

See Cities 3/23 Do Pass per 3727 4/22 (p. 1612)

Senate File 224

Cities
Spear, chair
Bina
Rinas
Smalley
Krewson

FILED MAR 14 1977

SENATE FILE 224

BY COMMITTEE ON CITIES
Approved 3/2/77 (p. 632)

Passed Senate, Date 3-18-77 (p. 682) Passed House, Date 5-9-77 (p. 1996)

Vote: Ayes 39 Nays 0 Vote: Ayes 80 Nays 3

Approved Jan 3 1977

*Repassed Senate as amended (S-3556) by House
5-12-77 (p. 1476)*

46-1

A BILL FOR

1 An Act relating to city development clarifying what the city
2 clerk and city development board must file when a city is
3 involved in a voluntary boundary adjustment or incorpora-
4 tion and adding a requirement for an agreement for mainte-
5 nance of shared roads.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 224

1 Section 1. Section three hundred sixty-eight point seven
2 (368.7), Code 1977, is amended to read as follows:

3 368.7 VOLUNTARY ANNEXATION BY PETITION. All of the owners
4 of land in a territory adjoining a city may apply in writing
5 to the council of the adjoining city requesting annexation
6 of the territory. Territory comprising railway right of way
7 may be included in the application without the consent of
8 the railway if a copy of the application is mailed by certified
9 mail to the owner of the right of way, at least ten days prior
10 to the filing of the application with the city council. The
11 application must contain a map of the territory showing its
12 location in relationship to the city.

13 An application for annexation under this section must be
14 approved by resolution of the council which receives the
15 application. ~~If the territory is within the urbanized area~~
16 ~~of a city other than the city to which the request for annexa-~~
17 ~~tion is directed, the application must also be approved by~~
18 ~~the board.~~ Upon receiving approval of the council, the city
19 clerk shall file a copy of the resolution, map, and a legal
20 description of the territory involved with the state department
21 of transportation. The city clerk shall also file a copy
22 of the map, and where existing, a planning and zoning
23 commission report, and the resolution with the county recorder,
24 secretary of state, and the board. The annexation is completed
25 upon acknowledgement by the board that it has received the
26 map and resolution and a certification by the city clerk that
27 copies of the map and resolution have been filed with the
28 county recorder and secretary of state and that copies of
29 the resolution, map, and legal description of the territory
30 involved have been filed with the state department of
31 transportation. If the territory is within the urbanized
32 area of a city other than the city to which the request for
33 annexation is directed, the application must also be approved
34 by the board, and the annexation is completed when the board
35 has filed copies of the applicable portions of the proceedings

1 as required in section 368.20, subsection 2.

2 Sec. 2. Section three hundred sixty-eight point eight
3 (368.8), Code 1977, is amended to read as follows:

4 368.8 VOLUNTARY SEVERING OF TERRITORY. Any territory
5 may be severed upon the unanimous consent of all owners of
6 the territory and approval by resolution of the council of
7 the city in which the territory is located. The council shall
8 provide in the resolution for the equitable distribution of
9 assets and equitable distribution and assumption of liabilities
10 of the territory as between the city and the severed territory.
11 The ~~council~~ city clerk shall file a copy of the resolution,
12 ~~and a map, with~~ and a legal description of the territory
13 involved with the state department of transportation. The
14 city clerk shall also file a copy of the map and resolution
15 with the county recorder, secretary of state, and the board.
16 The severance ~~shall be~~ is completed ~~when the board has filed~~
17 ~~copies of the resolution and map as provided in section 368.20,~~
18 ~~subsection 2~~ upon acknowledgement by the board that it has
19 received the map and resolution and a certification by the
20 city clerk that copies of the map and resolution have been
21 filed with the county recorder and secretary of state and
22 that copies of the resolution, map, and a legal description
23 of the territory involved have been filed with the state
24 department of transportation.

25 Sec. 3. Section three hundred sixty-eight point eleven
26 (368.11), Code 1977, is amended by adding the following new
27 subsection:

28 NEW SUBSECTION. Plans shall include a formal agreement
29 between affected municipal corporations and counties for the
30 maintenance and improvement of any shared roads involved in
31 an incorporation or boundary adjustment.

