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# NEWS RELEASE

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## **City Council to Consider 643-Acre Voluntary Annexation**

DUBUQUE, Iowa – The Dubuque City Council will consider the approval of pre-annexation agreements and set the date for a public hearing on a voluntary annexation of 643 acres west of the City of Dubuque at their regular meeting on Monday, Sept. 15, 2008.

The issue comes as the result of property owners west of Dubuque approaching the City in July 2008 about a voluntary annexation. City staff had discussions with several property owners and, subsequently, the owners of two large farms and two residential lots signed voluntary annexation requests. However, the boundaries of this annexation area were not uniform and it created an “island” of unincorporated land between the Asbury city limits and the future city limits of Dubuque. State law does not allow an unincorporated “island” to be left between incorporated areas and allows for a mechanism to bring non-consenting property owners into a city. As a result, City staff was advised by legal counsel to consider annexing additional properties, without the property owner’s consent if necessary, to create more uniform boundaries and to avoid creating an “island” between Dubuque and Asbury. City staff then personally contacted and provided pre-annexation agreements to these potential non-consenting property owners.

Seventeen property owners, holding title to 97 percent of the 643-acre voluntary annexation territory, have signed pre-annexation agreements and filed requests for voluntary annexation to Dubuque. Ten property owners in the Sandwedge Subdivision, an “island” between Asbury and Dubuque, and three property owners west of the current Dubuque City limits and south of Middle Road, did not sign pre-annexation agreements. In accordance with state law, they are included in the annexation area as non-consenting property owners. The non-consenting owners represent 22 acres, or 3 percent of the total land area. City of Dubuque staff has advised the residents of the Sandwedge Subdivision that the City of Dubuque’s position is, if they choose to annex to Asbury prior to the completion of this process, the City of Dubuque will not contest that choice.

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State law allows a city to include up to 20 percent of the total land area in a voluntary annexation territory without the consent of the owner to avoid creating an island or to create more uniform boundaries. These actions are called “80/20” voluntary annexations because at least 80 percent of the land is annexed voluntarily, and up to 20 percent can be annexed without the owner’s consent. In this case, the City of Dubuque is bringing in only three percent as non-consenting owners.

In accordance with state law, the Dubuque City Council must hold a public hearing on the annexation prior to voting on the proposal. Notices of the date, time and location of the public hearing are mailed to affected property owners, public utilities, and other parties as required by law. If the City Council approves the annexation requests, then the annexation requests are filed with the City Development Board which will then schedule a public hearing for all the affected property owners and the County. The City Development Board is the state board in Des Moines that rules on 80/20 voluntary annexation requests. The board must approve an 80/20 annexation request by a 4/5ths vote of the members.

In 2006, the City of Dubuque completed an Annexation Analysis of 23 future growth areas. The 643-acre voluntary annexation area currently being considered was not in the study area of the City’s 2006 Annexation Analysis. To accommodate these voluntary annexation requests, the City Council approved updating the 2006 Annexation Study on September 2, 2008. This updated study analyzed the extension of City services to a 900-acre area which includes the 643-acre voluntary annexation. The updated study includes analyses of City water and sanitary sewer extensions and shows possible water and sewer extension routes, sizes, and costs. Both the 2006 and the 2008 revenue and expense projections show an annual gain for the City based on full development of this annexation area.

City Manager Michael Van Milligen is recommending the City Council approve the pre-annexation agreements and schedule the public hearing on this issue for November 3, 2008.

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**MAP ATTACHED**