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ANNEXATION IN IOWA:
PLANNING AND PROCEDURES

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F O R E W O R D

One of the most critical problems facing Iowa cities and towns is that of overcoming the many inherent obstacles to sound physical growth and orderly geographical development. Sound urban development is essential to the continued economic development of Iowa. Cities must follow a continuous policy of boundary expansion to include areas of development which are in fact urban in character and whose residents are an integral part of the socio-economic structure of the urban area. Therefore, if Iowa municipalities are to remain viable, orderly municipal annexation must be carried out periodically as needed if the provision of urban services is to continue at an efficient level.

This manual has been written in the hope that it will provide the reader with a clear and concise understanding of annexation in Iowa. Attention will be directed at primary considerations in deciding whether or not to annex, the proper procedure for implementing annexation, and the Iowa law regarding annexation. The ultimate objective is to furnish the reader with a comprehensive, up-to-date guideline for annexation in Iowa.

A precautionary word ... since annexation is chiefly challengeable on procedural grounds, the municipal attorney must be involved throughout every phase of an annexation from the planning stage to its completion by recordation at the county courthouse.

CHAPTER I. INTRODUCTION

What is Annexation?

Annexation may be described as a tool which assists in controlling and regulating the growth of population and buildings in an urban area. It seeks to control such growth by expanding municipal boundaries to incorporate these adjacent urban territories. *Black's Law Dictionary* defines annexation as *The act of attaching, adding, joining, or uniting one thing to another; generally spoken of the connection of a smaller or subordinate thing with a larger or principal thing.*

Before undertaking a detailed analysis of the procedure for implementing annexation in Iowa, however, it is necessary to understand why annexation is so crucial to the sound growth and development of Iowa communities and the state as a whole. It is also necessary to examine some of the arguments advanced by proponents and opponents of annexation and relate these arguments to the particular needs and conditions of any specific urban area.

Why Annex?

Historically, municipalities developed in part as a result of natural economic processes based upon the desire of individual citizens bound together under a corporate municipal structure to provide for themselves municipal services to the maximum benefit of the individual and community at the lowest cost. Any weakening or distortion of the orderly growth of a municipality reduces its effectiveness to render basic urban services. Such is the case when there is an uncontrolled proliferation of urban developments throughout an urbanized area -- the level of municipal services is reduced and the cost of these services is sharply increased. On the other hand, when urban development is controlled and coordinated under the direction of a central city the result can be economical street systems, adequate water and sewerage systems, efficient fire and police protection, garbage collection, and other essential urban services in terms of high standards and low unit costs.

If municipalities are to efficiently and effectively provide urban services, they must be able to direct growth in those areas that require these services. When municipalities are deprived of their planned growth patterns, deterioration and substandard development follow with a depreciation of economic stability, efficiency, and beauty of the entire urban community. Many of the surrounding fringe areas become slums and problems of traffic, sanitation, and law enforcement may eventually discourage the city from considering annexation. Often, the urban fringe is a tangled thicket of small, financially weak, competitive governmental units and special districts. The result is often an inability on the part of the city to provide basic essential services and facilities necessary for sound

development of the overall urban area. Consequently, when borders of municipalities are finally expanded, the city is faced with the dilemma of having to finance extremely heavy bond issues to tear out substandard facilities and replace these facilities with adequate improvements which should have been financed on a year-to-year basis according to a capital improvement program.

In summary, annexation involves the scheduled extension of municipal boundaries and services into fringe areas which are expected to become functional parts of an urban area. Annexation is an integral tool in the planning process. Unless the process of annexation is a continuing one and unless it is a part of the total planning process, growth becomes stifled by expanding rings of uncoordinated development in the urban fringe areas.

Alternatives to Annexation

This manual deals solely with annexation. There are several reasons why a community might consider annexation: (1) Fringe area developments might be sharing in municipal services but not sharing in the responsibility for providing such services, or; (2) The city might want to direct the growth of an outlying area that is becoming urban in character. Annexation is one tool among a number of existing alternatives which may be used to accomplish controlled growth in such an outlying area. The following are several other tools which have been used or proposed by municipalities throughout the nation:

1. Area-wide taxation and more extensive use of charges for services
2. Area-wide government
3. Area-wide planning and development
4. Consolidation of local units of government
5. City refusal to extend services to outlying areas, e.g., sewer, water, roads

Some Basic Pros and Cons

There are many arguments, pro and con, on the whole question of annexation. Proponents argue that urban areas must develop as a unit because their social and economic parts are interrelated. Unified political representation, sound economic development, enhancement of property values, and high service levels at minimum costs can best come from total comprehensive planning which avoids duplication and conflict of authority.

Opponents of annexation contend that those residents outside the city limits chose to build and live there in order to avoid taxes for services they do not want and, perhaps, to enjoy certain rural amenities. They also submit that industry locates outside the city to avoid heavy costs in doing business

and taxes.

The respective arguments for and against annexation lead to an essential question: Who should have the controlling voice in annexation, the individual residents outside of the city or the members of the larger urban community itself? A pat answer to this question is impossible. The essential rights of every person in the urban area deserve protection, but the rights and privileges of residents of the urban fringe area must be interpreted within the context of the rights and privileges of every person living in the total urban area. When the individual chooses to build in the urban fringe, he has made the choice to identify himself with the total urban population and to assume the responsibilities of urban living as well as to reap the benefits by virtue of his location in the urban area. Eventually his property must become subject to the regulations and services necessary to the health, welfare, safety, and convenience of the general public of the entire urban community. Persons who choose to live in the periphery and fringe area of a municipality must anticipate annexation sooner or later. Once annexed, these citizens receive the rights and privileges of every other resident of the municipality.

CHAPTER II. PROMINENT CONSIDERATIONS REGARDING ANNEXATION

Thus far, attention has been centered upon defining the general conditions which necessitate annexation and upon focusing on some of the problems and controversies related to such an issue. It is now necessary to determine what criteria and legal requirements must be considered before an area is eligible for annexation.

Legal Requirements

The first and most basic question which must be answered is, *What are the legal requirements for annexation?* The *Code of Iowa* states that any unincorporated territory *adjoining* any city or town may be annexed (See Code, Section 362.26). *Adjoin* means touching or contiguous, as apposed to nearby. It is doubtful, for instance, that the courts would stretch the meaning of the word *adjoin* to apply to land separated from the corporate limits of a city by intervening outside land and connected only by a county road. In such a case the county road would be considered an easement across private property and the proposed territory for annexation would therefore not be contiguous to the city within the meaning of the law.

The district court requires that the city or town substantially comply with the procedural steps as set out in the Code. Also, the city or

town must be able to show the court that it can furnish substantial municipal services and benefits to the territory and that the principal motive for annexation is not to increase the tax revenue of the city or town (See Code, Section 362.26, sub paragraph 6).

Feasibility and Desirability

Once it has been determined what the legal requirements for annexation are, it then becomes necessary to decide whether or not annexation is feasible or desirable for a particular area. Such a decision depends upon many factors, all of which must be examined and/or researched carefully. The following chapter will delineate these factors and furnish the reader with an additional source of information, should it be needed.

Before a city or town annexes adjoining urban territory, it should carefully weigh some of the advantages and disadvantages of annexation. Facts and findings should be recorded in order to make a final decision whether or not to annex and also to educate the public. Such information is also useful in presenting proof to the court that the city can furnish the required benefits and services to the territory proposed for annexation. In making a decision whether or not to annex, the considerations of cost vs. tax revenue, planned growth, and services are of key importance.

1. COST VS. TAX REVENUE. As mentioned earlier, the Iowa Code requires that annexation should not be *sought merely for the purpose of increasing the revenues from taxation of such municipal corporation.* However, it is of vital importance that those who are interested in annexation have an idea how much additional tax income will be received in comparison with how much will be spent in furnishing additional services to the annexed territory. Therefore, the county auditor's records should be checked for the value of the property in the territory proposed for annexation and for past assessments and payments for such property.

It is important to note that it is very unlikely that a city will realize a net gain in increased tax revenues over increased costs for services for any significant period of time. Therefore, the requirement that the annexed territory has to help pay past or future debts of the annexing city or town probably will not benefit the city. The exception to this would occur when the annexed territory contained a large proportion of commercial or industrial sites rather than residential properties. It is also important to note that agricultural plots of more than ten acres within the city limits can be assessed only for street purposes.

