

## **100% VOLUNTARY ANNEXATION IN AN URBANIZED AREA**

*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. City receives application(s) for annexation from all property owners of land in territory adjoining the city and that territory is within two miles of a city other than the city to which the annexation is directed. *See Iowa Code section 368.7(3).*
2. At least **14 business days** prior to any action by the city council on the application(s), the city shall by **Certified Mail**, provide notice of the application to:
  - a. Cities whose boundary adjoin the territory or that are within two miles of the territory;
  - b. Each affected public utility;
  - c. The Board of Supervisors of each county containing a portion of the territory; and
  - d. The regional planning authority for the territory.

*See Iowa Code section 368.7(3).*

3. At least **10 business days** prior to any action by the city council on an application the city provides published notice of application and pending council action in an official county newspaper of each county that contains a portion of the territory. *See Iowa Code section 368.7(3).*

4. Prior to city council action, the city must provide a copy of the landowners' application(s) and the legal description of the entire annexation territory 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—7.2(2)(d).*

5. If city council approves the annexation by resolution the city forwards the annexation proposal to the City Development Board. A city must file one original and 15 copies of its request and all supporting documentation. Materials to be submitted to the Board include:

- a. Applications of the owners;
- b. City council resolution approving the annexation;
- c. Map of the territory- **CLEARLY** showing the entire boundary of the existing city, the entire annexation territory, adjacent roadways, the relationship of the territory to the annexing city and the relationship of the territory to the neighboring city or cities. More than one map may be submitted if necessary to provide all of the required information to the Board. Board prefers color aerial map as well that clearly shows same.

- d. Legal description of the territory including calculations of the total number of acres being annexed.
- e. Copies of notices and publications;
- f. Summary of the reasons for the annexation, current and proposed land uses in the territory, and services that will be provided to the territory. Additionally, 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>
- g. Auditor's verification of ownership and legal description for each property within the proposed annexation territory.
- h. A statement indicating whether the territory is subject to an existing moratorium agreement, and if so whether the proposed annexation is consistent with the terms of the agreement.
- i. A statement indicating whether state-owned property or county-owned road right-of-way has been included in the proposal pursuant to Iowa Code section 368.5 and, if so, certification that the city has complied with the notice requirement of that section.
- j. Certification that the city has complied with the notice requirements of Iowa Code section 368.7(3), including proof of mailing of the application and affidavit of publication of the required public notice, and, if railway right-of-way is included, certification of notice to the owner as required by Iowa Code section 368.7(1). For purposes of calculating the required period of notice, "business days" shall include Monday through Friday of each week, excluding "legal holidays" as set forth in Iowa Code section 4.1(34).

*See Iowa Code section 368.7 and Iowa Administrative Code r. 263—7.7(2).*

- 6. City Development Board considers the annexation proposal at the first board meeting conducted 31 days or more after the filing of the request.
  - a. The Board provides notice of its consideration of the annexation proposal.
  - b. Input on the proposal is received by the Board.
  - c. The Board approves or denies the proposal and issues its written ruling.
- 7. If the annexation is approved and no appeal is filed within 30 days of the issuance of the written ruling, the Board files and records documents to complete the annexation.

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.