

*Reprinted*

FEB 6 1991

HOUSE FILE 182

BY COMMITTEE ON LOCAL GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 71)

Passed House, Date 4/5/91 (p. 1124) Passed Senate, Date 5/1/91 (P. 1578)  
 Vote: Ayes 92 Nays 0 Vote: Ayes 47 Nays 0  
 Approved May 21, 1991

A BILL FOR

1 An Act relating to the annexation of land surrounded by one or  
2 more cities.

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

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HF 182

1 Section 1. Section 368.1, Code 1991, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 9A. "Island" means land which is not part  
4 of a city and which is completely surrounded by the corporate  
+5 boundaries of one or more cities. A part of the boundary of  
6 an "island" may be contiguous with a boundary of the state.

7 Sec. 2. Section 368.7, unnumbered paragraph 2, Code 1991,  
8 is amended to read as follows:

9 An application for annexation of territory not within the  
10 urbanized area of a city other than the city to which the  
11 annexation is directed must be approved by resolution of the  
12 council which receives the application. In the discretion of  
13 a city council, the resolution may include a provision for a  
14 transition for the imposition of taxes as provided in section  
15 368.11, subsection 13. Upon receiving approval of the  
16 council, the city clerk shall file a copy of the resolution,  
17 map, and legal description of the territory involved with the  
18 state department of transportation. The city clerk shall also  
19 file a copy of the map and resolution with the county recorder  
20 and secretary of state. The secretary of state shall not  
21 accept and acknowledge a copy of a map and resolution of  
22 annexation which would create an island. The annexation is  
23 completed upon acknowledgment by the secretary of state that  
24 the secretary of state has received the map and resolution.

3119 >  
25 Sec. 3. Section 368.17, Code 1991, is amended by adding  
26 the following new subsection:

3119 + 27 NEW SUBSECTION. 7. An annexation which creates or  
28 includes an island.

3119 + 29 Sec. 4. ANNEXATION OF EXISTING ISLANDS. Not later than  
30 January 1, 1993, the city development board shall annex an  
31 existing island, as defined in section 368.1, to one or more  
32 of the cities which surround it. If the island is not  
33 voluntarily annexed by January 1, 1993, the city development  
34 board shall annex the island to one or more of the cities  
35 which surround it. However, if fifty percent or more of the

1 landowners of the island protest the annexation, the city  
2 development board shall initiate involuntary annexation  
3 procedures as provided in chapter 368, division III.

4 EXPLANATION

5 This bill provides that city annexations shall not include  
6 or create islands of land completely surrounded by  
7 incorporated cities which are not within the corporate  
8 boundaries of a city. Existing islands are to be annexed  
9 voluntarily by January 1, 1993, or if 50 percent or more of  
10 the island landowners object, involuntary procedures are to be  
11 started.

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## HOUSE FILE 182

H-3119

1 Amend House File 182 as follows:

2 1. Page 1, line 5, by striking the word "A" and  
3 inserting the following: "However, a".

4 2. Page 1, by inserting after line 24 the  
5 following:

6 "Sec. \_\_\_\_ . Section 368.7, unnumbered paragraph 3,  
7 Code 1991, is amended to read as follows:

8 An application for annexation of territory within  
9 the urbanized area of a city other than the city to  
10 which the annexation is directed must be approved both  
11 by resolution of the council which receives the  
12 application and by the board. The board shall not  
13 approve an application which creates an island. In  
14 the discretion of a city council, the resolution may  
15 include a provision for a transition for the  
16 imposition of taxes as provided in section 368.11,  
17 subsection 13. The annexation is completed when the  
18 board has filed copies of applicable portions of the  
19 proceedings as required by section 368.20, subsection  
20 2."

21 3. Page 1, lines 27 and 28, by striking the words  
22 "or includes".

23 4. By striking page 1, line 29 through page 2,  
24 line 3, and inserting the following:

25 "Sec. \_\_\_\_ . ANNEXATION OF EXISTING ISLANDS.