A city might benefit from the increased assessed valuation of the urban area after the annexation of a new area because the bonded indebtedness of the city would be increased. For example, a city might be able to build a new water plant because of the additional money it was able to borrow as a percent of its increased valuation after annexation.

It is also wise to be prepared for some formidable objection from the property owners of the territory proposed for annexation over the prospect of increased taxes. Proponents of annexation should be ready to show that the benefits of the services that will be provided outweigh their cost.

2. PLANNED GROWTH. Any city or town should function as a planned social, economic, and governmental unit, and therefore needs to be able to plan the growth and development of any adjoining urbanized territory. Such a plan generally specifies the direction of expansion and the proposed land use of the expanded area. Those cities and towns without such a plan might want to undertake a planning effort by utilizing their own resources, or utilize the advice and expertise of the Office for Planning and Programming - Division of Local Affairs - which will assist a city in obtaining resources made available by Section 701 of the Federal Housing Act of 1954. The 701 Comprehensive Planning Assistance Program includes the following kinds of activities:

- a. identification of human, economic, physical, and governmental problems and opportunities;
- b. assignment of priorities for action to meet such problems and opportunities and the preparation of general plans with respect to:
 - (1) the pattern and intensity of land use,
 - (2) the provision of public facilities and services,
 - (3) the development and utilization of human, economic, and natural resources;
- c. preparation of long-range fiscal plans for governmental action;
- d. programming of capital investments and services, together with budgeting measures for the early years of the program;
- e. review of development projects, and
- f. preparation of legislative, regulatory, and administrative measures to support the foregoing.

Many factors must be considered before determining whether annexation is necessary for the planned growth and development of the city. The city plan, if there is one, should be checked; city officials should be questioned; and the territory proposed for annexation should be personally viewed by those individuals involved in the ultimate decision. The topography of the area should be studied to determine the feasibility of extending municipal services into the area. Especially important are those features which will require capital improvements such as sewer pumping stations, additional water towers, bridges, connecting roads at public expense, and additional fire stations or fire fighting equipment. Investigators should

check and record these features on graphs, charts, and maps and should also note building and population trends, existing and proposed subdivisions, possible natural barriers such as rivers, distances of places in the territory from public buildings, schools, and places of work, transportation facilities, possible extensions of city streets, possible park sites, and types of commercial, industrial, residential, and public buildings already in the area.

3. SERVICES. A city or town may need to annex a territory in order to provide services for the residents of the territory or for the residents of the city, or both. To annex a territory, a city must prove to the court that it will be able to furnish benefits to the territory. These benefits consist mainly of additional services. Examples are: water, sewer, and drainage systems; police and fire protection; garbage collection; street improvement, including construction, maintenance, cleaning, lighting, sidewalks, and tree control; parks and playgrounds; city and town regulations such as zoning and building; available experienced public officials such as legal and health officers; and central purchasing and contracting on a greater volume with better terms.

The city must expect to pay part of the costs of furnishing these additional services even though part of the expense will be met by the residents of the annexed territory. These residents might agree to pay a larger share of the costs than their future tax payments in order to be annexed. (e.g., They might agree to pay half of the cost of extending the main sewer or water lines into the territory.) Such agreements should be incorporated in a written contract. Annexation proponents should keep in mind that agricultural and undeveloped land in the territory cannot be expected to help pay immediately for services that are not needed at that time.

Proponents of annexation should be prepared to answer objections to proof of benefits. For example, the residents of the territory may allege that they will be paying for services long before it will be possible to furnish them. It will therefore be necessary to set up a tentative time schedule for the furnishing of services, based on the opinions of city officials. It must also be kept in mind that in addition to offering proof that the city can furnish these services, a substantial amount of services must be furnished within a reasonable time after annexation. Some services should be furnished immediately after annexation, such as police and fire protection. If the city fails to furnish these services as promised, the landowners in the annexed territory may succeed in obtaining severance from the city.

In summary, the approach for determining the feasibility and desirability of annexation must consider the basic factors of cost vs. tax revenue, planned growth, and services. These factors must be carefully analyzed and considered, for the ultimate decision of whether or not to annex will have to be based on an indefinite balance of the relative merits of the advantages vs. the disadvantages of these factors. Knowledge and records of facts will make the final decision more accurate. The ultimate costs of annexation should be de-emphasized, although such costs must be considered seriously. Remember that modern services which the territory probably will need eventually cannot be furnished economically on a small scale. The paramount goal or motive for annexation should be to provide for the orderly growth and development of the entire urban area

CHAPTER III. DRAWING UP AN ANNEXATION REPORT

Selection of the Area

If, after reviewing the advantages and disadvantages of annexation for an area it is decided that annexation is necessary, it will first be necessary to select the precise area to be annexed.

It is important to make note of several tips which will make the selection of the proposed annexation territory easier. As mentioned earlier, the territory must touch the city limits at some point. It should not be so irregular in shape that it is evident that the city wants to annex only property that would benefit it taxwise. A city can annex a reasonable amount of unplatted agricultural and underdeveloped land if such land probably will be needed for the expected growth of the city. All of a street should be annexed to avoid jurisdictional conflicts with county. Keep in mind that a city can annex an area smaller than that originally selected, but not larger.

Description of the Area

After the precise area being proposed for annexation has been selected a comprehensive report on the territory proposed for annexation must be compiled. This report can be as detailed as available resources allow and may be prepared by a number of qualified groups or individuals, such as the city planning commission, the city clerk, the city manager, a citizens' group, etc. Such a report should include, at least, the following three sections: (1) a description of the area, (2) a list of improvements and municipal services to be extended to the area, and (3) estimates of the costs of municipal services and improvements for the area to be annexed and an estimate of revenues to be expected from the area. A discussion of these three basic ingredients is necessary as a guideline for undertaking such a report.

A city will need accurate maps, plats, and descriptions of the territory to be annexed and a list of the landowners of the territory. A description of the area to be annexed should include the following:

1. A TOPOGRAPHICAL MAP of the city or town and the entire surrounding area to be annexed to the city. Ideally, this map would also show the area proposed for annexation as related to (1) the site of the sewage treatment plant and any proposed future site, (2) the sewage drainage pattern, (3) the water distribution grid network, (4) the road patterns - especially the main arteries, and (5) the areas of logical future growth - as partially determined by the issuance of building permits and by the location of land owned by developers. See Appendix #1 for an example of such a map.

2. A PLAT of all the subdivisions and proposed subdivisions in the area to be annexed. This should show, among other things, the streets and utility services - including water mains, sanitary sewers, storm sewers, and possibly gas and electric services.

3. A LAND USE SURVEY and a LAND USE MAP of the area, using the zoning categories of the annexing municipality.

4. A description of the SOCIAL CHARACTERISTICS of the population of the area to be annexed. This report should include statistics on population, age, income, education, occupation, etc.

5. A description of the ECONOMIC CHARACTERISTICS of the area to be annexed. This report should include types of commercial and industrial activity, the level of business activity, the location of employment of the residents, the type of housing, etc.

This information can be obtained from the county record in the recorder's and auditor's offices and from the county surveyor, from the state land office, or by employing a private surveyor, realtor, or abstract company. The council should also consult with the city engineer or a similar official about these matters. The record descriptions should be checked in the field to be sure they are accurate.

Proposed Improvements and Municipal Services

This part of the report should spell out the nature of the services and improvements which the city will be expected to provide for the area to be annexed. Such a list will vary greatly with the type of area being annexed. The following is a sample list of some of the more common services and improvements which might be expected.

1. Police protection
2. Fire protection
3. Water, electricity, and gas
4. Sanitary sewers
5. Storm sewers
6. Parks and recreational facilities
7. Library facilities
8. Streets and street maintenance
9. Street lighting
10. Parking lots
11. Building code enforcement and inspection
12. Schools

It is possible to annex an area without providing all of the normal municipal services. Care should be exercised, however, to avoid problems which might arise when it is not possible to provide all of the normal services to a

newly annexed area. For example, if it is not possible to provide water and/or sewers to a new area, there should be regulations of the lot size to insure that the lots will be large enough to allow the safe operation of wells and septic tanks.

