

3/30/95 Motion to Rk by Prude  
4/30/95 Motion to Rk - Withdrawn  
H. 4/4/95 Local Gov.  
FILED MAR 16 1995

SENATE FILE 392  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 317)

(p. 992)  
Passed Senate, Date 3-30-95 Passed House, Date \_\_\_\_\_  
Vote: Ayes 50 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to notice requirements for voluntary annexation  
2 of property by a city.

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

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S.F. 392

1 Section 1. Section 368.7, subsections 1 and 3, Code 1995,  
2 are amended to read as follows:

3 1. All of the owners of land in a territory adjoining a  
4 city may apply in writing to the council of the adjoining city  
5 requesting annexation of the territory. Territory comprising  
6 railway right-of-way or territory comprising not more than  
7 twenty percent of the land area may be included in the  
8 application without the consent of the owner to avoid creating  
9 an island or to create more uniform boundaries if a copy of  
10 the application is mailed by certified mail to the owner and  
11 ~~each-affected-public-utility,~~ at least ten days prior to any  
12 action taken by the city council on the application. The  
13 application must contain a legal description and a map of the  
14 territory showing its location in relationship to the city.  
15 An annexation including territory comprising not more than  
16 twenty percent of the land area without consent of the  
17 property owners is not complete without approval by four-  
18 fifths of the members of the board after a hearing for all  
19 affected property owners and the county.

20 3. An application for annexation of territory within an  
21 urbanized area of a city other than the city to which the  
22 annexation is directed must be approved both by resolution of  
23 the council which receives the application and by the board.  
24 The board shall not approve an application which creates an  
25 island. ~~Notice-of-the-application-shall-be-mailed-by~~  
26 ~~certified-mail,-by-the-city-to-which-the-annexation-is~~  
27 ~~directed,-at-least-ten-days-prior-to-any-action-by-the-city~~  
28 ~~council-on-the-application-to-the-council-of-each-city-whose~~  
29 ~~boundary-adjoins-the-territory-or-is-within-two-miles-of-the~~  
30 ~~territory,-to-the-board-of-supervisors-of-each-county-which~~  
31 ~~contains-a-portion-of-the-territory,-each-affected-public~~  
32 ~~utility,-and-to-the-regional-planning-authority-of-the~~  
33 ~~territory,-~~ Notice-of-the-application-shall-be-published-in-an  
34 official-county-newspaper-in-each-county-which-contains-a  
35 portion-of-the-territory-at-least-ten-days-prior-to-any-action

1 ~~by-the-city-council-on-the-application.~~ In the discretion of  
2 a city council, the resolution may include a provision for a  
3 transition for the imposition of taxes as provided in section  
4 368.11, subsection 13. The annexation is completed when the  
5 board has filed and recorded copies of applicable portions of  
6 the proceedings as required by section 368.20, subsection 2.

7 Sec. 2. Section 368.7, Code 1995, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 5. For each application filed under this  
10 section, notice of the application shall be mailed by  
11 certified mail, by the city to which the annexation is  
12 directed, at least ten days prior to any action by the city  
13 council on the application, to the council of each city whose  
14 boundary adjoins the territory or is within two miles of the  
15 territory, to the board of supervisors of each county which  
16 contains a portion of the territory, to each affected public  
17 utility, and to the regional planning authority of the  
18 territory. Notice of the application shall be published in an  
19 official county newspaper in each county which contains a  
20 portion of the territory at least ten days prior to any action  
21 by the city council on the application.

22 EXPLANATION

23 This bill requires a city to which a voluntary annexation  
24 application is filed to send notice of the annexation appli-  
25 cation to a city, county, public utility, or regional planning  
26 authority affected by the annexation. The bill further  
27 requires that notice of the annexation application be  
28 published in an official county newspaper at least 10 days  
29 prior to any action on the application. Currently, notice is  
30 required for only certain types of voluntary annexation  
31 applications.

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Black  
Halvorson  
McKean

SSB 317  
Local Government  
Sponsored By  
SENATE FILE 392  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON SORENSEN)

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