

February 15, 1963.
Cities and Towns.

House File 269
By REPPERT, DENMAN, OLSON, VAN
NOSTRAND and RILEY.

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

A BILL FOR

An Act relating to the reservation of territory for the
planned and orderly territorial growth of cities and towns.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Chapter three hundred seventy-three (373),
2 Code 1962, is amended by adding the following new section:
3 "On the basis of the comprehensive studies of the future
4 growth of the municipality, as made with due regard to its
5 relation to neighboring territory under the provisions of
6 section three hundred seventy-three point eighteen (373.18),
7 the municipality shall have power to reserve exclusive
8 jurisdiction for annexation purposes of such neighboring
9 territory by proceeding as follows:
- 10 1. The city plan commission may, from time to time, or
11 shall at the request of the council, submit to the council
12 its recommendations based upon the aforesaid studies, as to
13 what portion or portions of unincorporated territory adjoining
14 the city limits should be reserved for annexation and of the
15 time or times when proceedings to annex the same should be
16 commenced.
- 17 2. Upon receipt of such recommendations the council shall
18 direct the clerk to cause to be published, once each week
19 for two consecutive weeks in the manner provided by section
20 six hundred eighteen point fourteen (618.14), a notice that

21 the council will meet at a certain date, time, and place to
22 consider the recommendations of the plan commission for the
23 reservation for future annexation proceedings for a certain
24 period of time of exclusive annexation jurisdiction over
25 certain described territory, and to hear objectors to and
26 proponents for such reservation.

27 3. Written objections shall be filed at the office of
28 the clerk in the form of an affidavit and may be made by
29 any person residing upon or owning land within the territory
30 described in the notice of hearing. Such objections shall
31 be on file not later than four o'clock p.m. on the Friday
32 next preceding the date fixed in the said notice of hearing.
33 The timely filing of such written objections shall entitle
34 the objector to be orally heard by the council at the date,
35 time and place fixed in the aforesaid notice.

36 4. At the hearing the council shall receive and examine
37 the written objections filed as aforesaid and shall permit
38 all qualified objectors who are present, and have made proper
39 and timely filing and express a desire to be heard orally,
40 to make oral presentation of their respective objections.
41 The council may also permit members of the plan commission
42 and other proponents to present arguments for the effectuation
43 of the commission's recommendations. The hearing may be
44 recessed by motion of the council from time to time or from
45 day to day in order to permit all such objectors to be fully
46 and fairly heard and in order to permit the proponents to
47 express their views.

48 5. When all such objectors and proponents have been heard,
49 the council shall have power, by resolution, to adopt the

50 recommendation of the plan commission or to reject same and
51 refer the matter back to the plan commission for further study.
52 In the event the said recommendations are adopted, the council
53 shall, at the same or a subsequent meeting, adopt a resolution
54 declaring the described territory to be reserved for the
55 period of time so recommended. Said decision shall be final
56 upon the adoption of such resolution. The clerk shall
57 forthwith certify a copy of such resolution to the county
58 auditor and the reservation shall become effective upon such
59 certification and shall remain in force for the period
60 specified unless sooner released by subsequent resolution of
61 the city council or annexed by one of the methods provided
62 in chapter three hundred sixty-two (362).

63 6. Territory may not be reserved hereunder for any period
64 of time in excess of twenty years nor may the aggregate area
65 under reservation at any time by any city or town exceed an
66 area equal in amount to the area contained within the existing
67 corporate limits.

68 7. No city or town shall have power to reserve territory
69 located beyond a line drawn three miles from the parallel
70 to its existing corporate limits.

71 8. Where the existing corporate limits of a city or town
72 proposing to reserve territory hereunder are located at any
73 point within a distance of less than six miles from any point
74 upon the existing corporate limits of another city or town,
75 the maximum limits of territory reserved for annexation shall
76 be at one-half the distance between the aforesaid points
77 unless such cities or towns are located in different counties,

- 78 in which event the maximum limits shall be conterminous with
79 the county line.

EXPLANATION OF HOUSE FILE 269

The purpose of this bill is to provide a method whereby cities and towns that have appointed a plan commission and have adopted a comprehensive plan under the provisions of chapter 373, Code 1962, may put into effect, as the need becomes apparent, the portions of the plan which relate to the coordinated, adjusted and harmonious growth and development of the municipality and its environs, as planned in accordance with present and future needs, to best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development.

It is the purpose of this bill to provide for the orderly expansion of municipal limits as the culmination of planning based on careful study and expert forecasting. Based upon proper planning, such expansion protects the value of property adjacent to cities and towns by preventing the growth of unsightly fringe areas; as well as by promoting the extension of beneficial municipal services. This is a bill for the effectuation of planning and should not be confused with ordinary "annexation" which, all too frequently, has been characterized in the minds of some as primarily a matter of land speculation or "tax grab."