

INVOLUNTARY ANNEXATION

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. At least **fourteen (14) business days** prior to filing a Petition for Involuntary Annexation with the Board, the Petitioners shall provide notice of the Involuntary Annexation and the time and place of the Public Hearing by **CERTIFIED MAIL** to:
 - a. The City Council for each City whose urbanized area contains a portion of the Annexation Territory.
 - b. The chair of the Board of Supervisors for each County containing a portion of the Annexation Territory.
 - c. Regional Planning Authority that serves the Annexation Territory.
 - d. Each public utility that serves the Annexation Territory; and
 - e. Each property owner listed in the Petition.
2. Prior to filing a Petition for Involuntary Annexation with the Board, the Petitioners shall hold a Public Hearing on the Petition and comply with the following:
 - a. At least five (5) days prior to the Public Hearing, Petitioners must publish notice of the hearing in an official County newspaper in each County that contains a part of the Annexation Territory.
 - b. The Mayor of the City proposing to annex the territory, or designee, shall serve as the chair of the Public Hearing.
 - c. The City Clerk of the same City, or designee, shall record the proceedings of the Public Hearing and
 - d. The Chairperson of the Public Hearing shall send copies of the minutes of the Public Hearing and all documents submitted at the hearing to the Board of Supervisors of each County that contains a part of the Annexation Territory and to the City Development Board.
3. Prior to filing a Petition for Involuntary Annexation with the Board, the Petitioners must obtain (in writing) the assessed value and classification assigned for tax purposes for each parcel and un-platted land within the territory from the City or County Assessor.
4. Prior to filing a Petition for Involuntary Annexation with the 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.
5. 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. General Statement of the Annexation Proposal including:
 - i. Current & Expected Use of the Annexation Territory.
 - ii. Reasons for proposed annexation.
 - iii. 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., description of the City’s capabilities of accommodating increased demand from addition of the Annexation Territory, and description of the effect that the approval of the proposed annexation will have on the cost and adequacy of services and facilities as well as the effect that the disapproval of the proposed annexation would have on the cost and adequacy of services and facilities.

- iv. Analysis of existing bond capacity, bonded indebtedness, and the assets the City may receive that will offset the cost of providing municipal services, including property tax increases, increase in bonding Capacity, state and federal shared revenue, special assessment revenue policies, revenue bonds, user fees, etc.
 - v. Description of current and proposed zoning regulations that apply to the Annexation Territory with a statement indicating the population density in terms of persons per acre for the Annexation Territory, the existing City and the resulting City, if approved, as well as potential population growth for a 10- and 20-year period. The data must be taken from the existing comprehensive plan or, if no such plan exists, may be calculated based on relevant data.
 - vi. Statement indicating services that may be provided through agreements with other entities, including existing service agreements.
 - vii. 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.
 - viii. 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.
 - ix. Statement indicating if any 28E agreements are impacted by the proposed annexation.
 - x. 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.
 - xi. Statement documenting the amount of revenue lost or gained by any City, township, or County affected by the proposed annexation.
 - xii. If the City approves a provision for the transition for the imposition of City taxes, the Petition must indicate so and set forth the transition schedule, which may not be greater than allowed in **Iowa Code §368.11(3)(m)**.
 - xiii. Statement detailing whether approval of the proposed annexation will create an island.
 - xiv. Statement detailing whether the territory adjoins the City to which annexation is proposed and if the territory is currently in an existing City.
- b. Map(s) of the Territory **CLEARLY** showing all boundaries of the City or Cities involved, the entire Annexation Territory proposed to be annexed, the relationship of the Annexation Territory to the City or Cities involved, adjacent roadways, and all geographic features and/or land use patterns if relevant to the proposed annexation. A statement of the topography that includes 1) a map that includes both the City and Annexation Territory and consists of contour lines in 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 extension of municipal services.
- c. Listing of each property within the Annexation Territory including:
- i. Legal Owner & Address
 - ii. Assessed Valuation; and
 - iii. Tax Classification.

- d. Full legal description of the entire annexation territory including the right of way to the centerline of all secondary roads adjoining the Annexation Territory including documentation that the County Auditor has verified the accuracy and completeness of the legal description, assessed valuation, tax classification, and current ownership of all territory proposed to be annexed. **Please submit a word version of the legal description to cdb@iowaeda.com.**
 - e. 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.
6. Within seven (7) days of filing the Petition with the Board, the Petitioners shall serve notice of the filing and a copy of the Petition upon each City Council for which annexation is proposed, the Chair of the Board of Supervisors for each County that contains a portion of the Annexation Territory, and the applicable Regional Planning Authority. The Petitioner shall file proof of compliance of service with the Board.
 7. Following the receipt of a complete Petition, the Board will consider the Petition at the first meeting conducted thirty-one (31) days or more after the petition is filed. If the Petition is found to be in substantial compliance with the Iowa Code Chapter 368 and Iowa Administrative Code 263, the Board will accept the Petition as complete, properly filed, and direct the appointment of a Committee.
 8. The Committee will set the date of Public Hearing and send notice to interested parties. The Committee will hold a Public Hearing where evidence in support of and against the proposed annexation will be accepted. Following the Public Hearing, interested parties will be afforded the opportunity to submit written briefs.
 9. After the Public Hearing and filing of written briefs and no later than ninety (90) days after the Public Hearing, the Committee will meet to decide whether to approve the Petition. The Committee’s decision will be in writing and rendered at the time following the decisional meeting. The Board shall provide the written decision to interested parties via **CERTIFIED MAIL**.
 10. If the Committee approves the Petition, the Board will submit the matter to the County Commission of Elections to submit the matter to an election. Registered voters of the City and the Annexation Territory may vote. The proposed annexation is authorized if a majority of the total number of persons voting approves it.
 11. If the proposed annexation is authorized by an election, the County Commissioner of Elections will certify the results to the Board. The Board will then:
 - a. File the original Petition and all amendments, publication notices, certification of election results, and all other pertinent information with the Secretary of State and City Clerk of the City involved in the proposed annexation.
 - b. Record the same documentation with the County Recorder of each County containing a portion of the Annexation Territory; and
 - c. File a copy of the map and legal description of the Annexation Territory with the Iowa Department of Transportation.
 12. Prior to the expiration of three (3) years following the completion of the involuntary annexation, the annexing City must submit a report to the Board regarding the provision of municipal services to the Annexation Territory and the Board will determine if any other action is necessary pursuant to **Iowa Code §368.25**.

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.