

Withdrawn

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LOCAL GOVERNMENT

HOUSE FILE
BY TYMESON

196

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

A BILL FOR

1 An Act relating to certain voluntary annexations and to
2 involuntary annexations and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 196

1 Section 1. Section 368.1, Code 2003, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 10A. "Public land" means land owned by
4 the federal government, the state, or a political subdivision
5 of the state.

6 Sec. 2. Section 368.7, subsection 1, Code 2003, is amended
7 to read as follows:

8 1. a. All of the owners of land in a territory adjoining
9 a city may apply in writing to the council of the adjoining
10 city requesting annexation of the territory. Territory
11 comprising railway right-of-way or territory comprising not
12 more than twenty percent of the land area may be included in
13 the application without the consent of the owner to avoid
14 creating an island or to create more uniform boundaries ~~if a~~
15 ~~copy of the application is mailed by certified mail to the~~
16 ~~owner and each affected public utility, at least fourteen~~
17 ~~business days prior to any action taken by the city council on~~
18 ~~the application. The application must contain a legal~~
19 ~~description and a map of the territory showing its location in~~
20 ~~relationship to the city. 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. When~~
25 determining the percentage of territory that may be included
26 in an application with the consent of the owner and without
27 the consent of the owner, if the territory is located in more
28 than one county, the twenty percent maximum must be met in
29 each county separately. Public land may be included in the
30 territory to be annexed. However, the area of the territory
31 that is public land may not be used to determine the
32 percentage of territory that is included with the consent of
33 the owner and without the consent of the owner.
34 b. Prior to notification in paragraph "c", the annexing
35 city shall provide written notice to the taxing entities

1 affected by the proposed annexation. The written notice shall
2 include the same information required in paragraph "c" and
3 shall set a time for a consultation on the proposed annexation
4 between the annexing city and the affected taxing entities.
5 The consultation shall be held at least fourteen business days
6 before the applications in paragraph "c" are mailed. The
7 governing body of each affected taxing entity may designate
8 one of its members to attend the consultation. The affected
9 taxing entity may make written recommendations for
10 modification to the proposed annexation no later than seven
11 business days following the date of the consultation.

12 c. A copy of the application shall be mailed by certified
13 mail to the nonconsenting owner and each affected public
14 utility, at least fourteen business days prior to any action
15 taken by the city council on the application. The application
16 must contain a legal description and a map of the territory
17 showing its location in relationship to the city. The
18 application must also provide a statement detailing the
19 municipal services the city intends to provide to the annexed
20 territory, the approximate date the services will be provided,
21 and the party responsible for installation of the services, as
22 applicable. The annexing city must also provide information
23 on the city's property tax levies and the projected property
24 tax consequences of the annexation and when city property
25 taxes will be imposed in the territory after the annexation is
26 completed. If the information required in this paragraph is
27 not provided, a landowner who has submitted an application for
28 annexation, or who has consented to the annexation, may
29 withdraw the application or consent.

30 d. The city shall provide for a public hearing on the
31 application before approving or denying it. The city shall
32 provide written notice at least fourteen business days prior
33 to any action by the city council regarding the application,
34 including a public hearing, by regular mail to the chairperson
35 of the board of supervisors of each county which contains a

1 portion of the territory proposed to be annexed, each public
2 utility which serves the territory proposed to be annexed,
3 each owner of property located within the territory to be
4 annexed who is not a party to the application, and each owner
5 of property ~~which~~ that adjoins the territory to be annexed.
6 The city shall publish notice of the application and public
7 hearing on the application in an official county newspaper in
8 each county which contains a portion of the territory proposed
9 to be annexed. Both the written and published notice shall
10 include the time and place of the public hearing and a legal
11 description of the territory to be annexed. The city may not
12 assess the costs of providing notice as required in this
13 section to the applicants.

14 e. Before the annexation application is considered by the
15 city development board, the board of supervisors of each
16 county where the territory to be annexed is located must, by
17 resolution, state whether or not it supports the application.

