

**263—11.3(368) Notice to property owners; protests to annexation of existing islands.** Following verification of the status of an island, the board shall initiate proceedings for annexation of the island.

**11.3(1) Notice to property owners.** Following verification of the existence of an island, the city development board shall provide notice of pending annexation of the island by certified mail to all owners of property within the island, as identified pursuant to subrule 11.2(1) or paragraph 11.2(2)“b.” The board’s notice shall include:

- a. The legal description of the property at issue;
- b. A map showing the relationship of the island within which the property is contained to the surrounding city or cities;
- c. Notice that the county or city has identified the property as being within an island;
- d. Notice that, pursuant to 1991 Iowa Acts, chapter 187, the city development board has been directed to cause all existing islands to be annexed into the surrounding city or cities unless a majority of the landowners of the island protest the annexation;
- e. The number of parcels of land within the island; and
- f. An explanation of the procedure and deadline for the filing of a protest to annexation of the island.

**11.3(2) Protest form, content, and timing.** Landowners wishing to protest annexation of an island may file protests to the annexation individually or as a group. Protests must be in writing, must be signed by the record owner(s) of property located within the island, must include the legal description of the property owned and identification of the island within which the property is contained, and must be received by board staff within 30 days of the date of issuance of the board’s notice of annexation.

**11.3(3) Lack of protest.** If the board does not receive timely written protests from a majority of the landowners of the island, the board shall proceed with annexation of the island pursuant to rule 11.4(368).

**11.3(4) Notice of protest.** If the board receives timely written protests from a majority of the landowners of the island, the board shall notify all landowners of the island, the city(ies), county(ies) and council of government(s) within which the island is located that the annexation process will be discontinued unless the board finds that residents of the island do not have adequate fire protection, police protection, emergency medical services, and road construction and maintenance services.

**11.3(5) Opportunity to provide evidence regarding adequacy of services.**

a. Any person or governmental entity interested in the annexation may, within 30 days of the date of issuance of the board’s notice of protest, provide to the board written comments or evidence regarding the adequacy of fire, police, emergency medical, road construction and road maintenance services to the island.

b. Any interested person or governmental entity may request an appearance or hearing before the board to facilitate the receipt of evidence by the board.

**11.3(6) Board consideration of protest.** The board will consider all comments and evidence received in making its finding as to the adequacy of services to residents of the island. The board may, in its discretion, request additional evidence from landowners, the city(ies), county(ies), or council of government(s); may allow or request any person or entity submitting evidence to appear before the board; and may schedule a public hearing to receive further evidence regarding the adequacy of services to the area. If a public hearing is scheduled, notice shall be given and the hearing shall be conducted in the manner as provided in subrule 11.4(2) for islands surrounded by more than one city. The board may, in its discretion, combine hearings conducted pursuant to this rule and subrule 11.4(2).

**11.3(7) Resolution of protest.** Based upon all evidence received, the board shall issue findings of fact regarding the adequacy of fire, police, emergency medical, road construction and road maintenance services to the island. In determining whether the residents of an island are receiving adequate fire, police, emergency medical, road maintenance and road construction services, the board will examine the nature and source of services provided and consider whether the services are reliably delivered in a manner sufficient to protect the health, safety and welfare of the residents of the island. If the services are found to be adequate, annexation of the island will be discontinued. If the services are found to be inadequate, the board will proceed with annexation of the island.