

Johnson
McKibben
McCoy

SSB-1225
Local Government
Succeeded By
SENATE FILE (SF) HF 501
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON MILLER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to annexing moratorium agreements, to voluntary
2 and involuntary annexations, and providing for the Act's
3 applicability.

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

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1 Section 1. Section 368.4, Code 2001, is amended to read as
2 follows:

3 368.4 ANNEXING MORATORIUM.

4 A city, following notice and hearing, may by resolution
5 agree with another city or cities to refrain from annexing
6 specifically described territory for a period not to exceed
7 ten years and, following notice and hearing, may by resolution
8 extend the agreement for subsequent periods not to exceed ten
9 years each. Notice of a hearing shall be served at least
10 thirty days before the hearing on the city development board,
11 and on the board of supervisors of the county in which the
12 territory is located. Service shall be by regular mail. The
13 notice shall include the time and place of the hearing,
14 describe the territory subject to the proposed agreement, and
15 the general terms of the agreement. Notice shall also be
16 given by publication in an official county newspaper in each
17 county which contains any portion of the territory that is the
18 subject of the agreement. After enactment of a resolution by
19 the cities approving the agreement, a copy of the agreement
20 and a copy of any resolution extending an agreement shall be
21 filed with the city development board within thirty ten days
22 of enactment.

23 The city development board shall review the agreement and
24 make a determination of approval or disapproval upon receipt
25 of a petition challenging the resolution. The petition must
26 be filed with the city development board by the county board
27 of supervisors of a county in which the territory is located
28 or by property owners comprising twenty-five percent of the
29 land area in the territory impacted by the agreement. The
30 petition must be filed within twenty days of enactment of the
31 resolution by the cities. If a petition is not filed with the
32 city development board, the agreement is deemed approved. The
33 city development board shall base its finding upon all
34 relevant information, including but not limited to the
35 following:

1 1. The degree to which the agreement is consistent with
2 the ability of the respective cities and private service
3 providers to logically provide cost-effective services to the
4 territory, including, but not limited to, water supply, sewer
5 disposal, road maintenance and repair, and fire and police.

6 2. The degree to which the agreement is consistent with
7 existing land use plans for the territory.

8 3. The degree to which the agreement is consistent with
9 wishes of the landowners and residents of the territory.

10 4. The location of the territory in relation to each
11 city's urbanized area.

12 5. The degree to which the projected population growth
13 patterns of the communities is consistent with the agreement.

14 6. The degree to which the agreement is consistent with
15 street addresses and school district boundaries of the
16 territory.

17 PARAGRAPH DIVIDED. If such an agreement is in force, the
18 board shall dismiss a petition or plan which violates the
19 terms of the agreement.

20 Sec. 2. Section 368.7, subsection 1, Code 2001, is amended
21 to read as follows:

22 1. All of the owners of land in a territory adjoining a
23 city may apply in writing to the council of the adjoining city
24 requesting annexation of the territory. Territory comprising
25 railway right-of-way or territory comprising not more than
26 twenty percent of the land area may be included in the
27 application without the consent of the owner to avoid creating
28 an island or to create more uniform boundaries if a copy of
29 the application is mailed by certified mail to the owner and
30 each affected public utility, at least ten fourteen days prior
31 to any action taken by the city council on the application.
32 The application must contain a legal description and a map of
33 the territory showing its location in relationship to the
34 city.

35 An application for voluntary annexation of territory by a

1 city must be approved by resolution of the council that
2 receives the application. The city council shall approve or
3 deny the application following notice and public hearing as
4 required in this section. An annexation including territory
5 comprising not more than twenty percent of the land area
6 without consent of the property owners is not complete without
7 approval by four-fifths of the members of the board after a
8 hearing for all affected property owners and the county. Upon
9 approval of the annexation, the board shall file a copy of the
10 resolution, map, and legal description of the territory with
11 the county recorder of each county which contains any portion
12 of the territory.

13 Sec. 3. Section 368.7, Code 2001, is amended by adding the
14 following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. The city shall provide for a
16 public hearing on the application before approving or denying
17 it. The city shall provide written notice at least fourteen
18 days prior to any action by the city council regarding the
19 application, including a public hearing, by certified mail to
20 the chairperson of the board of supervisors of each county
21 which contains a portion of the territory proposed to be
22 annexed, each public utility which serves the territory
23 proposed to be annexed, each owner of property located within
24 the territory to be annexed who is not a party to the
25 application, and each owner of property which adjoins the
26 territory to be annexed. The city shall publish notice of the
27 application and public hearing on the application in an
28 official county newspaper in each county which contains a
29 portion of the territory proposed to be annexed at least ten
30 days prior to any action by the city council on the
31 application. Both the written and published notice shall
32 include the time and place of the public hearing and a legal
33 description of the territory to be annexed. The city may
34 assess the costs of providing notice as required in this
35 section to the applicants.

