

FILED FEB 27 2006

SENATE FILE 2277
BY LUNDBY

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

A BILL FOR

1 An Act relating to judicial review in city development
2 proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

LOCAL GOVERNMENT

SF 2277

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

1 Section 1. Section 368.22, unnumbered paragraph 4, Code
2 2005, is amended by striking the unnumbered paragraph.

3 Sec. 2. Section 368.22, subsections 1 through 6, Code
4 2005, are amended by striking the subsections.

5 EXPLANATION

6 Under Code section 368.22, a city, or a resident or
7 property owner in the territory or city involved may appeal a
8 decision of the city development board or an appointed
9 committee, or the legality of an election, to the district
10 court. This bill concerns the court's review of such a
11 decision or an election relating to the incorporation,
12 discontinuance, or boundary adjustments of subject territory.
13 The bill allows several provisions of Code section 17A.19 to
14 be applied to such judicial proceedings, including provisions
15 relating to where a proceeding may be instituted, stays or
16 other temporary remedies, the burden of proof, the standard of
17 review, and judicial relief that may be rendered and grounds
18 therefor.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35