

(80/20) VOLUNTARY ANNEXATION INCLUDING LAND WITHOUT THE CONSENT OF THE OWNER NOT IN 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 voluntary annexation applications of at least eighty (80%) percent of the Annexation Territory **AND** the Annexation Territory contains no more than 20% of property without the consent of the owner(s) of the territory to avoid the creation of islands or to make more uniform boundaries. The Annexation Territory is not within two (2) miles of another City other than the City to which the annexation is directed.
2. City holds a consultation with the Board of Supervisor(s) and Township Trustee(s) of each County and Township that contains a portion of the territory to be annexed at least **fourteen (14) business days** prior to the mailing of applications in item No. 3 listed below.
3. At least **fourteen (14) business days** prior to any action by the City Council on the application(s), 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 non-consenting property owner and
 - b. Each public utility that serves the Annexation Territory.
4. 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 chair of the Board of Supervisors for each County containing a portion of the Annexation Territory.
 - b. Each non-consenting property owner.
 - c. Each owner of property that adjoins the Annexation Territory.
 - d. Each public utility that serves the Annexation Territory.
 - e. The Regional Planning Authority serving the Annexation Territory.
 - f. The Iowa Attorney General (if the Annexation Territory includes property owned by the State of Iowa).
 - g. The County Attorney (if the Annexation Territory includes territory within the road right of way owned by a County) and
 - h. The Railroad (if the Annexation Territory includes property owned by the railroad).
5. 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.
6. If the City approves the annexation after the public hearing, it forwards the annexation proposal to the Board. **Note: Voluntary applications may be withdrawn within three (3) business days following the public hearing.**
7. 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, non-consenting owners, railroad right of way, state owned right of way, and/or county road right of way):
 - i. Legal Owner of & Address of each property.
 - ii. Parcel ID if available.
 - iii. Indication of Consenting or Non-Consenting.
 - iv. Number of Acres – Net Acres, ROW Acres, Gross Acres and **(Ex: 95 net acres – 3 County ROW acres = 98 gross acres)**
 - v. 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. Calculation showing the percentage of territory for which voluntary applications have been received and percentage of territory in which non-consenting property has been included in a manner consistent with **Iowa Code §368.7(1)(a)**. Public land included in the territory without the written consent of the agency shall not be used to determine the percentage of territory that is included with the consent of the owner and without the consent of the owner.
- f. Map(s) of the Annexation 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, and the relationship of the Annexation Territory to the annexing City. More than one map may be submitted to provide all of the required information to the Board if necessary.
- g. 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.
- h. General Statement of the Proposed Annexation by the City including:
 - i. Current and 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.
- i. City Council resolution approving the proposed annexation, which sets forth the reasons for including non-consenting land 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.
8. The Board will consider the annexation proposal 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 filing of the annexation proposal. At this meeting, the Board will hear input on whether the proposal is complete and properly filed. If the application is accepted, a date for public hearing is set.
9. The Board will provide notice of the public hearing and hold the public hearing pursuant to the notice. After hearing all evidence, the Board will decide whether to approve or deny the annexation or to request written briefs for a decision at a later meeting.
- a. If the annexation is approved, the Board shall issue a written decision to the City Clerk of the annexing City and 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)**.
10. 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.