

# Senate File 2255 - Introduced

SENATE FILE \_\_\_\_\_  
BY DOTZLER

(COMPANION TO LSB 6152HH  
BY KRESSIG)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act to allow a real property owner to petition for severance  
2 from a city if the owner's real property has not received  
3 municipal services for a period of at least ten years.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6152SS 82  
6 md/nh/5

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1 1 Section 1. Section 368.25, Code 2007, is amended to read  
1 2 as follows:  
1 3 368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.  
1 4 1. Prior to expiration of the three-year period  
1 5 established in section 368.11, subsection 3, paragraph "n",  
1 6 the annexing city shall submit a report to the board  
1 7 describing the status of the provision of municipal services  
1 8 identified in the plan required in section 368.11, subsection  
1 9 3, paragraph "n". If a city fails to provide municipal  
1 10 services, or fails to show substantial and continuing progress  
1 11 in the provision of municipal services, to territory  
1 12 involuntarily annexed, according to the plan for extending  
1 13 municipal services filed pursuant to section 368.11,  
1 14 subsection 3, paragraph "n", within the time period specified  
1 15 in that subsection, the city development board may initiate  
1 16 proceedings to sever the annexed territory from the city. The  
1 17 board shall notify the city of the severance proceedings and  
1 18 shall hold a public hearing on the proposed severance. The  
1 19 board shall give notice of the hearing in the same manner as  
1 20 notice of a public meeting in section 368.11. The board may  
1 21 order severance of all or a portion of the territory and the  
1 22 order to sever is not subject to approval at an election. A  
1 23 city may request that the board allow up to an additional  
1 24 three years to provide municipal services if good cause is  
1 25 shown. As an alternative to severance of the territory, the  
1 26 board may impose a moratorium on additional annexation by the  
1 27 city until the city complies with its plan for extending  
1 28 municipal services. For purposes of this section, "municipal  
1 29 services" means services included in the plan required by  
1 30 section 368.11, subsection 3, paragraph "n", for extending  
1 31 municipal services.

1 32 2. A real property owner within the boundaries of a city  
1 33 may file a petition for severance with the board if the  
1 34 petitioner's real property has not been provided municipal  
1 35 services for a period of at least ten years. Contiguous  
2 1 property owners may file a combined petition under this  
2 2 subsection. Following receipt of a petition, the board shall  
2 3 initiate proceedings to sever the owner's real property from  
2 4 the city. The board shall notify the city of the severance  
2 5 proceedings and shall hold a public hearing on the severance.  
2 6 The board shall give notice of the hearing in the same manner  
2 7 as notice of a public hearing under subsection 1. The board  
2 8 may order severance of all or a portion of the real property  
2 9 described in the petition and the order to sever is not  
2 10 subject to approval at an election.

2 11 EXPLANATION

2 12 This bill allows a real property owner within the  
2 13 boundaries of a city to file a petition for severance with the  
2 14 city development board if the owner's real property has not  
2 15 been provided municipal services for a period of at least 10  
2 16 years. The bill also allows contiguous real property owners

2 17 to file a combined petition.

2 18 The bill requires the city development board to initiate  
2 19 proceedings to sever an owner's real property from the city  
2 20 upon receipt of the petition. The board is also required to  
2 21 notify the city of the severance proceedings and hold a public  
2 22 hearing on the severance. The bill allows the board to order  
2 23 severance of all or a portion of the real property described  
2 24 in the petition and the order to sever is not subject to  
2 25 approval at an election.

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