32 Sec. 4. Section three hundred sixty-eight point twenty
33 (368.20), subsection two (2), Code 1977, is amended to read
34 as follows:

35 2. File with the secretary of state, the clerk of each

1 city incorporated or involved in a boundary adjustment, and
2 with the recorder of each county which contains a portion
3 of any city or territory involved, copies of the proceedings
4 including the original petition or plan and any amendments,
5 the order of the board approving the petition or plan, proofs
6 of service and publication of required notices, certification
7 of the election result, and any other material deemed by the
8 board to be of primary importance to the proceedings. Upon
9 proper filing and expiration of time for appeal, or upon a
10 subsequent date as provided in the proposal, the incorpora-
11 tion, discontinuance, or boundary adjustment is complete,
12 except that if an appeal to any of the proceedings is pend-
13 ing, completion does not occur until the appeal is decided.
14 ~~The clerk-of-each-city-incorporated-or-involved-in-a-boundary~~
15 ~~adjustment board~~ shall also file with the state department
16 of transportation ~~and-with-the-city-development-board~~ a copy
17 of the plat map and legal land description of each completed
18 annexation incorporation or corporate boundary adjustment
19 completed under sections three hundred sixty-eight point
20 eleven (368.11) through three hundred sixty-eight point twenty-
21 two (368.22) of the Code or approved annexation within an
22 urbanized area.

23 Sec. 5. This Act is effective January 1, 1978.

24 EXPLANATION

25 This bill requires that plans for a formal agreement for
26 the maintenance and improvement of shared roads be made by
27 municipal corporations and counties when an incorporation
28 or boundary adjustment involves shared roads. The bill also
29 clarifies the responsibilities of the city clerk and city
30 development board for filings involved in incorporations or
31 boundary adjustments.

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LSB 84S
can/jw/5

S-3556

1 Amend Senate File 224 as follows:

2 1. Page 1, by striking lines 1 through 35.

3 2. Page 2, by striking line 1 and inserting in
4 lieu thereof the following section:

5 "Section 1. Section three hundred sixty-eight
6 point seven (368.7), Code 1977, is amended by striking
7 unnumbered paragraph two (2) and inserting in lieu
8 thereof the following:

9 An application for annexation of territory not
10 within the urbanized area of a city other than the
11 city to which the annexation is directed must be
12 approved by resolution of the council which receives
13 the application. Upon receiving approval of the
14 council, the city clerk shall file a copy of the
15 resolution, map, and legal description of the territory
16 involved with the state department of transportation.
17 The city clerk shall also file a copy of the map and
18 resolution with the county recorder, secretary of
19 state, and the board. The annexation is completed
20 upon acknowledgement by the board that it has received
21 the map and resolution and a certification by the
22 city clerk that copies of the map and resolution have
23 been filed with the county recorder and secretary
24 of state and that copies of the resolution, map, and
25 legal description of the territory involved have been
26 filed with the state department of transportation.

27 An application for annexation of territory within
28 the urbanized area of a city other than the city to
29 which the annexation is directed must be approved
30 both by resolution of the council which receives the
31 application and by the board. The annexation is
32 completed when the board has filed copies of applicable
33 portions of the proceedings as required by section
34 three hundred sixty-eight point twenty (368.20),
35 subsection two (2) of the Code."

36 3. Page 2, line 30, by striking the word "and"
37 inserting in lieu thereof a comma.

38 4. Page 2, line 30, by inserting after the word
39 "improvement" the words "and traffic control".

S-3556 FILED
MAY 11, 1977

RECEIVED FROM THE HOUSE

Senate received 5/12 (p. 1476)

H-3727

1 Amend Senate File 224 as follows:

2 1. Page 1, by striking lines 1 through 35.

3 2. Page 2, by striking line 1 and inserting in
4 lieu thereof the following section:

5 "Section 1. Section three hundred sixty-eight
6 point seven (368.7), Code 1977, is amended by striking
7 unnumbered paragraph two (2) and inserting in lieu
8 thereof the following:

9 An application for annexation of territory not
10 within the urbanized area of a city other than the
11 city to which the annexation is directed must be
12 approved by resolution of the council which receives
13 the application. Upon receiving approval of the
14 council, the city clerk shall file a copy of the
15 resolution, map, and legal description of the territory
16 involved with the state department of transportation.
17 The city clerk shall also file a copy of the map and
18 resolution with the county recorder, secretary of
19 state, and the board. The annexation is completed
20 upon acknowledgement by the board that it has received
21 the map and resolution and a certification by the
22 city clerk that copies of the map and resolution have
23 been filed with the county recorder and secretary
24 of state and that copies of the resolution, map, and
25 legal description of the territory involved have been
26 filed with the state department of transportation.

