

Senate Study Bill 317

Conference Committee Text

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1 1 Section 1. Section 368.7, subsections 1 and 3, Code 1995,
1 2 are amended to read as follows:
1 3 1. All of the owners of land in a territory adjoining a
1 4 city may apply in writing to the council of the adjoining city
1 5 requesting annexation of the territory. Territory comprising
1 6 railway right-of-way or territory comprising not more than
1 7 twenty percent of the land area may be included in the
1 8 application without the consent of the owner to avoid creating
1 9 an island or to create more uniform boundaries if a copy of
1 10 the application is mailed by certified mail to the owner

~~and~~

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1 11

~~each affected public utility,~~

~~- at least ten days prior to any~~

1 12 action taken by the city council on the application. The
1 13 application must contain a legal description and a map of the
1 14 territory showing its location in relationship to the city.
1 15 An annexation including territory comprising not more than
1 16 twenty percent of the land area without consent of the
1 17 property owners is not complete without approval by four-
1 18 fifths of the members of the board after a hearing for all
1 19 affected property owners and the county.

1 20 3. An application for annexation of territory within an
1 21 urbanized area of a city other than the city to which the
1 22 annexation is directed must be approved both by resolution of
1 23 the council which receives the application and by the board.
1 24 The board shall not approve an application which creates an
1 25 island.

~~Notice of the application shall be mailed by~~

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~~certified mail, by the city to which the annexation is~~

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~~directed, at least ten days prior to any action by the city~~

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~~council on the application to the council of each city whose~~

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~~boundary adjoins the territory or is within two miles of the~~

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~~territory, to the board of supervisors of each county which~~

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~~contains a portion of the territory, each affected public~~

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~~utility, and to the regional planning authority of the~~

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~~territory. Notice of the application shall be published in an~~

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~~official county newspaper in each county which contains a~~

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~~portion of the territory at least ten days prior to any action~~

2 1

~~by the city council on the application.~~

- In the discretion of

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

2 7 Sec. 2. Section [368.7](#), Code 1995, is amended by adding the
2 8 following new subsection:

2 9 NEW SUBSECTION. 5. For each application filed under this
2 10 section, notice of the application shall be mailed by
2 11 certified mail, by the city to which the annexation is
2 12 directed, at least ten days prior to any action by the city
2 13 council on the application, to the council of each city whose
2 14 boundary adjoins the territory or is within two miles of the
2 15 territory, to the board of supervisors of each county which
2 16 contains a portion of the territory, to each affected public
2 17 utility, and to the regional planning authority of the
2 18 territory. Notice of the application shall be published in an
2 19 official county newspaper in each county which contains a
2 20 portion of the territory at least ten days prior to any action
2 21 by the city council on the application.

2 22 EXPLANATION

2 23 This bill requires a city to which a voluntary annexation
2 24 application is filed to send notice of the annexation appli-
2 25 cation to a city, county, public utility, or regional planning
2 26 authority affected by the annexation. The bill further
2 27 requires that notice of the annexation application be
2 28 published in an official county newspaper at least 10 days
2 29 prior to any action on the application. Currently, notice is
2 30 required for only certain types of voluntary annexation
2 31 applications.

2 32 LSB 2345SC 76

2 33 sc/jw/5