26 1. On or before January 15, 1992, the board of  
27 supervisors of each county shall notify the city  
28 development board of the existence of any islands  
29 within the county that have not become a part of a  
30 city by annexation or incorporation as of the date of  
31 notification. The notification shall include a legal  
32 description of the island and a map showing its  
33 location in relationship to the city or cities  
34 surrounding the island. The city development board  
35 shall verify each county's identification of an  
36 island, giving notice and opportunity to contest the  
37 identification to each city within whose boundaries  
38 the identified island is located as part of the  
39 verification process. The city development board  
40 shall also give notice and the opportunity to protest  
41 the pending annexation to the landowners of the  
42 island.

43 2. If the island is within the boundaries of only  
44 one city, the board shall certify the verification to  
45 the city and declare the island annexed to the city as  
46 of the date of certification.

47 3. If the island is described by the boundaries of  
48 more than one city, the board shall conduct a public  
49 hearing for the purpose of determining to which city  
50 the island should be annexed. The board may determine

H-3119

Page 2

1 that the island's territory shall be divided among the  
 2 cities in a manner the board finds appropriate. The  
 3 board's declaration of annexation to each city shall  
 4 describe how the island is divided among the cities.  
 5 4. However, if a majority of the landowners of the  
 6 island protests the annexation and the board finds  
 7 that the residents of the island have adequate fire  
 8 protection, police protection, emergency medical  
 9 services, and road construction and maintenance  
 10 services, the board shall discontinue the annexation  
 11 proceedings.

12 5. All applicable provisions of section 368.20  
 13 shall be followed with regard to annexations pursuant  
 14 to this section."

By SPEAR of Lee

H-3119 FILED FEBRUARY 28, 1991

*Adopted as amended by 3154 4/5 (p.1123)*

## HOUSE FILE 182

H-3044

1 Amend House File 182 as follows:

2 1. Page 1, line 5, by striking the word "A" and  
 3 inserting the following: "However, a".

4 2. Page 1, lines 27 and 28, by striking the words  
 5 "or includes".

6 3. By striking page 1, line 29 through page 2,  
 7 line 3, and inserting the following:

8 "Sec. 4. ANNEXATION OF EXISTING ISLANDS. If an  
 9 existing island is not voluntarily annexed by January  
 10 1, 1993, the city development board shall initiate  
 11 involuntary annexation procedures to annex the island  
 12 to one or more cities which surround it."

By SPEAR of Lee

H-3044 FILED FEBRUARY 7, 1991

*w/B 4/5*

## HOUSE FILE 182

H-3059

1 Amend the amendment, H-3044, to House File 182, as  
 2 follows:

3 1. Page 1, line 12, by inserting after the word  
 4 "it." the following: "However, if fifty percent or  
 5 more of the landowners of the island protest the  
 6 annexation, the city development board shall  
 7 discontinue any further involuntary annexation  
 8 proceedings."

By IVERSON of Wright

GRUBBS of Scott

H-3059 FILED FEBRUARY 13, 1991

*Placed o/o 4/5*

HOUSE FILE 182

H-3154

1 Amend the amendment, H-3119, to House File 182 as  
2 follows:

3 1. Page 2, by striking lines 5 through 11 and  
4 inserting the following:

5 "4. However, if a majority of the landowners of  
6 the island protest the annexation, the board shall  
7 discontinue the annexation proceedings unless the  
8 board finds that the residents of the island do not  
9 have adequate fire protection, police protection,  
10 emergency medical services, and road construction and  
11 maintenance services."

By GRUBBS of Scott .

H-3154 FILED MARCH 7, 1991

*Adopted 4/5 (p. 1123)*

Sen. Local Gov. 80 pass 4/12/91 (p. 1218)

HOUSE FILE 182  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 71)

(As Amended and Passed by the House April 5, 1991)

Passed House, Date 4/5/91 (p. 1124) Passed Senate, Date 5/1/91 (p. 1578)  
Vote: Ayes 92 Nays 0 Vote: Ayes 47 Nays 0

Approved May 21, 1991 *motion to reconsider (p. 1587)*

A BILL FOR

1 An Act relating to the annexation of land surrounded by one or  
2 more cities.

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

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House Amendments \_\_\_\_\_

Deleted Language ✕

1 Section 1. Section 368.1, Code 1991, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 9A. "Island" means land which is not part  
4 of a city and which is completely surrounded by the corporate  
5 boundaries of one or more cities. However, a part of the  
6 boundary of an "island" may be contiguous with a boundary of  
7 the state.

