

**(80/20) VOLUNTARY ANNEXATION INCLUDING LAND WITHOUT THE
CONSENT OF THE OWNER WITHIN 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 applications and includes up to 20% of territory without the consent of the property owner of the territory involved to avoid the creation of islands or to make more uniform boundaries. *See Iowa Code section 368.7(1)(a).*

2. City holds a consultation with the board of supervisors and township trustees of each county and township that contains a portion of the territory to be annexed at least **14 business days** prior to the mailing of applications in item No. 3 listed below. *See Iowa Code section 368.7(1)(b).*

3. At least **14 business days** prior to any action by the city council on the application, the city shall by **Certified Mail** provide a copy of the application including legal description and map of the territory showing its location in relationship to the city to:

- a. All non-consenting property owners, and
- b. Each affected public utility.

See Iowa Code section 368.7(1)(c).

4. At least **14 business days** prior to any action by the city council on the application, including the public hearing, the city shall by **Regular Mail** provide written notice of the application, including a legal description of the territory and the time and place of the public hearing to:

- a. The chair of the county board of supervisors for each county containing a portion of the territory,
- b. Each non-consenting owner,
- c. Each owner of property that adjoins the territory, and
- d. Each public utility that serves the territory.

See Iowa Code section 368.7(1)(d).

5. At least **14 business days** prior to any action on the application, including the public hearing, the city shall by **Certified Mail**, provide written notice of the application to:

- a. The council of each city with a boundary that adjoins or is within two miles of the territory,
- b. The county board of supervisors of each county that contains a portion of the territory,
- c. Each affected public utility, and
- d. The regional planning authority.

See Iowa Code section 368.7(3)

6. Prior to any action by the city council on the application, including the public hearing, the city shall publish notice of the application and public hearing in an official county newspaper

and the notice shall include the time and place of the public hearing and a legal description of the territory. *See Iowa Code section 368.7(1)(d)*. At least ten business days prior to any action by the city council on the application, the city also needs to publish notice of the application. *See Iowa Code section 368.7(3)*.

7. If the city approves the annexation after the public hearing it forwards the annexation proposal to the City Development Board. *Note: voluntary applications may be withdrawn within three (3) business days following the public hearing. See Iowa Code section 368.7(1)(d)*.

8. A city must file one original and 8 copies of its request and all supporting documentation. Materials to be submitted to the Board include:

- a. Applications of the owners.
- b. The names and addresses of all owners of the land included within the owner's consent and a legal description of all land owned by each non-consenting owner.
- c. City council resolution approving the annexation, which sets forth the reasons that non-consenting land is included in the proposal.
- d. Map of the territory- **CLEARLY** showing the entire boundary of the existing city, the entire annexation territory including the consenting and non-consenting portions of the 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.
- e. Legal description of the territory including calculations of the total number of acres being annexed and the number of acres included without the consent of the owners.
- f. Copies of notices and publications.
- g. Summary of the total number of acres within the proposed annexation territory; the reasons for the annexation; current and proposed land uses in the territory; new municipal services that will be provided; and statements regarding public, county, or state land included in the proposed 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>
- h. Auditor's verification of ownership and legal description for each consenting and non-consenting property within the proposed annexation territory.
- i. 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.
- j. 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.
- k. 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 367.7 and Iowa Administrative Code r. 263—7.7(2) & (3).

9. The City Development Board considers the annexation proposal at the first board meeting conducted 31 days or more after the filing of the request. The Board provides notice of its meeting to consider the filing of the annexation proposal. At this meeting the Board hears input on whether the proposal is complete and properly filed. If the application is accepted, a date for public hearing is set. *See Iowa Administrative Code r. 263—7.8.*

10. The City Development Board holds a public hearing. After hearing all evidence the Board decides whether to approve or deny the annexation.

a. If the annexation is approved, the Board notifies the parties and 30-days following the notification the Board files and records documents to complete the annexation if no appeal is filed.

b. If the annexation is denied the Board notifies the parties.

See Iowa Administrative Code r. 263—7.8.

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.