Estimates of Costs and Revenues from the Annexed Area

These estimates can best be obtained by requesting that each department head submit an estimate of the additional cost that his department would incur in providing the recommended services and improvements to the area proposed for annexation. In the same manner each department head should provide an estimate of revenues which the city would receive as a result of the annexation. These department heads should have access to the descriptive reports of the area proposed for annexation and should have a firsthand knowledge of the area.

These estimates should be posted on a ledger sheet in order to give an overall financial picture of the annexation proposal. An example of such a ledger may be found by referring to Appendix #2.

After these three reports have been completed and compiled in an orderly and lucid manner they must be referred to the city council for careful consideration. If, after reviewing these reports, the council decides to annex the proposed territory, they will pass an annexation resolution to be submitted to the voters.

CHAPTER IV. SELLING AN ANNEXATION PROPOSAL

It is imperative that the proponents of an annexation proposal actively seek the support of a majority of the electorate. Such support does not just happen, but rather requires a conscious effort by the city or town to convince the electorate that the annexation proposal is worthy of their support. The city or town should utilize good public relations techniques in their efforts to gain support for the proposal.

Efforts should be made to make the citizens of your city or town aware of (1) the benefits which the proposed annexation will provide the city as a whole, and to the area being annexed and (2) the costs of the proposal to the whole city or town and the costs to the area being annexed. An important factor to emphasize as a reason for annexation is the need to bring all the residents of an urban area into the corporate boundaries so that they might take part in the municipal decision-making process.

It is essential that all the facts concerning an annexation proposal be made public prior to the election so that the proposal can either carry or be defeated on its merits. This will avoid those post-annexation complaints such as *I didn't know that annexation would cause this.*

An effective public relations effort involves furnishing the media (newspaper, radio, and TV) with all the facts concerning the annexation proposal. City or town officials should cooperate with the media to achieve the best coverage of the annexation proposal.

Another means of communicating the annexation message is a speakers bureau. The speakers bureau could include the mayor, the planner, and other civic leaders. It would be their task to speak to service clubs, women's clubs, business organizations, professional organizations, and any other interested groups.

An *ad hoc* committee comprised of "citizens for annexation" could act on behalf of your city or town to promote the annexation proposal. They might want to solicit endorsements of the annexation proposal from prominent citizens and in turn publicize these endorsements.

A pamphlet describing the annexation proposal is another good way to reach the thoughtful citizen. A local journalist, or someone else experienced in publicity, should help prepare your pamphlet. Some of the things the pamphlet might contain are:

1. A map showing the area to be annexed in relation to your city or town.
2. A list of the benefits that will come from the annexation.
3. A simple and concise statement of the financial implications of the annexation.
4. A list of commonly asked questions (and answers) relative to the annexation (see Appendix #3).

CHAPTER V. ANNEXATION LAW AND PROCEDURE

The following chapter will describe Iowa annexation law and the procedural steps that must be taken in order to gain approval of a proposal for annexation. Before proceeding, however, a word of caution need be mentioned: this manual is intended to be a general guide to annexation and it is imperative that the city attorney be consulted and offer close supervision over any city's unique annexation situation.

Legal Preliminaries

Annexation proceedings do not legally begin until the city council has made a motion to notify the clerk to publish notice of a meeting and hearing on the proposal to annex. This is important because, once done, it prevents the landowners in the territory proposed for annexation from incorporating any part of their territory. Therefore, before the council has made such a motion, the annexation proceedings have not officially begun and the proposed territory for annexation can file for incorporation in a district court or the territory might be annexed by another nearby city. A resultant problem is that a city may be forced to start annexation proceedings before it has had a chance to investigate thoroughly and determine the need for annexation.

Iowa law modifies this problem somewhat for cities with a population of 15,000 people or more by stipulating that there can be no incorporation of a city or town within three miles of the limits of the city. There is one exception to this law, however: if an urbanized area of at least 300 people is contiguous to a city over 15,000 and voluntarily petitions for annexation and is refused such by the city council for a period of one year, they can then file for incorporation for a period of up to five years from the date of the denial of the petition. Before such an area can file for incorporation, however, they must show that their petition for voluntary annexation which was presented to the city council was signed by petitioners whose composite assessed property value is at least equal to one-fourth of the total property value of the area that is proposed to be annexed (see Code, sections 362.1 and 362.31 as amended by Chapter 223 of the 63rd G. A. Session Laws). These provisions have the effect of preventing the arbitrary cropping up of incorporated communities immediately outside the city limits and also force cities to lend an attentive ear to requests for annexation or face the problem of being surrounded by incorporated areas.

Those cities over 25,000 and those cities and towns with a plan commission are given control of subdivisions within two miles of their corporate limits. Before the plat of such a subdivision can be filed or recorded by the county auditor or recorder it must first be filed with the city council and plan commission and be given their approval. The council has discretionary control over the specifications required for approval. These specifications may relate to streets, alleys, boulevards, parks, public places, sewer, water, gas and electric utilities and their connections, or other improvements deemed necessary for the protection of the public interest. It should be noted, however, that the power to approve plats outside of corporate limits does not include the right to enforce a building code. In order to enforce a building code the area in question must be annexed.

Sometimes a conflict may develop between two areas over the annexation of a mutually bordering territory. Iowa law provides that in such a case cities or towns may by resolution enter into an agreement with each other in which they agree to refrain from annexing a described territory for a period not to exceed ten years. For further details regarding such agreements, refer to Section 362.26, sub paragraph seven of the Code.

Those cities having a planning commission probably should follow their plan commission's recommendations in any annexation proceedings, since that body is responsible for planning the growth and development of the city. The Iowa Code does not require that the council annex property only as recommended by the planning commission, but the Code does provide that there shall be no substantial modification of the comprehensive city plan, which includes plans for the future growth and development of neighboring territory until the proposed change has been referred to the plan commission for its recommendations. If the commission does not recommend annexation, it cannot be adopted by less than a three-fourths vote of the council members (see Code, Section 373.20).

Also, in those counties having a county zoning board the municipal authorities should promote informal contact and cooperation to facilitate uniformity between the county and municipal codes. This will prevent any conflict between the city's comprehensive plan and the county zoning regulations.

First Formal Step

After the annexation report has been drawn up and the pertinent legal points have been taken into consideration, the first formal step of the annexations proceedings may begin - that of petitioning the city council. This section will deal with the legal procedures necessary to accomplish annexation. Procedural steps will be covered in chronological fashion in order to furnish the reader with a maximum practical working knowledge.

There are three methods for petitioning the council:

1. VOLUNTARY PETITION. This method may be used only if 100% of the owners of a territory adjoining a city make application in writing to the city council requesting that said territory be annexed by the city. A plat must be attached to the application showing the situation thereof with reference to the existing limits of the city (Code 362.30). See Appendix #4, Exhibits 1 and 2 for a sample of a voluntary petition. If the city council approves the voluntary petition, the territory thereafter becomes a part of the city without the need of a hearing, election, or court approval. (See Appendix 4, Exhibits 3 and 4).

If the city has bought property outside the city limits and desires to annex this property, the city council must pass and file a resolution indicating that they have annexed said property. Since this is another type of voluntary annexation, the property to be annexed becomes city property immediately upon completion of the resolution (see Appendix 4, Exhibit 5).

2. INVOLUNTARY ANNEXATION - COUNCIL INITIATED. Annexation is considered *involuntary* when the proceedings to annex are initiated by the residents of the city instead of the outlying territory. The practical initiation of annexation programs prior to specific council action can come from many sources. Oftentimes the mayor, city manager, a city department head,

the city planning commission, or a city councilman will initiate the proposal. Quite frequently interested private parties such as the chamber of commerce or any civic or business organization interested in community development or improvement may request annexation. (See Appendix 5).

3. INVOLUNTARY ANNEXATION PETITION. Under this method a petition is made by owners of the territory instead of by the city. In such a case ten percent of the owners of the territory, located in any county, or in two or more counties lying contiguous to each other must petition the city council. If such a petition is made, the petitioners are labeled "plaintiffs" and the city and all owners of property in the territory other than the petitioners are labeled "defendants" (see Code, Section 362.31).