8 Sec. 2. Section 368.7, unnumbered paragraph 2, Code 1991,  
9 is amended to read as follows:

10 An application for annexation of territory not within the  
11 urbanized area of a city other than the city to which the  
12 annexation is directed must be approved by resolution of the  
13 council which receives the application. In the discretion of  
14 a city council, the resolution may include a provision for a  
15 transition for the imposition of taxes as provided in section  
16 368.11, subsection 13. Upon receiving approval of the  
17 council, the city clerk shall file a copy of the resolution,  
18 map, and legal description of the territory involved with the  
19 state department of transportation. The city clerk shall also  
20 file a copy of the map and resolution with the county recorder  
21 and secretary of state. The secretary of state shall not  
22 accept and acknowledge a copy of a map and resolution of  
23 annexation which would create an island. The annexation is  
24 completed upon acknowledgment by the secretary of state that  
25 the secretary of state has received the map and resolution.

26 Sec. 3. Section 368.7, unnumbered paragraph 3, Code 1991,  
27 is amended to read as follows:

28 An application for annexation of territory within the  
29 urbanized area of a city other than the city to which the  
30 annexation is directed must be approved both by resolution of  
31 the council which receives the application and by the board.  
32 The board shall not approve an application which creates an  
33 island. In the discretion of a city council, the resolution  
34 may include a provision for a transition for the imposition of  
35 taxes as provided in section 368.11, subsection 13. The



1 annexation is completed when the board has filed copies of  
2 applicable portions of the proceedings as required by section  
3 368.20, subsection 2.

4 Sec. 4. Section 368.17, Code 1991, is amended by adding  
5 the following new subsection:

\* 6 NEW SUBSECTION. 7. An annexation which creates an island.

7 Sec. 5. ANNEXATION OF EXISTING ISLANDS.

8 1. On or before January 15, 1992, the board of supervisors  
9 of each county shall notify the city development board of the  
10 existence of any islands within the county that have not  
11 become a part of a city by annexation or incorporation as of  
12 the date of notification. The notification shall include a  
13 legal description of the island and a map showing its location  
14 in relationship to the city or cities surrounding the island.  
15 The city development board shall verify each county's  
16 identification of an island, giving notice and opportunity to  
17 contest the identification to each city within whose  
18 boundaries the identified island is located as part of the  
19 verification process. The city development board shall also  
20 give notice and the opportunity to protest the pending  
21 annexation to the landowners of the island.

22 2. If the island is within the boundaries of only one  
23 city, the board shall certify the verification to the city and  
24 declare the island annexed to the city as of the date of  
25 certification.

26 3. If the island is described by the boundaries of more  
27 than one city, the board shall conduct a public hearing for  
28 the purpose of determining to which city the island should be  
29 annexed. The board may determine that the island's territory  
30 shall be divided among the cities in a manner the board finds  
31 appropriate. The board's declaration of annexation to each  
32 city shall describe how the island is divided among the  
33 cities.

34 4. However, if a majority of the landowners of the island  
35 protest the annexation, the board shall discontinue the

1 annexation proceedings unless the board finds that the  
2 residents of the island do not have adequate fire protection,  
3 police protection, emergency medical services, and road  
4 construction and maintenance services.

5 5. All applicable provisions of section 368.20 shall be  
6 followed with regard to annexations pursuant to this section.

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LOCAL GOVERNMENT

HOUSE FILE 182  
BY (PROPOSED COMMITTEE ON LOCAL  
GOVERNMENT BILL BY CHAIRPERSON  
DVORSKY)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the annexation of land surrounded by one or  
2 more cities.

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1 Section 1. Section 368.1, Code 1991, is amended by adding  
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3 NEW SUBSECTION. 9A. "Island" means land which is not part  
4 of a city and which is completely surrounded by the corporate  
5 boundaries of one or more cities.

6 Sec. 2. Section 368.7, unnumbered paragraph 2, Code 1991,  
7 is amended to read as follows:

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9 urbanized area of a city other than the city to which the  
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11 council which receives the application. In the discretion of  
12 a city council, the resolution may include a provision for a  
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14 368.11, subsection 13. Upon receiving approval of the  
15 council, the city clerk shall file a copy of the resolution,  
16 map, and legal description of the territory involved with the  
17 state department of transportation. The city clerk shall also  
18 file a copy of the map and resolution with the county recorder  
19 and secretary of state. The secretary of state shall not  
20 accept and acknowledge a copy of a map and resolution of  
21 annexation which would create or maintain the existence of an  
22 island. The annexation is completed upon acknowledgment by  
23 the secretary of state that the secretary of state has  
24 received the map and resolution.