1 Sec. 4. Section 368.7, subsection 2, Code 2001, is amended
2 to read as follows:

3 2. An application for annexation of territory not within
4 an urbanized area of a city other than the city to which the
5 annexation is directed must be approved by resolution of the
6 council which receives the application. In the discretion of
7 a city council, the resolution may include a provision for a
8 transition for the imposition of taxes as provided in section
9 368.11, subsection 13. The city council shall mail a copy of
10 the application by certified mail to the board of supervisors
11 of each county which contains a portion of the territory at
12 least fourteen days prior to any action taken by the city
13 council on the application. The council shall also publish
14 notice of the application in an official county newspaper in
15 each county which contains a portion of the territory at least
16 ten days prior to any action taken by the council on the
17 application. Upon receiving approval of the council, the city
18 clerk shall file a copy of the resolution, map, and legal
19 description of the territory involved with the secretary of
20 state, the county board of supervisors of each county which
21 contains a portion of the territory, each affected public
22 utility, and the state department of transportation. The city
23 clerk shall also record a copy of the legal description, map,
24 and resolution with the county recorder of each county which
25 contains a portion of the territory. The secretary of state
26 shall not accept and acknowledge a copy of a legal
27 description, map, and resolution of annexation which would
28 create an island. The annexation is completed upon
29 acknowledgment by the secretary of state that the secretary of
30 state has received the legal description, map, and resolution.

31 Sec. 5. Section 368.7, subsection 3, Code 2001, is amended
32 to read as follows:

33 3. An application for annexation of territory within an
34 urbanized area of a city other than the city to which the
35 annexation is directed must be approved both by resolution of

1 the council which receives the application and by the board.
2 The board shall not approve an application which creates an
3 island. Notice of the application shall be mailed by
4 certified mail, by the city to which the annexation is
5 directed, at least ten fourteen days prior to any action by
6 the city council on the application to the council of each
7 city whose boundary adjoins the territory or is within two
8 miles of the territory, to the board of supervisors of each
9 county which contains a portion of the territory, each
10 affected public utility, and to the regional planning
11 authority of the territory. Notice of the application shall
12 be published in an official county newspaper in each county
13 which contains a portion of the territory at least ten days
14 prior to any action by the city council on the application.
15 In the discretion of a city council, the resolution may
16 include a provision for a transition for the imposition of
17 taxes as provided in section 368.11, subsection 13. The
18 annexation is completed when the board has filed and recorded
19 copies of applicable portions of the proceedings as required
20 by section 368.20, subsection 2.

21 Sec. 6. Section 368.11, unnumbered paragraph 4, Code 2001,
22 is amended to read as follows:

23 At least ten thirty days before a petition for involuntary
24 annexation is filed as provided in this section, the
25 petitioner shall make its intention known by sending a letter
26 of intent by certified mail to the council of each city whose
27 urbanized area contains a portion of the territory, the board
28 of supervisors of each county which contains a portion of the
29 territory, the regional planning authority of the territory
30 involved, each affected public utility, and to each property
31 owner listed in the petition. The written notification shall
32 include notice that the petitioners shall hold a public
33 meeting on the petition for involuntary annexation prior to
34 the filing of the petition.

35 Sec. 7. Section 368.11, unnumbered paragraph 5, Code 2001,

1 is amended to read as follows:

2 Before a petition for involuntary annexation may be filed,
 3 the petitioner shall hold a public meeting on the petition.
 4 Notice of the meeting shall be published in an official county
 5 newspaper in each county which contains a part of the
 6 territory at least five ten days before the date of the public
 7 meeting. The mayor of the city proposing to annex the
 8 territory, or that person's designee, shall serve as
 9 chairperson of the public meeting. The city clerk of the same
 10 city or the city clerk's designee shall record the proceedings
 11 of the public meeting. Any person attending the meeting may
 12 submit written comments and may be heard on the petition. The
 13 minutes of the public meeting and all documents submitted at
 14 the public meeting shall be forwarded to the board by the
 15 chairperson of the meeting.

16 Sec. 8. APPLICABILITY. Section 1 of this Act applies to
 17 adoption of resolutions proposing, extending, or repealing
 18 moratorium agreements on or after the effective date of this
 19 Act. The remainder of this Act applies to applications,
 20 petitions, or plans filed for annexation of territory on or
 21 after the effective date of this Act.