The Hearing

After the petition has been presented to the city council they must vote on whether or not they wish to pursue the question of annexation of the territory. If a majority of the council vote to pursue the petition they must pass a resolution ordering the city clerk to publish notice of a meeting and hearing on the proposed annexation. The clerk must have the notice published in the city newspaper once each week for two consecutive weeks (Code, 618.4). (See Appendix 6, Exhibit 1). If there is no newspaper published in the city, the clerk must have the notice published in any newspaper that is circulated generally in the city or town. The second publication should be on the same day of the week as the first. The published notice should contain a description of the territory proposed for annexation and the date, time, and place of the hearing.

At the hearing the council should listen to and consider suggestions of all annexation proponents and objectors (see Appendix 6, Exhibit 2 for helpful hints on how to conduct the hearing). Any interested person, whether from inside or outside the city limits, should be invited to participate. The council may wish to hold subsequent meetings to hear further suggestions and to obtain additional facts.

At its final hearing, the council should adopt a resolution either to annex or not to annex the proposed territory or any part of it (see Appendix 7). This resolution will then be submitted to the voters of the city and the territory proposed to (or not to) be annexed. It is important to keep in mind that if the electors are to vote on the proposal at a regular municipal election, the council's resolution must be passed at least one month before that election (the first Tuesday after the first Monday in November in odd numbered years). The resolution should be enacted in the normal way. It must be approved by a majority of the members elected to the council and submitted to the mayor for approval or disapproval.

A resolution for annexation, in addition to enactment provisions and provisions setting out the intent to annex, should contain provisions for notice and election on the proposal to annex and a provision that the annexed territory shall be zoned as the most restricted residential district until the zoning commission has a chance to rezone the territory.

The Election

The city clerk must publish notice of the election on the proposition to annex territory once each week for three consecutive weeks. (Code, 618.4) (see Appendix 8). This publication should be placed in the city newspaper, or, if there is none, in a newspaper that is circulated generally in the city. If the newspaper in which the notice is placed is published more often than once a week, subsequent publications should be made on the same day of the week as the first.

The published notice of the election should contain: the name of the city, the date of the notice, the date and fact of the passage of the resolution to annex, a description of the property proposed for annexation, the date, place, and hours of the election, and the exact wording of the proposition to be submitted to the electors.

The proposition to be submitted to the voters should be in the following form: *Shall the proposition to annex the territory described as follows: (here set out legal description of the territory); in the resolution adopted by the council of the city (or town) of _____, on the _____ day of _____ be approved?* (See Appendix 9).

The proposition for annexation can be submitted to the electors either on the regular municipal election day (the first Tuesday after the first Monday of November in odd numbered years) or at a special election. The Sixty-third General Assembly amended Chapter 362.26 of the Code to include residents of the territory proposed for annexation as well as residents of the city as eligible voters. The annexation must be approved by a majority of all the qualified electors in the city and annexed area taken together and voting thereon. The vote is regulated and counted as in other general elections.

District Court Approval

If a majority of the electors vote for annexation, the annexation must be approved by the district court before it becomes law. The Code states in Chapter 362.26, sub paragraph four:

If the proposition is adopted by a majority of those voting thereon, the council shall cause to be filed in the district court, in any county wherein is located part of the territory sought to be annexed, a suit in equity against the owners of the property proposed to be annexed, the petition therein setting forth that, under a resolution of the council, the territory therein described was authorized by the voters of said city to be annexed to the city or town. (See Appendix 10, Exhibit 1).

The district court cannot disapprove on grounds that the annexation is not politically, socially, or economically desirable. It can refuse to approve the annexation only if the city has not complied substantially with the required procedural steps in the annexation proceedings, or if the city cannot show that it can furnish substantial additional municipal services and benefits to the territory and that the annexation will result merely in increasing the tax revenues of the city.

The city council requests the court's approval by filing a petition after the voters have approved the annexation (Code, 362.26, sub paragraph 5). (See Appendix 10, Exhibit 2). The petition should contain:

1. A statement that under the council's resolution the electors of the city voted for annexation of the territory.
2. A description of the territory proposed to be annexed.
3. A list of the landowners in the territory as shown by the county auditor's plat books.
4. A general plat of the territory that is sufficient to indicate its location.
5. A statement of facts showing that the city or town can furnish the territory substantial additional municipal benefits and services and is not merely annexing the territory to obtain additional tax revenue.

Notice that there is a petition on file in the district court and that a proposed annexation is to be considered by the court must be given to all landowners in the territory proposed for annexation (see Appendix 10, Exhibit 3). The statutes require only that this notice be given by publication once each week for three consecutive weeks in the same manner as the notice of election. However, to be sure of adequate notice and to create good public relations, the city should mail or deliver this notice personally to all landowners in the territory to be annexed.

Landowners required to be notified under the annexation procedure has been defined by the Iowa Supreme Court to mean owners as listed in the auditor's plat book. This includes purchasers by contract if their names are listed on the plat book.

The notice should contain:

1. The names of the city or town and county where the district court will consider the annexation.
2. The date the court will consider the annexation.
3. A statement that the petition is on file with the clerk of the district court.
4. A short summary of the petition including a general description of the territory to be annexed.
5. The signatures of the mayor, clerk, and city attorney.

If the city or town has taken the proper procedural steps and has proved that it can furnish the required benefits and services, the court must decree that the annexation is complete and effective.

After court approval, the city clerk must make and file with the county recorder a transcript of the parts of the city records that show the final action of the council (see Appendix 10, Exhibit 4). The clerk of the district court must make and file with the recorder a certified copy of the record of the final action of the district court.

Some Procedural Hints

The previous section covered the basic procedural steps for securing approval of an annexation proposal. This section will attempt to answer any questions which might arise from unique circumstances and will also pass on several hints which should prevent future problems or controversy after approval of the annexation proposal.

1. Schedule proceedings so that the effective date of annexation can be made to coincide with the beginning of the tax year on January 1. It is a good idea to request that the final court decree be made effective on January 1. Also, county tax officials should have official confirmation of the annexation by September 15 in order to collect taxes at city rates for the following year.

2. Do not annex to the center line of a street or road. Both sides of any street or road should be annexed at at least lot depth to prevent any jurisdictional controversies and to make it possible to assess property owners on both sides in the case of street improvements.

3. The zoning of the area being annexed should either be frozen for the most restricted residential usage or agricultural usage pending final action by the zoning commission and the city council.

4. There are no restrictions to annexation of state property although there is some variation in the technical procedure. (See Code, sections 362.34 - .37). The city is required to give additional notice to the state of the pendency of the action by serving notice on the county attorney and by sending a copy of the notice by certified mail to the Attorney General of Iowa. Annexation of state property does not affect the limited access rights acquired by the highway authorities.

5. An annexation proposal should spell out specifically how much of a street, river, lake, railroad, etc. is to be annexed. This will prevent any future jurisdictional controversies.

6. There is no prohibition against crossing county lines to annex. If the area being annexed lies in two or more counties, the suit in equity filed by the city or town may be filed in the district court of any of the counties containing a part of the territory being annexed (Code, 362.26).

7. An area being annexed should preferably be in the same school district and the same drainage district as the annexing municipality.

8. After a new area has been annexed, it is a good idea to notify the Iowa Inspection Bureau, 414 Insurance Exchange Building, Des Moines, Iowa 50309, of the effective date of the annexation and give them a description of the annexed area.

