

FEB 8 2006
LOCAL GOVERNMENT

HOUSE FILE 2314
BY TYMESON

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

A BILL FOR

1 An Act relating to public land included in territory subject to
2 voluntary annexation.

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

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HF 2314

1 Section 1. Section 368.7, subsection 1, paragraph a, Code
2 Supplement 2005, 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. Public land
10 may be included in the territory to be annexed. However, the
11 area of the territory that is public land ~~included-without-the~~
12 ~~written-consent-of-the-agency-with-jurisdiction-over-the~~
13 ~~public-land~~ shall not be used to determine the percentage of
14 territory that is included with the consent of the owner and
15 without the consent of the owner.

16 EXPLANATION

17 An application for voluntary annexation may include
18 territory comprised of not more than 20 percent of the land
19 area without the consent of the owner to avoid creating an
20 island or to create more uniform boundaries. Public land,
21 i.e., land owned by federal, state, or local governments, may
22 be annexed. Currently, with written consent of the agency
23 having jurisdiction over the public land, the public land may
24 be used to determine the percentage of territory included with
25 the consent of owners and without the consent of owners.
26 Under this bill, public land cannot be used to determine such
27 percentage regardless of whether the agency having
28 jurisdiction over the public land consents or not.

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