22 EXPLANATION

23 This bill makes changes to the law relating to annexation
24 of territory.

25 The bill amends Code section 368.4, relating to annexing
 26 moratorium agreements, to require that notice of a hearing on
 27 an agreement be served at least 30 days before the hearing.
 28 Besides notice being served on the city development board, the
 29 bill requires that notice also be served on the board of
 30 supervisors of the county where the territory is located. The
 31 bill provides that notice must be served by regular mail.
 32 Notice must also be made by publication in an official county
 33 newspaper in each county which contains any portion of the
 34 territory that is the subject of the agreement. The county or
 35 property owners may challenge the moratorium agreement by

1 filing a petition with the city development board. These
2 amendments apply to adoption of resolutions proposing,
3 extending, or repealing agreements on or after the effective
4 date of this bill.

5 Code section 368.7 is amended to provide that an
6 application for voluntary annexation that is not required to
7 have the consent of all landowners of the territory must be
8 approved by resolution of the city council after notice and
9 public hearing. The bill increases from 10 days to 14 days
10 the time period which must expire between the time a copy of
11 an application is mailed to each landowner and public utility
12 and the time at which the council may take action on the
13 application. The bill provides that the city must hold a
14 public hearing on the application and provide notice of the
15 hearing to the county board of supervisors, each landowner,
16 and each public utility in the territory to be annexed. The
17 city must also provide notice by publication at least 10 days
18 before any action by the city council on the application. The
19 bill provides that the city may assess the costs of providing
20 notice to the applicants.

21 Code section 368.7 is also amended, relating to annexation
22 applications involving territory within the urbanized area of
23 the annexing city and not within any other city's urbanized
24 area. The Code section is amended to provide that a copy of
25 the application for such annexations must be sent by certified
26 mail to the board of supervisors of the county at least 14
27 days prior to any action. The council is also required to
28 publish notice of the application at least 10 days prior to
29 any action taken by the council. Code section 368.7 is
30 amended to require that certain documents relating to all
31 voluntary annexations be filed with the county recorder.

32 The bill also amends Code section 368.7 to increase from 10
33 days to 14 days the time period that notice must be provided
34 before a city takes action to voluntarily annex territory
35 within the urbanized area of another city.

1 Code section 368.11 is amended to increase from 10 days to
 2 30 days the time when notice of an involuntary petition must
 3 be provided to interested parties. The Code section is also
 4 amended to increase from five days to 10 days the date by
 5 which publication notice must be made before a public meeting
 6 on the petition.

7 Amendments in the bill relating to voluntary and
 8 involuntary annexations apply to applications, petitions, or
 9 plans for annexation filed on or after the effective date of
 10 the bill.

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4/5/01 Rereferred To: Local Gov.

FILED MAR 19 2001

SENATE FILE 501
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1225)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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A BILL FOR

1 An Act relating to voluntary and involuntary annexations, and
2 providing for the Act's applicability.

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

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SF 501

1 Section 1. Section 368.7, subsection 1, Code 2001, is
2 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~~ fourteen days prior
12 to any action taken by the city council on the application.
13 The application must contain a legal description and a map of
14 the territory showing its location in relationship to the
15 city.

16 An application for voluntary annexation of territory by a
17 city must be approved by resolution of the council that
18 receives the application. The city council shall approve or
19 deny the application following notice and public hearing as
20 required in this section. An annexation including territory
21 comprising not more than twenty percent of the land area
22 without consent of the property owners is not complete without
23 approval by four-fifths of the members of the board after a
24 hearing for all affected property owners and the county. Upon
25 approval of the annexation, the board shall file a copy of the
26 resolution, map, and legal description of the territory with
27 the county recorder of each county which contains any portion
28 of the territory.

29 Sec. 2. Section 368.7, subsection 2, Code 2001, is amended
30 to read as follows:

31 2. An application for annexation of territory not within
32 an urbanized area of a city other than the city to which the
33 annexation is directed must be approved by resolution of the
34 council which receives the application. In the discretion of
35 a city council, the resolution may include a provision for a

1 transition for the imposition of taxes as provided in section
2 368.11, subsection 13. The city council shall mail a copy of
3 the application by certified mail to the board of supervisors
4 of each county which contains a portion of the territory at
5 least fourteen days prior to any action taken by the city
6 council on the application. The council shall also publish
7 notice of the application in an official county newspaper in
8 each county which contains a portion of the territory at least
9 ten days prior to any action taken by the council on the
10 application. Upon receiving approval of the council, the city
11 clerk shall file a copy of the resolution, map, and legal
12 description of the territory involved with the secretary of
13 state, the county board of supervisors of each county which
14 contains a portion of the territory, each affected public
15 utility, and the state department of transportation. The city
16 clerk shall also record a copy of the legal description, map,
17 and resolution with the county recorder of each county which
18 contains a portion of the territory. The secretary of state
19 shall not accept and acknowledge a copy of a legal
20 description, map, and resolution of annexation which would
21 create an island. The annexation is completed upon
22 acknowledgment by the secretary of state that the secretary of
23 state has received the legal description, map, and resolution.