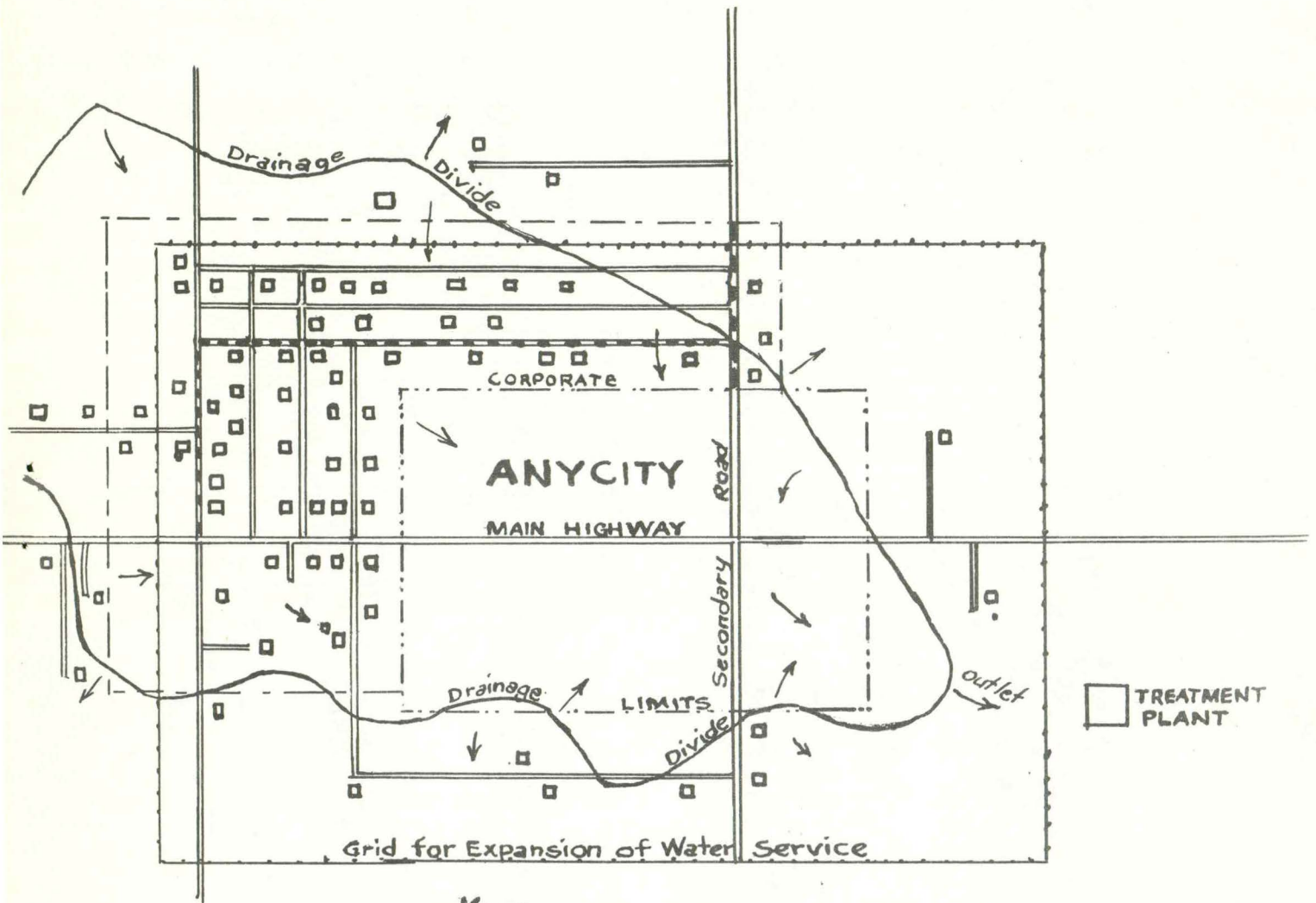
9. It has been mentioned earlier, but cannot be overemphasized that if your city has been careful to comply with the procedures for annexation and has shown its capability to furnish substantial additional municipal services and benefits to the area being annexed, and if the annexation is not sought merely to increase municipal revenue, then the petition to annex will be approved by the district court. Annexation has been upheld by the courts when the people acted in good faith that it was necessary despite some technical irregularities. Also, if substantial time has passed since territory was annexed and the people have acted in the belief that annexation was proper, the court will uphold the annexation despite evidence that such annexation did not comply with all the legal or procedural requirements. And remember, the court cannot disapprove an annexation petition on political, social, or economic grounds.

CHAPTER VI. POST ANNEXATION ACTIVITIES

It is good public relations to send a letter or pamphlet to each household and business in the annexed area welcoming them to your city or town. Such a letter or pamphlet should inform them of the services available to them as residents of your city or town. It should also mention any ordinances which will have an immediate effect on them. A sample *welcome pamphlet* is shown in Appendix 11.

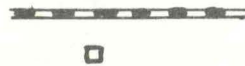
APPENDIX 1

HYPOTHETICAL DESCRIPTIVE MAP



KEY

Future New Arterial Street
Existing Houses in Annex Area



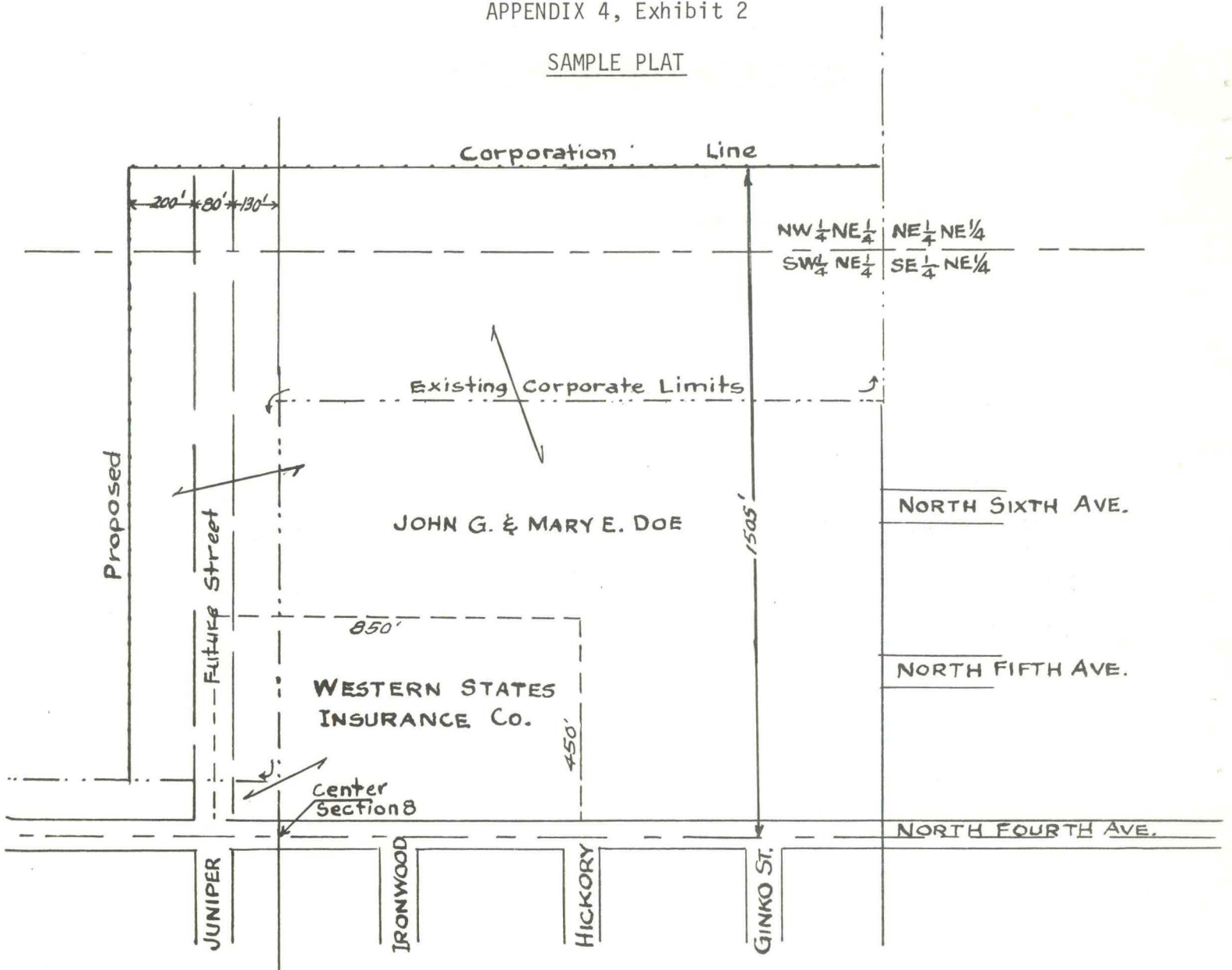
APPENDIX 3

FREQUENTLY ASKED ANNEXATION QUESTIONS

- Q. How will the proposed annexation change the population and area of *Ourtown*?
- A. The present area of *Ourtown* is _____ square miles and the population is _____, the proposed annexation will increase the area to _____ square miles and the population to _____.
- Q. Will the residents of *Ourtown* and the residents of the area proposed for annexation be given an opportunity to ask questions about the annexation and to present their viewpoints?
- A. There will be public hearings on _____ (date & place) and there will be public information meetings on _____ (date & place). Also, anyone is welcome to bring their questions and opinions of the annexation to the attention of the (city manager, mayor, clerk, etc.).
- Q. What services will be given to the area to be annexed?
- A. Police protection, fire protection, street maintenance, garbage collection, building code protection, and traffic control will be provided at once. Soon after annexation the area will be zoned according to the comprehensive plan.
- Q. How often will the garbage get picked up? How much does this service cost?
- A. It is picked up _____ times per week at no extra charge to residents of *Ourtown*.
- Q. Will a new fire station and additional equipment be required to serve the newly annexed area?
- A. (If yes, explain the need to preserve your community's fire insurance rating and describe the proposed facility and equipment).
- Q. What are the present fire insurance rates paid in *Ourtown* as compared to the rates paid presently in the area to be annexed? How will annexation change these rates?
- A. (A local insurance agent can help answer this question.)
- Q. Will street lights be installed in the area to be annexed? Who will pay for them?
- A. Yes (No), street lighting will be installed within _____ months. The city (private utility, etc.) will pay for their installation.
- Q. What street improvements will be necessary in the area being annexed? Who will pay for these improvements?

