

263—11.4(368) Annexation of islands. The board shall proceed with annexation of all islands identified pursuant to rule 11.2(368) for which protests are not received or, in the case of protest, if services are found to be inadequate.

11.4(1) *Islands surrounded by only one city.* Islands within the boundaries of only one city shall be annexed into that city as follows:

- a. The board shall verify that the territory is an island pursuant to subrule 11.2(2);
- b. The board shall provide notice to all landowners within the island of the impending annexation and their right to protest the annexation pursuant to subrule 11.3(1);
- c. Upon expiration of the protest period without receipt of a protest from a majority of the landowners or rejection of a protest upon a finding that services to the area are inadequate pursuant to subrule 11.3(7), the board shall certify the verification to the city and declare the island annexed to the city. The annexation is completed when the board has filed and recorded copies of the certification pursuant to Iowa Code section 368.20, subsection 2.

11.4(2) *Islands surrounded by more than one city.* Islands surrounded by the boundaries of more than one city shall be annexed as follows:

- a. The board shall verify that the territory is an island pursuant to subrule 11.2(2);
- b. The board shall provide notice to all landowners within the island of the impending annexation and their right to protest the annexation pursuant to subrule 11.3(1);
- c. Upon expiration of the protest period without receipt of a protest from a majority of the landowners or rejection of a protest upon finding services to the area are inadequate pursuant to subrule 11.3(7), the board shall schedule a hearing to determine to which city the island should be annexed. The board may divide the island among the cities surrounding it.

- d. The board shall provide notice of the time, place, and purpose of scheduled hearing by:
 - (1) Mailing notice to the cities surrounding the island and the county(ies) and council of government(s) containing the island;
 - (2) Publishing notice pursuant to Iowa Code section 362.3, subsection 2.
- e. The hearing shall be conducted informally. Representatives of the cities surrounding the island, county(ies) or council of government(s) containing the island, and members of the public may present evidence or comment regarding appropriate distribution of the island. Written arguments may be submitted to the board within ten days following conclusion of the hearing.

f. In determining appropriate distribution of the island for annexation, the following factors will be considered by the board:

- (1) The terms of existing agreements between the surrounding cities which address division of the island among the cities for annexation;
- (2) The desires of the affected cities, county(ies), council of government(s), and residents of the island;
- (3) The availability of services to the territory;
- (4) Geographical or topographical features of the territory affecting the delivery of services; and
- (5) The comparative efficiency with which the surrounding cities can provide services to the territory.

g. Within 90 days of the conclusion of the hearing, the board shall certify a declaration of annexation of the island to each surrounding city. The declaration shall indicate whether the island will be divided for annexation and, if so, shall include a description of how the island is divided. The annexation is completed when the board has filed and recorded copies of the certification pursuant to Iowa Code section 368.20, subsection 2.