27 An application for annexation of territory within
28 the urbanized area of a city other than the city to
29 which the annexation is directed must be approved
30 both by resolution of the council which receives the
31 application and by the board. The annexation is
32 completed when the board has filed copies of applicable
33 portions of the proceedings as required by section
34 three hundred sixty-eight point twenty (368.20),
35 subsection two (2) of the Code."

36 3. Page 2, line 30, by striking the word "and"
37 and inserting in lieu thereof a comma.

38 4. Page 2, line 30, by inserting after the word
39 "improvement" the words "and traffic control".

H-3727 FILED - *Adopted 5/9* BY COMMITTEE ON CITIES
APRIL 25, 1977 *(p. 1995)* BINA of Scott, Chair

SENATE FILE 224

AN ACT

RELATING TO CITY DEVELOPMENT CLARIFYING WHAT THE CITY CLERK AND CITY DEVELOPMENT BOARD MUST FILE WHEN A CITY IS INVOLVED IN A VOLUNTARY BOUNDARY ADJUSTMENT OR INCORPORATION AND ADDING A REQUIREMENT FOR AN AGREEMENT FOR MAINTENANCE OF SHARED ROADS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section three hundred sixty-eight point seven (368.7), Code 1977, is amended by striking unnumbered paragraph two (2) and inserting in lieu thereof the following:

An application for annexation of territory not within the urbanized area of a city other than the city to which the annexation is directed must be approved by resolution of the council which receives the application. Upon receiving approval of the council, the city clerk shall file a copy of the resolution, map, and legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder, secretary of state, and the board. The annexation is completed upon acknowledgement by the board that it has received the map and resolution and a certification by the city clerk that copies of the map and resolution have been filed with the county recorder and secretary of state and that copies of the resolution, map, and legal description of the territory involved have been filed with the state department of transportation.

An application for annexation of territory within the urbanized area of a city other than the city to which the annexation is directed must be approved both by resolution of the council which receives the application and by the board. The annexation is completed when the board has filed copies of applicable portions of the proceedings as required by section three hundred sixty-eight point twenty (368.20),

subsection two (2) of the Code.

Sec. 2. Section three hundred sixty-eight point eight (368.8), Code 1977, is amended to read as follows:

368.8 VOLUNTARY SEVERING OF TERRITORY. Any territory may be severed upon the unanimous consent of all owners of the territory and approval by resolution of the council of the city in which the territory is located. The council shall provide in the resolution for the equitable distribution of assets and equitable distribution and assumption of liabilities of the territory as between the city and the severed territory. The council city clerk shall file a copy of the resolution, and a map, with and a legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder, secretary of state, and the board. The severance shall be is completed when the board has filed copies of the resolution and map as provided in section 368.20, subsection 2 upon acknowledgement by the board that it has received the map and resolution and a certification by the city clerk that copies of the map and resolution have been filed with the county recorder and secretary of state and that copies of the resolution, map, and a legal description of the territory involved have been filed with the state department of transportation.

Sec. 3. Section three hundred sixty-eight point eleven (368.11), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Plans shall include a formal agreement between affected municipal corporations and counties for the maintenance, improvement and traffic control of any shared roads involved in an incorporation or boundary adjustment.

Sec. 4. Section three hundred sixty-eight point twenty (368.20), subsection two (2), Code 1977, is amended to read as follows:

2. File with the secretary of state, the clerk of each city incorporated or involved in a boundary adjustment, and with the recorder of each county which contains a portion

of any city or territory involved, copies of the proceedings including the original petition or plan and any amendments, the order of the board approving the petition or plan, proofs of service and publication of required notices, certification of the election result, and any other material deemed by the board to be of primary importance to the proceedings. Upon proper filing and expiration of time for appeal, or upon a subsequent date as provided in the proposal, the incorporation, discontinuance, or boundary adjustment is complete, except that if an appeal to any of the proceedings is pending, completion does not occur until the appeal is decided. ~~The clerk of each city incorporated or involved in a boundary~~ adjustment board shall also file with the state department of transportation ~~and with the city development board~~ a copy of the ~~plat~~ map and legal land description of each completed ~~annexation~~ incorporation or corporate boundary adjustment completed under sections three hundred sixty-eight point eleven (368.11) through three hundred sixty-eight point twenty-two (368.22) of the Code or approved annexation within an urbanized area.

Sec. 5. This Act is effective January 1, 1978.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 224, Sixty-seventh General Assembly.

Approved June 3, 1977

STEVEN C. CROSS
Secretary of the Senate

ROBERT D. RAY
Governor