APPENDIX 4, Exhibit 2

SAMPLE PLAT



ALL LYING IN T90N, R16W

Legal Description:

Commencing at a point lying on the corporate limits 183 feet north of the centerline of North Fourth Avenue, said center line being the centerline of Section 8, township 90 north, range 16 west, and 140 feet west of the centerline of Juniper Street, extended; thence north 1322 feet to a point, thence 1429 feet, more or less, to a point on the existing corporate limits, said point lying in the west line of the NE 1/4 N 1/4 of section 8, and 1505 feet north of the centerline of North Fourth.

(For voluntary annexation - same for application and for resolution)
 SHOULD BE PREPARED IN DUPLICATE

APPENDIX 4, Exhibit 3

VOLUNTARY ANNEXATION: COUNCIL RESOLUTION OF APPROVAL

RESOLUTION ASSENTING TO THE ANNEXATION
OF CERTAIN REAL ESTATE
TO THE CITY (TOWN) OF _____, IOWA

WHEREAS, the City (Town) of _____, State of Iowa, is a duly organized municipal corporation, and

WHEREAS, there has been presented to the City (Town) Council of said City (Town) an Application for Annexation, as required by Section 362.30 of the 1966 Code of Iowa, executed by _____ and _____*, the owners of the real estate to be annexed, said real estate lying adjacent to the existing City (Town) limits of the City (Town) of _____, Iowa, and said real estate being described, together with the owners of the parcels shown, on the accompanying plat in Exhibit "2" attached hereto, and

WHEREAS, the City (Town) of _____, Iowa desires to annex said territory upon the Application heretofore presented,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City (Town) Council of the City (Town) of _____, Iowa as follows:

1. That the Application for Annexation of the real estate as described in Exhibit "1" attached hereto is hereby approved.
2. That on the passage of this Resolution on _____, 19 __, this territory shall thereafter be and become a part of the City (Town) of _____, Iowa.
3. That the Clerk shall forthwith cause this Resolution and the exhibit attached hereto to be filed with the County Recorder as required by Section 362.33 of the 1966 Code of Iowa.

* or the words "the persons whose names appear on Exhibit "2" attached hereto

APPENDIX 4, Exhibit 3 (continued)

Passed, approved and adopted by the City (Town) Council of the
City (Town) of _____, Iowa this ____ day of _____,
19 ____.

Ayes _____

Nays _____

(Typed Name), Mayor

Attested:

, City (Town) Clerk
(Typed Name)

APPENDIX 4, Exhibit 4

VOLUNTARY ANNEXATION: CLERK'S RECORD

I, _____, City (Town) Clerk of the City
(Town) of _____, Iowa, hereby certify that the above and
foregoing Resolution is a true copy as shown by the records of the
City (Town) of _____, Iowa.

(Typed Name) City (Town) Clerk

*Place
City (Town) Seal
Here*

APPENDIX 4, Exhibit 5

ANNEXATION OF CITY OWNED PROPERTY

RESOLUTION APPROVING THE ANNEXATION
OF CERTAIN REAL ESTATE
TO THE CITY (TOWN) OF _____, IOWA

WHEREAS, the City (Town) of _____, State of Iowa, is a duly organized municipal corporation, and

WHEREAS, the City (Town) owns property described as _____

and the City (Town) Council deems it necessary that said land be annexed for the better control thereof, said real estate lying adjacent to the existing City (Town) limits of the City (Town) of _____, Iowa, and said real estate being described on the plat in Exhibit "2" attached hereto, and

WHEREAS, the City (Town) of _____, Iowa, desires to annex said territory under the provisions of Section 362.30 of the 1966 Code of Iowa,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City (Town) Council of the City (Town) of _____, Iowa, as follows:

1. That annexation of said real estate as described above is hereby approved.
2. That on the passage of this Resolution this territory shall thereafter be and become a part of the City (Town) of _____, Iowa.
3. That the Clerk shall forthwith cause this Resolution and the exhibit attached hereto to be filed with the County Recorder as required by Section 362.33 of the 1966 Code of Iowa.

APPENDIX 4. Exhibit 5 (continued)

Passed, approved and adopted by the City (Town) Council of the
City (Town) of _____, Iowa, this _____ day of _____,
19____.

Ayes _____

Nays _____

_____, Mayor
(Typed Name)

Attest:

(Typed Name), City (Town) Clerk

I, _____, City (Town) Clerk of the City (Town)
of _____, Iowa, hereby certify that the above and foregoing
Resolution is a true copy as shown by the records of the City (Town) of
_____, Iowa.

_____, City (Town) Clerk
(Typed Name)

*Place
City (Town) Seal
Here*

APPENDIX 5

INVOLUNTARY ANNEXATION REQUEST TO COUNCIL

(Please check with your municipal attorney to make sure that any forms used are appropriate to your situation.)

STEP 1 - Review by plan commission, sample form of letter of transmittal.

The plan commission of the city (town) of _____ recommends that area described as follows:

(LEGAL DESCRIPTION)

should (not) be annexed to the city (town) of _____ for the reasons set out below.

Chairman, _____ Plan Commission

APPENDIX 6, Exhibit 1

CLERK'S NOTICE OF HEARING

(Legal notice -- newspaper or posting as set out by law.)

PROPOSAL FOR THE ANNEXATION OF CERTAIN TERRITORY TO THE (city or town) OF _____, IOWA.

TO ALL PROPERTY OWNERS, ELECTORS, RESIDENTS AND ALL INTERESTED PERSONS IN THE TERRITORY AND DISTRICT SITUATED AND LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

(GIVE LEGAL DESCRIPTION)

You are hereby notified that the Council of the (City or Town) of _____ will meet at the (City or Town) Hall in the (City or Town) of _____, at ____ O'clock P. M. on the ____ day of _____, 19 ____, to consider a proposed Resolution for the Annexation of the territory lying within the boundaries above described to the (City or Town) of _____, and to hear all objectors to such annexation and proponents of the same.

This notice is given by direction and order made by the Council of (Name of City or Town) on the ____ day of _____, 19 ____.

Mayor

Clerk

APPENDIX 6, Exhibit 2

SUGGESTED PROCEDURE FOR CONDUCTING HEARINGS

1. The meeting should be opened precisely at the time advertised in the notice.
2. The presiding officer should conduct the meeting and exercise all authority in order to keep the meeting running smoothly and to the point.
3. The presiding officer should present an opening statement stating the purpose of the meeting and laying general ground rules for the conduct of the meeting. A suggested opening statement appears below.

The public hearing, as advertised, is now in session. In order to conduct the hearing within a reasonable time and to keep it on the subject at hand you are asked to observe the following rules:

- a. *Anyone who wishes may present his or her views to the Council.*
 - b. *Those in favor of the proposed annexation will be heard first and those opposed will be heard last.*
 - c. *Please refrain from repeating what has been said before you and please do not involve personalities.*
 - d. *Be as factual as possible.*
 - e. *The Council reserves the right to question any speaker and the chair reserves the right to swear any or all of those to be heard.*
4. A complete record should be made of the proceedings.

