

House File 2376 - Introduced

HOUSE FILE 2376
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HF 2107)

A BILL FOR

1 An Act providing for the severance and annexation of real
2 property upon petition of the real property owners and
3 approval of the city development board.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 368.25A Boundary adjustment between
2 cities by petition and consent.

3 1. A real property owner within the boundaries of a city
4 may file a petition for severance with the city council if the
5 petitioner's real property, if severed, would be eligible for
6 annexation by a different city and if such annexation would
7 not create an island. Contiguous property owners may file a
8 combined petition under this section.

9 2. The petition shall be filed with the city council of the
10 city from which severance is sought and the city council of
11 the city to which annexation is requested. The petition shall
12 be in substantially the form required of an application under
13 section 368.7.

14 3. If the city councils of both cities approve the petition,
15 the petition shall be filed with the board. Approval by either
16 city council may be conditioned upon an agreement entered into
17 by the cities providing for the transition of property taxes
18 or the sharing of property tax revenues from the real property
19 described in the petition for a period not to exceed forty
20 years and providing for all necessary zoning ordinance changes
21 within a period not to exceed ten years. An agreement between
22 cities under this subsection shall be filed with the board at
23 the same time the approved petition is filed. An agreement
24 may include additional transition provisions relating to the
25 transfer or sharing of property tax revenues for property
26 outside the boundaries of the territory described in the
27 petition and any other provisions deemed by the cities to be in
28 the public interest if such actions are within the authority
29 of the cities.

30 4. Following receipt of a petition, the board shall initiate
31 proceedings to sever the territory from the city in which it
32 is located and annex the territory to the annexing city. The
33 board shall notify both cities of the severance and annexation
34 proceedings and shall hold a public hearing on the severance,
35 annexation, and any agreement between the cities pursuant to

1 subsection 3. The board shall give notice of the hearing
2 in the same manner as notice of a public meeting in section
3 368.11, subsection 5.

4 5. The board may only approve the petition if the board
5 also approves any agreements between the cities pursuant to
6 subsection 3, and filed with the board. The board may only
7 approve or deny the severance and annexation of the territory
8 described in the petition, and the order of the board approving
9 the petition is not subject to approval at an election.

10 6. The severance and annexation approved by the board is
11 completed when the board files with the secretary of state
12 and the clerk of each city involved in the severance and
13 annexation, and records with the recorder of each county which
14 contains a portion of any city or territory involved, copies of
15 the proceedings including the petition, any agreements between
16 the cities, the order of the board approving the petition,
17 proofs of service and publication of required notices, and any
18 other material deemed by the board to be of primary importance
19 to the proceedings. The board shall also file with the state
20 department of transportation a copy of the map and legal land
21 description of each completed severance and annexation under
22 this section.

23 EXPLANATION

24 This bill allows a real property owner within the boundaries
25 of a city to file a petition for severance with the city
26 council if the petitioner's real property would be eligible
27 for annexation by a different city if severed and if such
28 annexation would not create an island. The bill allows
29 contiguous property owners to file a combined petition under
30 this section.

31 The bill requires the petition to be filed with both the city
32 from which severance is sought and the city to which annexation
33 is requested. If both cities approve the petition, the
34 petition is filed with the city development board. Approval
35 by either city council may be conditioned upon an agreement

1 between the cities providing for, among other specified
2 provisions, the transition or sharing of property tax revenues
3 from the real property described in the petition for a period
4 not to exceed forty years.

5 Upon receiving a petition approved by both city councils,
6 the city development board must initiate proceedings to
7 sever and annex the owner's real property as requested in the
8 petition. The city development board is required to provide
9 notice to both cities of the proceedings and to hold a public
10 hearing.

11 The bill only allows the city development board to approve
12 the severance and annexation requested in the petition if
13 the board also approves the agreement between the cities, if
14 applicable. The bill also provides that the city development
15 board may only approve or deny the severance and annexation
16 of the territory described in the petition and that the order
17 is not subject to approval at an election. A severance and
18 annexation under the bill is complete when the city development
19 board files and records certain documents with the city
20 clerks, the county recorders, and the state department of
21 transportation.