24 Sec. 3. Section 368.7, subsection 3, Code 2001, is amended
25 to read as follows:

26 3. An application for annexation of territory within an
27 urbanized area of a city other than the city to which the
28 annexation is directed must be approved both by resolution of
29 the council which receives the application and by the board.
30 The board shall not approve an application which creates an
31 island. Notice of the application shall be mailed by
32 certified mail, by the city to which the annexation is
33 directed, at least ~~ten~~ fourteen days prior to any action by
34 the city council on the application to the council of each
35 city whose boundary adjoins the territory or is within two

1 miles of the territory, to the board of supervisors of each
2 county which contains a portion of the territory, each
3 affected public utility, and to the regional planning
4 authority of the territory. Notice of the application shall
5 be published in an official county newspaper in each county
6 which contains a portion of the territory at least ten days
7 prior to any action by the city council on the application.
8 In the discretion of a city council, the resolution may
9 include a provision for a transition for the imposition of
10 taxes as provided in section 368.11, subsection 13. The
11 annexation is completed when the board has filed and recorded
12 copies of applicable portions of the proceedings as required
13 by section 368.20, subsection 2.

14 Sec. 4. Section 368.11, unnumbered paragraph 4, Code 2001,
15 is amended to read as follows:

16 At least ten thirty days before a petition for involuntary
17 annexation is filed as provided in this section, the
18 petitioner shall make its intention known by sending a letter
19 of intent by certified mail to the council of each city whose
20 urbanized area contains a portion of the territory, the board
21 of supervisors of each county which contains a portion of the
22 territory, the regional planning authority of the territory
23 involved, each affected public utility, and to each property
24 owner listed in the petition. The written notification shall
25 include notice that the petitioners shall hold a public
26 meeting on the petition for involuntary annexation prior to
27 the filing of the petition.

28 Sec. 5. Section 368.11, unnumbered paragraph 5, Code 2001,
29 is amended to read as follows:

30 Before a petition for involuntary annexation may be filed,
31 the petitioner shall hold a public meeting on the petition.
32 Notice of the meeting shall be published in an official county
33 newspaper in each county which contains a part of the
34 territory at least five ten days before the date of the public
35 meeting. The mayor of the city proposing to annex the

1 territory, or that person's designee, shall serve as
2 chairperson of the public meeting. The city clerk of the same
3 city or the city clerk's designee shall record the proceedings
4 of the public meeting. Any person attending the meeting may
5 submit written comments and may be heard on the petition. The
6 minutes of the public meeting and all documents submitted at
7 the public meeting shall be forwarded to the board by the
8 chairperson of the meeting.

9 Sec. 6. APPLICABILITY. This Act applies to applications,
10 petitions, or plans filed for annexation of territory on or
11 after the effective date of this Act.

12 EXPLANATION

13 This bill makes changes to the law relating to annexation
14 of territory.

15 Code section 368.7 is amended to provide that an
16 application for voluntary annexation that is not required to
17 have the consent of all landowners of the territory must be
18 approved by resolution of the city council after notice and
19 public hearing. The bill increases from 10 days to 14 days
20 the time period which must expire between the time a copy of
21 an application is mailed to each landowner and public utility
22 and the time at which the council may take action on the
23 application.

24 Code section 368.7 is also amended, relating to annexation
25 applications involving territory within the urbanized area of
26 the annexing city and not within any other city's urbanized
27 area. The Code section is amended to provide that a copy of
28 the application for such annexations must be sent by certified
29 mail to the board of supervisors of the county at least 14
30 days prior to any action. The council is also required to
31 publish notice of the application at least 10 days prior to
32 any action taken by the council.

33 The bill also amends Code section 368.7 to increase from 10
34 days to 14 days the time period that notice must be provided
35 before a city takes action to voluntarily annex territory

1 within the urbanized area of another city.

2 Code section 368.7 is amended to require that certain
3 documents relating to all voluntary annexations be filed with
4 the county recorder.

5 Code section 368.11 is amended to increase from 10 days to
6 30 days the time when notice of an involuntary petition must
7 be provided to interested parties. The Code section is also
8 amended to increase from five days to 10 days the date by
9 which publication notice must be made before a public meeting
10 on the petition.

11 The bill applies to applications, petitions, or plans for
12 annexation filed on or after the effective date of the bill.

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