APPENDIX 7

COUNCIL RESOLUTION ORDERING ELECTION

DATE _____

BE IT RESOLVED, by the City (Town) Council of the City (Town) of _____, Iowa.

WHEREAS, the City (Town) proposes to annex certain territory and District situated and lying within the following described boundaries contiguous to said City (Town):

(GIVE LEGAL DESCRIPTION)

WHEREAS, notice of the time and place of hearing upon the proposed annexation has been legally (published or posted) according to the law; and

WHEREAS, a hearing was held to hear all objections to such annexation and proponents of the same; NOW, THEREFORE,

BE IT RESOLVED, by the City (Town) Council of the City (Town) of _____, Iowa;

That the said City (Town) Council finds that the proposed annexation of territory is in the interest of the said City (Town) and said City (Town) is capable of providing public services to the territory to be annexed, and;

BE IT FURTHER RESOLVED, that the Clerk is hereby directed and ordered to (publish or post) legal notice to the electors of the City (Town) of _____, Iowa, of a (Regular or Special) election pertaining to the proposition to annex the territory described as follows:

APPENDIX 7 (continued)

(LEGAL DESCRIPTION)

(This can be omitted if the area to be voted on is the same as that for which the hearing was called. The last two words, *as follows* would be dropped and *above* substituted. NOTE -- The territory must be the same as, or less than, that considered at the hearing (s).)

which territory is contiguous and adjacent to the corporate limits of
the City (Town) of _____, Iowa.

Moved by _____ to adopt.
(Record the seconder, and the votes
for and against by name)

APPENDIX 8

CLERK'S NOTICE OF ELECTION

LEGAL NOTICE (Newspaper as set by law)

TO THE ELECTORS OF THE INCORPORATED (CITY OR TOWN) OF _____,
IOWA.

You are hereby notified that at the (Regular or Special) (City or
Town) Election to be held at the (City or Town) Hall* in _____,
Iowa, on the ____ day of _____, 19 __, the following proposition
will be voted upon by the electors of the Incorporated (City or Town) of
_____, Iowa:

Shall the proposition to Annex the territory described as follows by
metes and bounds:

(GIVE LEGAL DESCRIPTION)

to place of beginning; except such part of the area lying within the des-
cribed boundaries as is now within the Corporate Limits of the (City or
Town) of _____, Iowa, in a resolution adopted by the Council
of the Incorporated (City or Town) of _____ on the ____ day
of _____, 19 __ be approved.

Mayor

Clerk

*or a statement *at the usual polling places* or the like

APPENDIX 9

SAMPLE BALLOT* (front side)

(See section 49.49 of the Code)

(Notice to Voters: For an affirmative on the question submitted upon this ballot mark a cross (X) mark in the square after the word *yes*. For a negative vote make a cross (X) mark in the square after the word *no*.)

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

Shall the proposition to annex the territory described as follows:

(HERE - set out the legal description of the territory)

in the resolution adopted by the Council of the City (Town) of _____,
Iowa, on the ___th day of _____, 19__ be approved?

*Note: sample ballot must be on yellow paper

(see back side)

APPENDIX 9

SAMPLE BALLOT (back side)

for

PROPOSITION TO ANNEX TERRITORY

SPECIAL ELECTION

 (city, town) , Iowa

 (mo.) (day) , 19

PRECINCT# WARD#

(signature of clerk)

City (Town) Clerk

(initials of election judge)

APPENDIX 10, Exhibit 1

COUNCIL RESOLUTION TO FILE SUIT IN EQUITY

RESOLUTION

WHEREAS, the City (Town) of _____, County of _____, State of Iowa is a duly organized municipal corporation, and

WHEREAS, the City (Town) Council of said municipality published on (date) and (date) Notice of Hearing on proposed annexation to the City (Town) of _____ to be held on (date & time) and,

WHEREAS, the City (Town) Council held a hearing on date at time and adopted a Resolution on the date for the annexation of certain described territory to the City (Town) of _____, Iowa, that said election on said annexation be held on the date, and

WHEREAS, Notice of Election on annexation was published on dates _____ and,

WHEREAS, the voters of the City (Town) of _____ on the date adopted by a majority voting thereon a proposition to annex certain territory to the City (Town) of _____ as shown in Exhibit *a* attached hereto,

NOW, THEREFORE, It Is Hereby Resolved by the City Council of the City (Town) of _____, Iowa as follows:

1. That a suit in equity shall be filed in the District Court in and for _____ County, Iowa against the owners of the property proposed to be annexed as a result of the adoption by a majority of the voters of ~~the~~ *eligible to vote* City (Town) of _____ voting on the proposition to annex said territory to the City (Town) of _____.

APPENDIX 10, Exhibit 1 (continued)

Passed and approved by the City (Town) Council of the City (Town) of _____, Iowa this ____ day of _____, 19 ____.

Ayes:

Nays:

Attested:

City Clerk

Mayor

I, _____, ^{Certified} City (Town) Clerk of the City (Town) of _____, Iowa, hereby certify that the above and foregoing Resolution is a true and correct copy of the Resolution passed by the City (Town) Council of the City (Town) of _____, Iowa at the meeting held on the ____ day of _____, 19 ____.

City Clerk

APPENDIX 10, Exhibit 2

COUNCIL PETITION TO DISTRICT COURT

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR _____ COUNTY

THE INCORPORATED (City or Town) OF :

_____, IOWA,

Plaintiff

:

:

EQUITY NO. _____

Vs.

:

:

:

PETITION FOR ANNEXATION OF

TERRITORY

Defendants

:

COMES NOW _____ (City or Town), Iowa, Plaintiff, and by way of
Petition to Annex Territory, hereinafter described by metes and bounds, states:

PARAGRAPH 1.

That pursuant to a Resolution duly adopted by the Council of the Incorporated _____ (City or Town), Iowa, the territory hereinafter described in paragraph two by metes and bounds, was authorized by the voters of said (City or Town) to be annexed to said (City or Town).

PARAGRAPH 2.

That the description of the Perimeter of the entire property to be annexed is as follows:

PARAGRAPH 3.

That said annexation is not sought merely for the purpose of increasing the revenues from taxation of the Incorporated (City or Town) of _____, Iowa.

APPENDIX 10, Exhibit 2 (continued)

PARAGRAPH 4.

That a plat of the territory hereinbefore described, to be annexed as aforesaid, is attached hereto, marked Exhibit 1 and by this reference incorporated herein and made a part hereof.

PARAGRAPH 5.

The office of the County Auditor in and for _____ County, Iowa, sets forth the following property owners here of. (Set forth the names of all property owners).

PARAGRAPH 6.

That the territory to be annexed is unincorporated, and is contiguous and adjacent to the Incorporated (City or Town) of (City or Town), Iowa.

PARAGRAPH 7.

That the conditions precedent to the filing of this petition for annexation, have been complied with by the (City or Town) of (City or Town), of (City or Town), Iowa, as required by the Laws of the State of Iowa, to-wit:

(date)

The Council of the (City or Town) of _____, Iowa directed the (City or Town) Clerk of said (City or Town) to publish notice of intention of said Council to meet on (date) at (hour) o'clock P. M. in the (Town or City) Hall of said (Town or City) to consider annexation of the foregoing described territory of said (City or Town).

(date)

The (City or Town) Clerk of the (City or Town) of _____, Iowa, published the notice aforesaid, in the (name of paper). The second publication thereof being made on the (month, day and year).

APPENDIX 10, Exhibit 2 (continued)

 (date)

The Council of the (City or Town) of _____,
Iowa, met, pursuant to the aforesaid notice, at the time and
place therein provided, and adopted a resolution providing
for the annexation of the said territory and providing for
the submission of the question of said annexation to the
electors of _____, Iowa, at the regular mu-
nicipal election to be held on (month, date and year) .

 (date)

Notice was published in the (name of newspaper) , calling
the submission of the annexation proposition at the regular
municipal election aforesaid, which publications were made
on the (list dates) days of
 , Iowa.

 (date)

The annexation proposition was submitted in proper form to
the electors of the (City or Town) of _____,
Iowa. The vote being _____ for and _____ against said
annexation. Said election was thereafter duly canvassed,
said annexation proposition found to be carried, and the
same duly approved by the Council of the (City or Town)
of _____, Iowa.

PARAGRAPH 8.

