

House File 2434 - Introduced

HOUSE FILE _____
BY KRESSIG

(COMPANION TO LSB 6152SS
BY DOTZLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to allow a real property owner to petition for severance
2 from a city if the owner's real property has not received
3 municipal services for a period of at least ten years.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6152HH 82
6 md/nh/5

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1 1 Section 1. Section 368.25, Code 2007, is amended to read
1 2 as follows:
1 3 368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.
1 4 1. Prior to expiration of the three-year period
1 5 established in section 368.11, subsection 3, paragraph "n",
1 6 the annexing city shall submit a report to the board
1 7 describing the status of the provision of municipal services
1 8 identified in the plan required in section 368.11, subsection
1 9 3, paragraph "n". If a city fails to provide municipal
1 10 services, or fails to show substantial and continuing progress
1 11 in the provision of municipal services, to territory
1 12 involuntarily annexed, according to the plan for extending
1 13 municipal services filed pursuant to section 368.11,
1 14 subsection 3, paragraph "n", within the time period specified
1 15 in that subsection, the city development board may initiate
1 16 proceedings to sever the annexed territory from the city. The
1 17 board shall notify the city of the severance proceedings and
1 18 shall hold a public hearing on the proposed severance. The
1 19 board shall give notice of the hearing in the same manner as
1 20 notice of a public meeting in section 368.11. The board may
1 21 order severance of all or a portion of the territory and the
1 22 order to sever is not subject to approval at an election. A
1 23 city may request that the board allow up to an additional
1 24 three years to provide municipal services if good cause is
1 25 shown. As an alternative to severance of the territory, the
1 26 board may impose a moratorium on additional annexation by the
1 27 city until the city complies with its plan for extending
1 28 municipal services. For purposes of this section, "municipal
1 29 services" means services included in the plan required by
1 30 section 368.11, subsection 3, paragraph "n", for extending
1 31 municipal services.

1 32 2. A real property owner within the boundaries of a city
1 33 may file a petition for severance with the board if the
1 34 petitioner's real property has not been provided municipal
1 35 services for a period of at least ten years. Contiguous
2 1 property owners may file a combined petition under this
2 2 subsection. Following receipt of a petition, the board shall
2 3 initiate proceedings to sever the owner's real property from
2 4 the city. The board shall notify the city of the severance
2 5 proceedings and shall hold a public hearing on the severance.
2 6 The board shall give notice of the hearing in the same manner
2 7 as notice of a public hearing under subsection 1. The board
2 8 may order severance of all or a portion of the real property
2 9 described in the petition and the order to sever is not
2 10 subject to approval at an election.

2 11 EXPLANATION

2 12 This bill allows a real property owner within the
2 13 boundaries of a city to file a petition for severance with the
2 14 city development board if the owner's real property has not
2 15 been provided municipal services for a period of at least 10
2 16 years. The bill also allows contiguous real property owners

2 17 to file a combined petition.

2 18 The bill requires the city development board to initiate
2 19 proceedings to sever an owner's real property from the city
2 20 upon receipt of the petition. The board is also required to
2 21 notify the city of the severance proceedings and hold a public
2 22 hearing on the severance. The bill allows the board to order
2 23 severance of all or a portion of the real property described
2 24 in the petition and the order to sever is not subject to
2 25 approval at an election.

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