

# City of Marshalltown

## Voluntary Annexation Application

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**For additional information contact the  
Housing & Community Development Department at 641-754-5756**

Requests for voluntary annexation (with owner consent) will be considered by the City of Marshalltown upon receipt of a complete application. The estimated length of time from submission to final approval is 60 to 90 days. Voluntary annexation requests will follow the following steps:

1. Submit complete application including all required attachments.
2. Application review by City Departments which would be responsible for providing service or enforcing any applicable codes.
3. Application review by the Marshall County and various utility companies.
4. Certified copy of Application is sent to the Marshall County Board of Supervisors.
5. City of Marshalltown Plan & Zoning Commission reviews application and makes recommendation to the City Council.
6. Notice of public hearing will be posted in the newspaper at least 14 days prior to City Council action.
7. Application is presented to the Committee of the Whole for review and discussion.
8. Public hearing is held at the City Council meeting and the application and resolution are acted on by the City Council.
9. If approved by the City Council a copy of the resolution, map and legal description is filed with the:
  - a. Secretary of State
  - b. Marshall County Board of Supervisors
  - c. Each affected public utility
  - d. Iowa Department of Transportation
  - e. Marshall County Recorder
10. The annexation is complete upon acknowledgement by the Secretary of State that the resolution, map and legal description have been received.

**The following items must be submitted with the completed application:**

- Written request for annexation of identified property, signed and dated by all owners of record or their authorized representatives (refer to attached section 263-7.2(1)a.).
- Complete legal description of property to be annexed. A copy of the description can be obtained from the Marshall County Recorder for a fee.
- Map of property to be annexed.
- Description of the current use and expected use of the annexed property.
- \$250 application fee. (applicable to tax-exempt parcels only)

## IOWA CODE CHAPTER 7 - VOLUNTARY ANNEXATION

**263—7.1(368) When board approval required.** Applications for voluntary annexation of territory within another city's urbanized area and voluntary annexation requests including some property without the owner's consent must be approved by both the city receiving the territory and the city development board.

**263—7.2(368) Contents of request.** A request for board approval of an application for voluntary annexation of territory within another city's urbanized area shall be initiated pursuant to Iowa Code section 368.7 and shall include the following:

**7.2(1) Landowner's application.** Written application(s) for annexation of the territory must include:

*a.* A request for annexation of identified property, dated and signed by all owners of record or their authorized representatives;

(1) In the event that voluntary annexation is sought for a parcel of land which is being sold on contract, the contract seller and the contract buyer must both approve the annexation application;

(2) In the event that property for which annexation is sought is owned by a business organization or entity other than a natural person or persons, documentation establishing that the applicant is authorized to act on behalf of the owner shall be provided with the application.

*b.* A legal description of the property for which annexation is sought; and

*c.* A map of the property for which annexation is sought.

**7.2(2) Documentation of the city's approval of the application.** The following documentation must be included in a city's request for board approval of a voluntary annexation application:

*a.* A general statement of the proposal, briefly describing the current and expected use of the annexation territory, any services which the city currently provides to the territory, and the reasons for the property owners' request for annexation, if known.

*b.* A statement indicating whether the annexation territory is subject to an existing moratorium agreement and, if so, whether the proposed annexation is consistent with the terms of that agreement.

*c.* A complete legal description of the territory for which application is made, including the right-of-way to the center line of all secondary roads adjoining the annexation territory, unless a 28E agreement between the county and the city allowing exclusion of the right-of-way is in place and a copy of the agreement is included with the application, as required by Iowa Code section 368.1(14).

*d.* Prior to approval of a voluntary annexation application by the city council, the city shall provide a copy of the landowner's annexation application and the legal description of the entire annexation territory 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. The auditor's response shall be included in the city's filing with the board. If the auditor fails to respond to the request within 14 days, the city may provide a copy of the request and a statement indicating that no response was received in lieu of the auditor's verification.

*e.* A map clearly showing the entire boundary of the existing city, the entire annexation territory, adjacent roadways, and the relationship of the territory to the annexing city and, if the annexation territory is within the urbanized area of another city, the relationship of the territory to the neighboring city. More than one map may be submitted if necessary to provide all of the required information to the board.

*f.* A statement indicating whether state-owned property or county-owned road right-of-way has been included in the proposal pursuant to Iowa Code section 368.5 and, if so, certification that the city has complied with the notice requirement of that section.

*g.* Certification that the city has complied with the notice requirements of Iowa Code section 368.7(3), including proof of mailing of the application and affidavit of publication of the required public notice, and, if railway right-of-way is included, certification of notice to the owner as required by Iowa Code section 368.7(1). For purposes of calculating the required period of notice, "business days" shall include Monday through Friday of each week, excluding "legal holidays" as set forth in Iowa Code section 4.1(34).

*h.* The city may, but is not required to, include a provision for transition of the imposition of city taxes against property within the annexation territory. The provision shall not allow greater exemption for taxation than the tax exemption formula schedule provided under Iowa Code section 427B.3, subsections 1 through 5, and shall be applied in the levy and collection of taxes. The provision may also allow for the partial provision of city services during the time in which the exemption from taxation is in effect.

*i.* A resolution of the council of the city to which the application for annexation is directed approving the application. If the council opts to provide for transition of the imposition of city taxes, the terms of the transition shall be included in the resolution.

**Complete the following information.** (Please type or print clearly)

Property Address:	
Parcel Identification Number (PIN): *Contact the Marshall County Assessor to determine the PIN*	
Owner of Record:	
Address of Owner of Record:	
Owner Phone Number:	Owner Fax Number:
Authorized Agent:	
Address of Authorized Agent:	
Agent Phone Number:	Agent Fax Number:

Please indicate if the property is involved in any of the following:			
<input type="checkbox"/> Bankruptcy	<input type="checkbox"/> Contract	<input type="checkbox"/> Civil Suit	<input type="checkbox"/> Foreclosure

**Provide a brief description of current and expected use:**

*For office use only: City Department Review and Recommendation*

<b>Zoning Department:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Proposed zoning classification of annexed property:	
Comments/Recommendations:	
Signature of Official	Date

<b>Fire Department:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Is property to be annexed able to be served: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments/Recommendations:	
Signature of Official	Date

<b>Public Works/Engineering Department:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Is property to be annexed able to be served: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments/Recommendations:	
Signature of Official	Date

<b>Water Pollution Control Department:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Is property to be annexed able to be served by: <b>Sanitary Sewer:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Storm Sewer:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments/Recommendations:	
Signature of Official	Date

<b>Other:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Comments/Recommendations:	
Signature of Official	Date

*For office use only: Utility Review and Recommendation*

<b>Water Department:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Is property to be annexed able to be served: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments/Recommendations:	
Signature of Official	Date

<b>Alliant Energy:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Is property to be annexed able to be served: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments/Recommendations:	
Signature of Official	Date

<b>Consumers Energy:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Is property to be annexed able to be served: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments/Recommendations:	
Signature of Official	Date

<b>Telephone:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Is property to be annexed able to be served: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments/Recommendations:	
Signature of Official	Date

<b>Other:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Comments/Recommendations:	
Signature of Official	Date

*For office use only: County Review and Recommendation*

<b>Marshall County Zoning Department:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Comments/Recommendations:	
Signature of Official	Date

<b>Marshall County Auditor:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Comments/Recommendations:	
Signature of Official	Date

<b>Other:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Comments/Recommendations:	
Signature of Official	Date