

FEB 11 2004
LOCAL GOVERNMENT

HOUSE FILE 2212
BY TYMESON

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 providing an
2 effective date.

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

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HF 2212

1 Section 1. Section 368.7, subsection 1, paragraph a, Code
2 Supplement 2003, is amended to read as follows:

3 a. 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. When
10 determining the percentage of territory that may be included
11 in an application with the consent of the owner and without
12 the consent of the owner, if the territory is located in more
13 than one county, the eighty percent minimum must be met in
14 each county separately. Public land may be included in the
15 territory to be annexed. However, the area of the territory
16 that is public land ~~included without the written consent of~~
17 ~~the agency with jurisdiction over the public land may~~ shall
18 not be used to determine the percentage of territory that is
19 included with the consent of the owner and without the consent
20 of the owner.

21 Sec. 2. Section 368.7, subsection 1, paragraph c, Code
22 Supplement 2003, is amended to read as follows:

23 c. A copy of the application shall be mailed by certified
24 mail to the nonconsenting owner and each affected public
25 utility, at least fourteen business days prior to any action
26 taken by the city council on the application. The application
27 must contain a legal description and a map of the territory
28 showing its location in relationship to the city. The
29 application shall be accompanied by a statement prepared by
30 the city detailing the municipal services the city intends to
31 provide to the annexed territory, the approximate date the
32 services will be provided, and the party responsible for
33 installation of the services, as applicable. The application
34 shall also be accompanied by a statement prepared by the city
35 containing information on the city's property tax levies and

1 the projected property tax consequences of the annexation and
2 when city property taxes will be imposed in the territory
3 after the annexation is completed. If the information
4 required in this paragraph is not provided, a landowner who
5 has submitted an application for annexation, or who has
6 consented to the annexation, may withdraw the application or
7 consent.

8 Sec. 3. Section 368.7, subsection 1, paragraph f, Code
9 Supplement 2003, is amended to read as follows:

10 f. An annexation including territory comprising not more
11 than twenty percent of the land area without consent of the
12 property owners is not complete without approval by four-
13 fifths of the members of the city development board after a
14 hearing for all affected property owners and the county. When
15 considering such an annexation application, the board ~~may~~
16 shall request that the annexing city provide information on
17 the amount of land located in the annexing city that is
18 currently vacant or undeveloped and whether municipal services
19 are being provided to current residents of the annexing city.
20 The board shall take such information into consideration when
21 making a decision on the application.

22 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 EXPLANATION

25 This bill makes changes to the law relating to voluntary
26 annexations that include territory comprising not more than 20
27 percent of the land area to be annexed without the consent of
28 the property owners.

29 The bill provides that if the territory to be annexed is
30 located in more than one county, the 80 percent voluntary
31 minimum must be met in each county separately.

32 The bill further provides that public land may not be used
33 when determining the amount of territory being annexed with
34 and without consent of property owners.

35 The bill requires that when the application for annexation

1 is mailed to a nonconsenting owner and to affected public
2 utilities, that the annexing city include information relating
3 to property taxation by the annexing city and to the provision
4 of services by the city to the area proposed to be annexed.
5 The bill further provides that if this information is not
6 included with the application for annexation, an applicant or
7 a landowner who has consented to the annexation may withdraw
8 the application or consent.

9 The bill requires the city development board, when
10 considering an application for annexation, to require
11 information on the amount of land located in the annexing city
12 that is currently vacant or undeveloped and whether municipal
13 services are being provided to current residents of the
14 annexing city and to take such information into consideration
15 when making a decision on the application for annexation.

16 The bill takes effect upon enactment.

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