

INVOLUNTARY ANNEXATION

The City Development Board provides this summary for general informational purposes only and is not intended to serve as a precise statement of Iowa law concerning boundary adjustments. For further information, review Iowa Code chapter 368 and the City Development Board's rules contained in the Iowa Administrative Code. Should you have legal questions concerning the boundary adjustment process, including annexations, city personnel are strongly encouraged to contact their City Attorney.

1. At least **14 business days** prior to filing a Petition for Involuntary Annexation with the City Development Board, the Petitioners shall by **Certified Mail** provide notice of the involuntary annexation and that Petitioners will hold a public hearing on the Petition to:
 - a. the city council for each city whose urbanized area contains a portion of the territory;
 - b. the board of supervisors of each county that contains a portion of the territory;
 - c. the regional planning authority of the territory involved;
 - d. each affected public utility; and
 - e. each property owner listed in the Petition.

See Iowa Code section 368.11(4).

2. Prior to filing a Petition for Involuntary Annexation with the City Development Board, the Petitioners shall hold a public meeting on the Petition and comply with the following:
 - a. at least five days prior to the public meeting, Petitioners must publish notice of the meeting in an official county newspaper in each county that contains a part of the territory;
 - b. the mayor of the city proposing to annex the territory, or designee, shall serve as the chair of the public meeting;
 - c. the city clerk of the same city, or designee, shall record the proceedings of the public meeting; and
 - d. the chairperson of the public meeting shall send copies of the minutes of the public meeting and all documents submitted at the meeting to the board of supervisors of each county that where the territory is located and to the City Development Board.

See Iowa Code section 368.11(5).

3. Prior to filing a Petition for Involuntary Annexation with the City Development Board, the Petitioners must obtain in writing from the city or county assessor the assessed value and classification assigned for tax purposes for each parcel of platted and unplatted land within the territory. *See Iowa Administrative Code r. 263—8.3(5).*

4. Prior to filing a Petition for Involuntary Annexation with the City Development Board, the Petitioners must provide a copy of the legal description, map of the territory, and list of property owners to the county auditor with a request that the auditor verify the accuracy and completeness of the legal description and verify current ownership of the parcel(s) involved. *See Iowa Administrative Code r. 263—8.3(4).*

5. Petitioners must file one original and 15 copies of its Petition for Involuntary Annexation and all supporting documentation. The Petition shall be in the form set forth in Iowa Administrative Code r. 263—8.3. Materials to be submitted to the Board include:

- a. **A general statement of the proposal:** This statement must describe the characteristics of the city and territory and the reason for the annexation.
- b. **A map of the territory and city or cities:** The Petition must include a map that **CLEARLY** shows all boundaries of the city or cities involved, the entire territory proposed to be annexed, the relationship of the territory to the city or cities involved, adjacent roadways, and all geographic features or land use patterns if relevant to the proposed action.
- c. **Legal description:** The Petition shall include a complete legal description of the territory proposed for annexation that includes a description of right-of-ways of secondary roads with the auditor's verification.
- d. **Assessed valuation of land:** The Petition must include the assessed valuation and classification assigned for tax purposes for each parcel of platted and unplatted land within the territory as verified by the city or county auditor.
- e. **Property owners:** The name and address of each property owner within the territory must be included.
- f. **Population density:** A statement must be included indicating the population density in terms of persons per acre for the territory, the existing city, and the resulting city if the proposal is approved as well as the potential population growth for the city and territory for a 10 or 20 year period and the data must be taken from the existing comprehensive plan or, if no such plan exists, may be calculated based on relevant data.
- g. **Topography:** The Petition must include a description of the topography that includes: (1) a map that includes both the city and territory and consists of contour lines at ten-foot intervals, and (2) a narrative that describes the area's topography with identification of flood plains, drainage areas, drainage ways, slopes, and bluffs. The narrative must also address topography as it relates to development of urban uses and the extension of municipal services.
- h. **Municipal service plans:** A description of existing municipal services and facilities (e.g., water supply, sewage disposal, police and fire protection, and street and road maintenance) and a proposal for providing said services to the territory must be included. Additionally, the Petition must also include a statement of the capability of the existing city sewage system, water system, transportation infrastructure, park and recreational system, and police, fire, and public works departments to accommodate the increased demand resulting from addition of the territory to the city. The Petition must also include an analysis of existing bond capacity and bonded indebtedness and the assets the city may receive that will offset the cost of providing municipal services, including property tax, increase in municipal bonding capacity, state and federal shared revenue, special assessment policies, revenue bonds, user fees, and federal funds were applicable.
- i. **Service agreements:** The Petition shall identify services that may be provided through agreement with other entities and shall include examples of existing service agreements.

