

FILED JAN 31 2006

SENATE FILE

2114

BY WARNSTADT and WIECK

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act allowing a city to include or exclude a secondary road and
2 its right-of-way in the land area proposed for incorporation,
3 annexation, or severance.

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

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LOCAL GOVERNMENT
SF 2114

1 Section 1. Section 368.1, subsection 15, Code 2005, is
2 amended to read as follows:

3 15. "Territory" means the land area or areas proposed to
4 be incorporated, annexed, or severed, whether or not
5 contiguous to all other areas proposed to be incorporated,
6 annexed, or severed. Except as provided for by an agreement
7 pursuant to chapter 28E, "territory" having a common boundary
8 with the right-of-way of a secondary road ~~extends-to-the~~
9 center-line-of either wholly includes or excludes the road and
10 the right-of-way at the option of the city.

11 EXPLANATION

12 This bill provides that when land proposed to be
13 incorporated, annexed, or severed, referred to as the
14 "territory", has a common boundary with the right-of-way of a
15 secondary road, the city must decide whether the road and
16 right-of-way are to be included in or excluded from the
17 territory. Currently, the Code provides that territory
18 extends to the center line of the secondary road.

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