

SENATE FILE 328
BY LUNDBY
GOVERNMENT OVERSIGHT

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

A BILL FOR

1 An Act relating to annexation by prohibiting a city from
2 conditioning the approval of a subdivision plat or plat of
3 survey on an agreement to be annexed into the city unless the
4 city agrees to provide city utility services, and including
5 effective date and retroactive applicability provisions.

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

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SF 328

GOVERNMENT OVERSIGHT

1 Section 1. Section 354.9, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. A city that reviews a subdivision plat
4 or a plat of survey pursuant to this section shall not require
5 as a condition for approval of such plat that the applicant
6 agree to be annexed by the city, unless the city agrees to
7 provide to the area when the area is subdivided or platted,
8 services of a city utility, as defined in section 362.2, which
9 services are not currently provided to the area.

10 Sec. 2. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.

11 This Act, being deemed of immediate importance, takes effect
12 upon enactment. The Act is retroactively applicable to an
13 applicant who signed an agreement consenting to annexation as
14 a condition of the city's approval of the subdivision plat or
15 plat of survey without an agreement by the city to provide
16 city utility services as provided in this Act if such
17 annexation has not occurred prior to the effective date of
18 this Act. A city that intends to proceed with annexation
19 against such an applicant shall follow the annexation
20 procedures in chapter 368.

21 EXPLANATION

22 This bill provides that a city cannot require that an
23 applicant consent to annexation as a condition for plat
24 approval unless the city agrees when the area is subdivided or
25 platted to provide city utility services which are not
26 currently provided to the area. This prohibition is
27 retroactively applicable to an applicant who previously
28 consented to city annexation without an agreement by the city
29 to provide city utility services if such annexation has not
30 already occurred. The city shall follow the procedures for
31 annexation against the applicant pursuant to Code chapter 368.

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