- j. Effect of proposal and possible alternative proposals:** The Petition must include a description of the effect that approval of the proposal will have on the cost and adequacy of services and facilities and a description of the effect of disapproval of the proposal on the cost and adequacy of services and facilities.
- k. Development regulations and projections:** The Petition shall include a description of current and proposed zoning regulations that apply to the annexation territory. Projected development and land use patterns shall be described under the assumption of continuation of existing land use regulations and under the assumption of law use regulations that would be applied after the annexation, if approved. Residential, commercial, and industrial development projections shall be provided based on population projections for the city and territory. The amount of vacant developable land within the existing corporate limits and an estimate of the amount of developable land needed to accommodate future growth shall be provided. The Petition, if filed by a city, must include a statement indicating whether the city has applied smart planning principles to the territory and if applicable, a description of how the city has applied, or intends to apply, smart planning principles. An optional tool for consideration of smart planning principles is offered by Iowa State University at: <http://blogs.extension.iastate.edu/planningBLUZ/files/2010/07/Annexation-Checklist.pdf>
- l. Effect on adjacent areas:** The Petition shall document the amount of revenue lost or gained by any city, township, or county affected by the proposal.
- m. Shared roads:** The Petition shall include a proposed formal agreement between affected municipal corporations and the counties for maintenance, improvement, and traffic control of any road that would be divided if the proposal is approved.
- n. Tax Transition:** If the city approves a provision for the transition for the imposition of city taxes, the Petition must so indicate and set forth the transition tax schedule, which may not be greater than set forth in Iowa Code section 368.11(3)(m).
- o. Island:** The Petition must state whether approval of the proposal will create an island of unincorporated territory.
- p. Location:** The Petition must state whether the territory adjoins the city to which annexation is proposed and whether the territory is currently in an existing city.

See Iowa Code section 368.11(3) and Iowa Administrative Code r. 263—8.3.

6. Within seven days of filing the Petition, Petitioners shall serve notice of the filing and a copy of the Petition upon each city council for which the annexation is proposed, the board of supervisors for each county that contains a portion of the territory, and the regional planning authority for the area involved. *See Iowa Administrative Code r. 263—8.5.*

7. Following the filing of a complete Petition, the City Development Board will examine the Petition at its next scheduled meeting. If it finds the Petition is in substantial compliance with the Iowa Code and Iowa Administrative Code, the Board will accept the Petition as complete and properly filed and direct the appointment of a committee. *See Iowa Administrative Code r. 263—8.9 through 8.11.*

8. The committee will hold a public hearing where evidence in support of and against the proposal will be accepted. Following the public hearing, interested parties will be afforded an opportunity to submit written briefs. *See Iowa Code section 368.15 and Iowa Administrative Code r. 263—9.10.*

9. After the public hearing and filing of briefs and no later than 90 days after the public hearing, the committee will meet to decide whether to approve the Petition. The committee's decision will always be in writing and rendered at a time following the decisional meeting. Copies of the written decision shall be transmitted to the parties via certified mail. *See Iowa Code section 368.19 and Iowa Administrative Code r. 263—9.11.*

10. If the committee approves the Petition, the City Development Board submits the matter to the county commissioner of elections to submit it to an election. Registered voters of the city and the territory may vote. The proposal is authorized if a majority of the total number of persons voting approves it. *See Iowa Code section 369.19.*

11. If the proposal is authorized by an election, the county commissioner of elections will certify the results to the City Development Board. The Board then shall:

- a. file the original petition and amendments, publication notices, certification of election results, and any other important information with the Secretary of State and the city clerk involved in the annexation, and will record the same information with the recorder of each county that contains a portion of any city or territory involved, and
- b. file with the Iowa State Department of Transportation a copy of the map and legal land description.

See Iowa Code section 368.20.

12. Prior to the expiration of three years following the completion of the involuntary annexation, the annexing city must submit a report to the City Development Board regarding the provision of municipal services to the annexed territory and the Board determines whether any further action is required. *See Iowa Code section 368.25.*

PLEASE NOTE: Pursuant to Section 312.3(4) Iowa Code, the Mayor and Council are required to certify to the State Treasurer the actual population of the annexed area as determined by the last federal census of that area. The certification should be sent to: Treasurer of the State of Iowa, c/o RUT Acctg, 1st Floor Lucas State Office Building, 321 E. 12th Street, Des Moines, IA 50319.