25 Sec. 3. Section 368.17, Code 1991, is amended by adding  
26 the following new subsection:

27 NEW SUBSECTION. 7. An annexation which creates or  
28 includes an island.

29 Sec. 4. ANNEXATION OF EXISTING ISLANDS. Not later than  
30 January 1, 1993, an existing island, as defined in section  
31 368.1, shall be annexed to one or more of the cities which  
32 surround it. If the island is not voluntarily annexed by  
33 January 1, 1993, the city development board shall annex the  
34 island to one or more of the cities which surround it.  
35 However, if fifty percent or more of the landowners of the

1 island protest the annexation, the question shall be resolved  
2 by involuntary annexation procedures as provided in chapter  
3 368, division III. The landowners filing the protest against  
4 annexation shall show, at a minimum, that residents of the  
5 island have adequate access to emergency fire and medical  
6 services without annexation.

7 EXPLANATION

8 This bill provides that city annexations shall not include  
9 or create islands of land completely surrounded by  
10 incorporated cities which are not within the corporate  
11 boundaries of a city. Existing islands are to be annexed  
12 voluntarily by January 1, 1993, or if 50 percent or more of  
13 the island landowners object, involuntary procedures are to be  
14 started.

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HOUSE FILE 182

AN ACT

RELATING TO THE ANNEXATION OF LAND SURROUNDED BY ONE OR MORE CITIES.

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

Section 1. Section 368.1, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. "Island" means land which is not part of a city and which is completely surrounded by the corporate boundaries of one or more cities. However, a part of the boundary of an "island" may be contiguous with a boundary of the state.

Sec. 2. Section 368.7, unnumbered paragraph 2, Code 1991, is amended to read as follows:

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. In the discretion of a city council, the resolution may include a provision for a transition for the imposition of taxes as provided in section 368.11, subsection 13. 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 and secretary of state. The secretary of state shall not accept and acknowledge a copy of a map and resolution of annexation which would create an island. The annexation is completed upon acknowledgment by the secretary of state that the secretary of state has received the map and resolution.

Sec. 3. Section 368.7, unnumbered paragraph 3, Code 1991, is amended to read as follows:

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 board shall not approve an application which creates an island. In the discretion of a city council, the resolution may include a provision for a transition for the imposition of taxes as provided in section 368.11, subsection 13. The annexation is completed when the board has filed copies of applicable portions of the proceedings as required by section 368.20, subsection 2.

Sec. 4. Section 368.17, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. An annexation which creates an island.

Sec. 5. ANNEXATION OF EXISTING ISLANDS.

1. On or before January 15, 1992, the board of supervisors of each county shall notify the city development board of the existence of any islands within the county that have not become a part of a city by annexation or incorporation as of the date of notification. The notification shall include a legal description of the island and a map showing its location in relationship to the city or cities surrounding the island. The city development board shall verify each county's identification of an island, giving notice and opportunity to contest the identification to each city within whose boundaries the identified island is located as part of the verification process. The city development board shall also give notice and the opportunity to protest the pending annexation to the landowners of the island.

2. If the island is within the boundaries of only one city, the board shall certify the verification to the city and declare the island annexed to the city as of the date of certification.

3. If the island is described by the boundaries of more than one city, the board shall conduct a public hearing for the purpose of determining to which city the island should be annexed. The board may determine that the island's territory shall be divided among the cities in a manner the board finds appropriate. The board's declaration of annexation to each

city shall describe how the island is divided among the cities.

4. However, if a majority of the landowners of the island protest the annexation, the board shall discontinue the annexation proceedings unless the board finds that the residents of the island do not have adequate fire protection, police protection, emergency medical services, and road construction and maintenance services.

5. All applicable provisions of section 368.20 shall be followed with regard to annexations pursuant to this section.

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ROBERT C. ARNOULD  
Speaker of the House

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JOE J. WELSH  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 182, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 21, 1991

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TERRY E. BRANSTAD  
Governor