That the Incorporated (City or Town) of _____,
Iowa, owns, operates and maintains the following facilities, which pro-

APPENDIX 10, Exhibit 2 (continued)

vide public service which can be extended to the territory to be annexed herein, to-wit:*

- (a) A volunteer fire department, which has approximately _____ Dollars in fire fighting and related equipment.
- (b) Street maintenance equipment of an approximate value of _____ Dollars.
- (c) A police department consisting of _____ men, and police car and police radio.
- (d) A (City or Town) Hall and Fire Hall of an approximate value of _____ Dollars.
- (e) Recreation equipment and said (City or Town) (now has) (is now in the process of acquiring) a public park.
- (f) Water, electricity and gas are supplied by the respective departments of the (City or Town) of _____, Iowa, under appropriate contracts therefore.
- (g) Any other pertinent information or matters.

That the benefits to be derived from the above facilities are not available at the present time to the territory proposed to be annexed.

WHEREFORE, the Petitioner, Incorporated (City or Town) of _____, Iowa, prays that this Court enter it's Decree annexing the territory, hereinbefore described in paragraph two, to the said Incorporated (City or Town) of _____, Iowa

* The below services are listed as examples.

APPENDIX 10, Exhibit 2 (continued)

INCORPORATED (CITY OR TOWN) OF _____,
IOWA

BY _____
Mayor

STATE OF IOWA)
) SS
COUNTY OF _____)

On this _____ day of _____, 19 ____, before me _____,
a Notary Public in and for _____ County, State of Iowa, personally
appeared _____, who acknowledged that he is the Mayor of the
Incorporated (City or Town) of _____, Iowa, and that he had
read the contents of this petition and verified that the contents thereof
are true and correct, and whereupon he signed the same in my presence.

Notary Public in and for said county and
State

APPENDIX 10, Exhibit 3

NOTICE OF EQUITY SUIT

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR _____ COUNTY

THE INCORPORATED (CITY OR TOWN) OF :

_____, IOWA :

Plaintiff :

Vs. :

Defendants :

EQUITY NO. _____

NOTICE OF
PETITION FOR ANNEXATION OF
TERRITORY

You and each of you are hereby notified that there is now on file in the office of the Clerk of the District Court of the State of Iowa, in and for _____ County, the petition of the Incorporated (City or Town) of (Name of City or Town), _____ County, Iowa, which petition prays that the territory hereinafter described by it's perimeter, be annexed to said Incorporated (City or Town) of _____, in _____ County, Iowa, to-wit:

(GIVE LEGAL DESCRIPTION)

You are further notified that you may appear and make any defense or objections which you may have on or before thirty (30) days after the date of the last publication of this notice.

Published on (Month, dates and year)

APPENDIX 10, Exhibit 3 (continued)

THE INCORPORATED (CITY OR TOWN) OF

_____, IOWA

BY _____
Mayor

APPENDIX 10, Exhibit 4

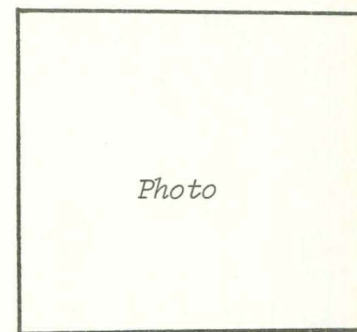
INVOLUNTARY ANNEXATION: FILING CERTIFIED RECORDS

I, _____, City (Town) Clerk of the City (Town)
of _____, Iowa, hereby certify that the above and foregoing Reso-
lution is a true copy as shown by the records of the City (Town) of _____,
Iowa.

City (Town) Clerk
(Typed Name)

*Place
City (Town) Seal
Here*

WELCOME TO OURTOWN



(Photo caption)

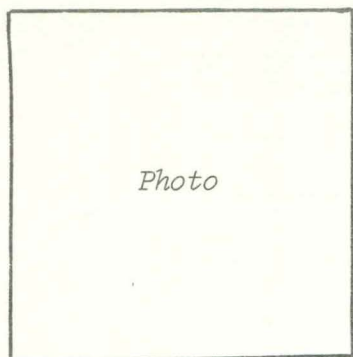
I would like to take this opportunity to welcome you and your family to our community and to tell you about some of the services and facilities available to you as a resident of *Ourtown*.

(fold here)

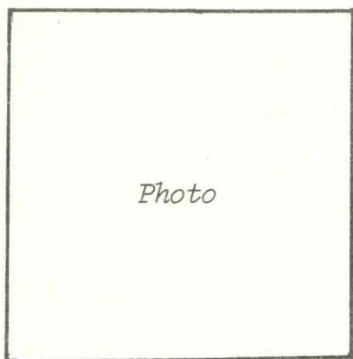
GENERAL INFORMATION ABOUT *OURTOWN*

- Building permits
(text)
- City Council
(names, meetings, etc.)
- Garbage Collection
(text)
- Leash Law
(text)
- Etc.
- Etc.

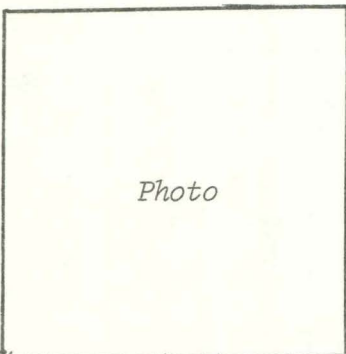
(fold here)



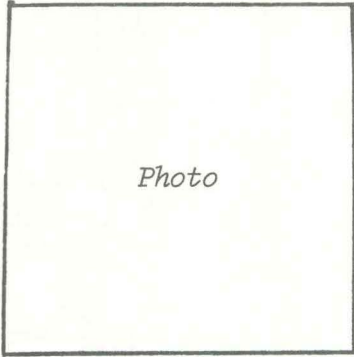
Hospitals



City Hall
(hours, etc.)

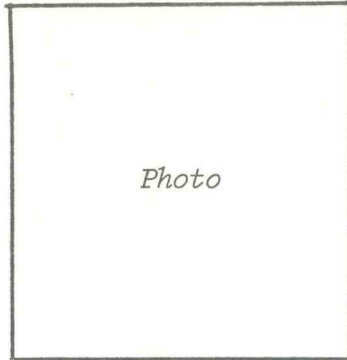


Street Maintenance
Dept.



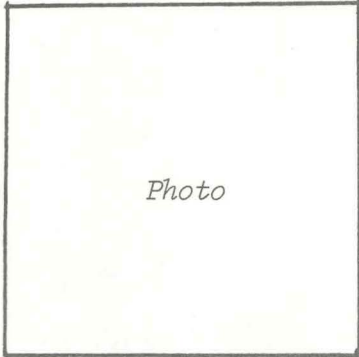
Photo

Police Dept.
(phone number and other pertinent information)



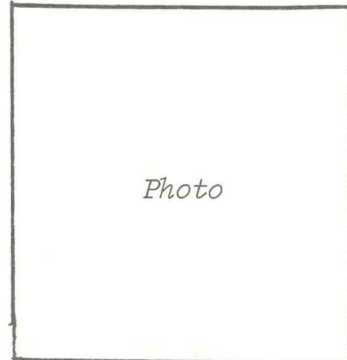
Photo

Public Library
(hours, etc.)



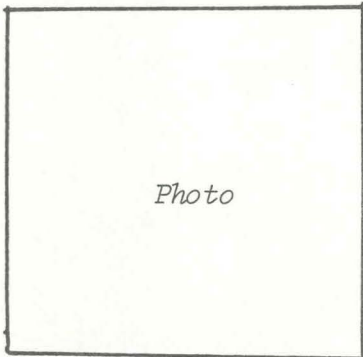
Photo

Ambulance Service
(phone number and other pertinent information)



Photo

Parks, Swimming Pool
(list of facilities and hours)



Photo

Fire Department
(phone number, etc.)



Photo

Utilities

FREQUENTLY CALLED MUNICIPAL
TELEPHONE NUMBERS

POLICE-----

FIRE DEPT.-----

CLERKS OFFICE-----

CITY MANAGER-----

DOG POUND-----

CITY ENGINEER-----

RECREATION DIRECTOR-----

SWIMMING POOL-----

UTILITIES

WATER-----

ELECTRIC-----

GAS-----

CITY PLANNER-----

CITY ASSESSOR-----

AMBULANCE SERVICE-----

etc.