

100% VOLUNTARY ANNEXATION WITHIN AN URBANIZED AREA

The City Development Board (“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 [Iowa Administrative Code 263](#). 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 all land within the Annexation Territory adjoining the City and the Annexation Territory is within two (2) miles of a City other than the City to which the annexation is directed.
2. At least **fourteen (14) business days** prior to any action on the application(s) by the City, including the public hearing, the City shall provide a copy of the application(s) (including the legal description and map of the territory showing its location in relationship to the City) by **CERTIFIED MAIL** to:
 - a. Each public utility that serves the Annexation Territory.
 - b. The City Council of each City with a boundary that adjoins or is within two (2) miles of the Annexation Territory.
 - c. The chair of the Board of Supervisors for each County containing a portion of the Annexation Territory and
 - d. Regional Planning Authority that serves the Annexation Territory.
3. At least **fourteen (14) business days** prior to any action by the City Council on the application(s), including the public hearing, the City shall provide written notice of the application(s) (including a legal description of the territory) and the time and place of the public hearing by **REGULAR MAIL** to:
 - a. The Iowa Attorney General (if the Annexation Territory includes property owned by the State of Iowa.
 - b. The County Attorney (if the Annexation Territory includes territory within the road right of way owned by a County) and
 - c. The Railroad (if the Annexation Territory includes property owned by the railroad).
4. Prior to any action by the City Council on the application(s), including the public hearing, the City shall publish notice of the application(s) 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 Annexation Territory at least **ten (10) business days** prior to any action by the City Council or post in compliance with **Iowa Code §362.3** if the City’s population is two hundred (200) or less.
5. If the City approved 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.**
6. The City must file one (1) original and one (1) copy of its request and all supporting documentation. Electronic submission is acceptable via email to cdb@iowaeda.com. The Program Administrator will provide written acknowledgement of receipt of the submission. Materials to be submitted to the Board include:
 - a. Applications of the owners – Including documentation establishing authority to sign if the property is owned by a business, trust, or any other entity other than a natural person or being sold under contract.
 - b. Listing of all properties included in the Annexation Territory including the following for each property (including voluntary applicants, railroad right of way, state owned right of way, and/or county road right of way):
 - i. Legal Owner of and Address of each property.

- ii. Parcel ID if available.
- iii. Number of Acres – Net Acres, ROW Acres, Gross Acres and
(Ex: 95 net acres – 3 County ROW acres = 98 gross acres)
- iv. Full Legal Description – **(a brief legal description or the legal description shown on the assessor’s website is not acceptable)**
- c. Full legal description of the entire Annexation Territory including the right of way to the centerline of all secondary roads adjoining the Annexation Territory.
Please submit a word version of the legal description to cdb@iowaeda.com.
- d. Documentation that the County Auditor has verified the accuracy and completeness of the legal description of all territory proposed to be annexed and verified current ownership of the properties included in the Annexation Territory.
- e. Map(s) of the Annexation Territory **CLEARLY** showing the entire boundary of the existing City, the entire Annexation Territory, adjacent roadways, and the relationship of the Annexation Territory to the annexing City. More than one map may be submitted to provide all the required information to the Board, if necessary.
- f. Copies of all notices, publications, **and** certification that the City has complied with the notice requirements of **Iowa Code Chapter 368**, including proof of mailing of the application(s) and affidavit of publication of the required public notice. For purposes of calculating the required periods of mailings and notices, “business days” shall include Monday through Friday of each week, excluding “legal holidays” as set forth in **Iowa Code §4.1(34)** and the first day shall be excluded and the last day included.
- g. General Statement of the Proposed Annexation by the City including:
 - i. Current & Expected Use of the Annexation Territory.
 - ii. Description of existing and proposed municipal services and facilities including but not limited to: water supply, sanitary sewer services, public safety (Fire, EMS, Police) services, street and road maintenance, parks and recreation services, library and culture services, etc.
 - iii. Reasons for Landowner’s Request(s) for Annexation, if known.
 - iv. Statement indicating whether the Annexation Territory is subject to an existing moratorium agreement entered into pursuant to **Iowa Code §368.4**, and, if so, whether the proposed annexation is consistent with the terms of the agreement.
 - v. Statement indicating whether state-owned property or county-owned road right-of-way has been included in the proposed annexation. If the territory proposed for annexation includes right-of-way for a state highway, documentation of consultation with the Iowa Department of Transportation must also be included.
 - vi. Statement relating to any proposed formal agreements between the annexing City and affected County for the maintenance, improvement, and/or traffic control of any shared or divided road as a result of the Proposed Annexation.
 - vii. Statement indicating if any 28E agreements are impacted by the Proposed Annexation; and
 - viii. Statement indicating whether the City has applied [Smart Planning Principles](#) to the Annexation Territory and, if applicable, a description of how the City has applied, or intends to apply, the principles.
- h. City Council resolution approving the proposed annexation and if, at the discretion of the of the City Council, the provision of transition for the imposition of city taxes against property within the Annexation Territory pursuant to **Iowa Code §368.11(3)(m)(1)** has been approved.

7. The Board will consider the Proposed Annexation at its first meeting conducted thirty-one (31) days or more after the petition is filed. The Board will provide notice of the meeting to consider the Proposed Annexation. At this meeting, the Board will hear input on whether the proposal is complete and properly filed. The Board will approve or deny the proposal and issue a written decision.
 - a. If the Annexation is approved, the Board shall issue a written decision to the City Clerk of the annexing City & other required parties pursuant to **Iowa Code §368.7(3)**. Upon expiration of the 30-day appeal period, the Board will file copies of the Board's proceedings with the Secretary of State, County Recorder, and required parties pursuant to **Iowa Code §368.20(2)**.
 - b. If the annexation is denied, the Board will notify the parties as required by **Iowa Code §368.7(3)**.
8. The Annexation is complete upon acknowledgement by the Secretary of State that the legal description, map, and resolution have been received.

PLEASE NOTE: Pursuant to [Iowa Code section 312.3\(4\)](#), the Mayor and Council shall certify the actual population of the Annexation Territory as determined by the last census to the State Treasurer. The certification should be sent to: Treasurer of the State of Iowa, c/o RUT, Capitol Building, Des Moines, IA 50319 or treasurer@tos.iowa.gov.