
NOBLE AVE
E 18TH ST
NEW HOPE VILLAGE RD
PRIMROSE DR
GRANADA RD
HIGH RIDGE RD
OAKWOOD DR
EDGEWOOD DR
N GRIFFITH RD
N
W
E
S
Legend
Corporate Limits
Annexation Area Properties
LeMar Koethe
County ROW