18 f. An annexation including territory comprising not more
19 than twenty percent of the land area without consent of the
20 property owners is not complete without approval by four-
21 fifths of the members of the city development board after a
22 hearing for all affected property owners and the county. When
23 considering such an annexation application, the board must
24 take into consideration the amount of land located in the
25 annexing city that is currently vacant or undeveloped and
26 whether municipal services are being provided to current
27 residents of the annexing city.

28 Sec. 3. Section 368.11, unnumbered paragraph 5, Code 2003,
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 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 county board of
8 supervisors of each county where the territory is located and
9 to the board by the chairperson of the meeting.

10 Sec. 4. Section 368.11, Code 2003, is amended by adding
11 the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. Before a petition for
13 involuntary annexation may be submitted to the board, the
14 board of supervisors of each county where the territory to be
15 annexed is located must, by resolution, state whether or not
16 it supports the petition.

17 Sec. 5. NEW SECTION. 368.26 ANNEXATION OF CERTAIN
18 PROPERTY -- COMPLIANCE WITH LESS STRINGENT REGULATIONS.

19 Century farm owners whose land is annexed pursuant to this
20 chapter or owners of land whose property was annexed without
21 their consent pursuant to section 368.7, subsection 1, shall,
22 after annexation, have the option of continuing to comply with
23 a county ordinance or regulation rather than the equivalent
24 city ordinance or regulation if such city ordinance or
25 regulation is more stringent than the county ordinance or
26 regulation.

27 Sec. 6. IMMEDIATE EFFECTIVE DATE. This Act, being deemed
28 of immediate importance, takes effect upon enactment.

29 EXPLANATION

30 This bill makes changes to the law relating to certain
31 voluntary annexations of territory and to involuntary
32 annexations of territory.

33 For voluntary annexations that include territory comprising
34 not more than 20 percent of the land area without consent of
35 the property owners, the bill makes the following changes:

1 1. If the territory to be annexed is located in more than
2 one county, the 20 percent involuntary maximum must be met in
3 each county separately.

4 2. Public land may not be used when determining the amount
5 of territory being annexed with and without consent of
6 property owners. The bill defines "public land".

7 3. Prior to notification of property owners and affected
8 public utilities, the city must notify the affected taxing
9 entities and provide for consultation with them on the
10 proposed annexation.

11 4. The application for annexation that is mailed to
12 property owners and to affected public utilities must provide
13 a statement with information on municipal services to be
14 provided to the annexed area and on property taxes to be
15 imposed in the annexed area. If this information is not
16 provided, a property owner may withdraw their application for,
17 or consent to, the annexation.

18 5. The annexing city may not assess the costs of providing
19 notice to the applicants for annexation.

20 6. Before the annexation application may be considered for
21 approval or disapproval by the city development board, the
22 county board of supervisors in each county where the territory
23 to be annexed is located must, by resolution, state whether or
24 not it supports the application for annexation.

25 7. When considering an annexation application, the city
26 development board must take into consideration the amount of
27 land currently located in the annexing city that is vacant or
28 undeveloped and whether municipal services are being provided
29 to current residents of the annexing city.

30 8. Century farm ~~owners~~ or owners of land who did not
31 consent to the annexation ~~have~~ the option of continuing to
32 comply with a county ~~ordinance~~ or regulation if the equivalent
33 ordinance or regulation of the annexing city is more stringent
34 than the county's.

35 Relating to involuntary annexations of territory, the bill

1 provides that before a petition for involuntary annexation may
2 be submitted to the city development board, the board of
3 supervisors of each county where the territory to be annexed
4 is located must, by resolution, state whether or not it
5 supports the petition. The bill also provides that century
6 farm owners whose land has been involuntarily annexed have the
7 option of continuing to comply with a county ordinance or
8 regulation if the equivalent ordinance or regulation of the
9 annexing city is more stringent than the county's.

10 The bill takes effect upon enactment.

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