

INCORPORATION

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.

A Petition for Incorporation is usually filed with the City Development Board by five percent of the registered voters of a territory involved in the proposal. A Petition can also be filed by a City Council, County Board of Supervisors or a Regional Planning Authority.

1. At least **fourteen (14) business days** prior to filing a Petition for Incorporation with the Board, the Petitioner must provide a letter of intent and Notice of Public Hearing by **CERTIFIED MAIL** to:
 - a. Each City whose urbanized area contains a portion of the territory.
 - b. The Regional Planning Authority for the territory.
 - c. Each public utility that serves the territory.
 - d. Each property owner listed in the Petition; and
 - e. The Board of Supervisors of each County containing a portion of the territory.
2. Prior to holding the Public Hearing, the petitioner shall publish Notice of the 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.
3. 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 Requirements including:
 - i. Petitioner contact information.
 - ii. Proposed action.
 - iii. Name & Address of each property owner within the territory.
 - iv. Full Legal Description of each property including right-of-way to the centerline of secondary roads if applicable - **(a brief legal description or the legal description shown on the assessor’s website is not acceptable)**
Please submit a word version of the legal description to cdb@iowaeda.com.
 - v. Statement that the proposed action does not include any action prohibited by **Iowa Code §368.17**.
 - vi. Overview of the proposed action as well as a brief description of the affected territory.
 - vii. Reasons for the proposed action.
 - b. Statement regarding the impact of the proposed action in relation to any existing moratorium agreements impacting the proposed territory.
 - c. Map(s) of the Territory **CLEARLY** showing the proposed city boundary. The Board may request that the petitioner provide information demonstrating the existing and anticipated use of the proposed territory.
 - d. County Auditor Verification of the accuracy and legal description of each property located within the proposed territory.
 - e. Assessed Valuation and Tax Classification for each parcel of platted and unplatted land within the affected territory from the County Auditor's Office.
 - f. Population density for the resulting City if the proposal is approved.

- g. Projected population growth for the affected territory for a 10- or 20-year period and may be taken from a comprehensive plan or calculated if no such plan exists.
 - h. Description of current and proposed zoning regulations that apply to the affected territory. Projected development and land use patterns shall be described as well.
 - i. Topographical information should be included in maps and narrative form. Maps shall include contour lines at 10-ft intervals. A narrative description shall identify flood plains, drainage areas, drainage ways, slopes and bluffs. The narrative shall also address potential impacts of topography on development of urban uses and extension of municipal services.
 - j. 1) Existing and proposed municipal services and facilities including but not limited to: water supply, sewage disposal, police and fire protection, street and road maintenance and the estimated cost of providing such services.
2) Description of the capability of the proposed City to develop a sewage system, water system, transportation infrastructure, park and recreational system, and police, fire and public works departments to accommodate the territory proposed for incorporation and an explanation of the assets the proposed City may receive including property taxes, an increase in bonding capacity, state & federal shared revenues, special assessment policies, revenue bonds, user fees and federal funds where applicable.
 - k. Documentation to allow assessment of the relevant considerations for committee approval in **Iowa Code §368.16**
 - l. Documentation of any services that may be provided through agreement with township fire districts and rural water & sanitary districts and proposed agreements with any county or city for police protection, ambulance services, or any other service deemed to be of importance to the proposed boundary adjustment and shall present examples of existing service agreements.
 - m. A proposed agreement between affected municipal corporations and counties for maintenance and improvement and traffic control of any road that is divided as a result of incorporation.
 - n. Proof of substantial compliance with the notice and publication requirements as defined in Iowa Code §368.11 including but not limited to: certified mail receipts, certification of publication of the hearing, minutes of the hearing and copies of any documents received at the hearing.
4. Within seven (7) days of filing the Petition for Incorporation with the Board, the Petitioner shall serve notice of the filing and a copy of the Petition upon each City whose urbanized area contains a portion of the territory, the Regional Planning Authority for the territory, each public utility that serves the territory, each property owner listed in the Petition and the Chair of the Board of Supervisors for each County that contains a portion of the proposed territory. The Petitioner shall file proof of compliance of service with the Board.
 5. Following the receipt of a complete Petition, the Board will consider the Petition for Incorporation 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.
 6. 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.
 7. 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. At the decision meeting the Committee will determine whether:

- a. The territory for incorporation does or does not create an island.
- b. The territory for incorporation is or is not within two (2) miles of an existing city.
- c. The proposed City can provide customary municipal services within a reasonable time.
- d. The proposed incorporation is or is not in the public interest.

The Committee's decision will be in writing and rendered at the time following the decision meeting. The Board shall provide the written decision to interested parties via **CERTIFIED MAIL**.

8. If the Committee approves the Petition for Incorporation, the Board will submit the matter to the County Commission of Elections to set a date for special election. Eligible voters within the proposed territory may vote. The proposed incorporation is authorized if a majority of the total number of persons voting approves it.
9. If the proposed incorporation is authorized by an election, the County Commissioner of Elections will certify the results to the Board. If no appeal is filed with the Board within the thirty (30) day appeal period, the Board will:
 - a. File the original Petition for Incorporation and all amendments, publication notices, certification of election results, and all other pertinent information with the Secretary of State.
 - b. Record the same documentation with the County Recorder of each County containing a portion of the proposed territory; and
 - c. File a copy of the map and legal description of the proposed territory with the Iowa Department of Transportation.
10. Prior to the expiration of three (3) years following the completion of incorporation, the incorporated City must submit a report to the Board regarding the provision of municipal services to the newly Incorporated City and the Board will determine if any other action is necessary pursuant to **Iowa Code §368.25**.