

REPORT on the NORTH LIBERTY ANNEXATION

Prepared by C.S.D. February 2010

The City Development Board

All annexation requests in the state of Iowa require consideration and approval by the City Development Board, an agency at the Dept of Economic Development in Des Moines. North Liberty filed its first annexation petition with the City Development Board Nov 6, 2006 and its second petition Jan 5, 2007. Like North Liberty, Coralville also filed two petitions.

When the first Coralville petition was challenged in court, the City Development Board tabled all four of the annexation petitions. After losing a three-year legal battle, Coralville withdrew its first petition. The other three petitions will remain tabled until officially “untabled” by City Development Board action.

According to Iowa law, *“If no other application for voluntary annexation or petition for involuntary annexation containing common territory is filed with the board within 30 days of the filing of the application, the board will proceed under rule 7.7(368).”*

Since the petitions filed in 2007 were filed more than 30 days after the first North Liberty petition, they should not be considered as competing or overlapping petitions. Rather, the first North Liberty petition should be untabled and considered independent of the later two petitions. In other words, the two later petitions should remain tabled until resolution of the first petition.

Prior to taking any formal action, the City Development Board wants to hear from all interested parties. They have tentatively scheduled a discussion about this issue with the cities of Coralville and North Liberty on March 24, 2010 in Des Moines, Iowa.

What is necessary for this annexation to succeed?

The City of North Liberty is fully capable of providing for this area following the annexation. In order to finalize the process, the City needs to officially reaffirm its support of the annexations with the City Development Board. North Liberty should also insist that the City Development Board adhere to Iowa law, giving consideration to the first petition independent of the later two petitions. Lastly, the City of North Liberty must prepare the necessary presentation to win approval of the annexation.

How can North Liberty lose this battle?

At this time, the position of Coralville is relatively weak compared to the position of North Liberty. Coralville officials would, of course, prefer to place a moratorium on annexation, rather than see the success of the North Liberty effort. Insofar as the economy has already placed a moratorium on large-scale development, there would no downside for Coralville if they can get North Liberty to agree to this compromise. In effect, any moratorium would erase all of North Liberty’s current advantages, and it would weaken the citizen’s group supported by more than 95% of the area residents. If North Liberty city officials allow immediate political convenience to trump the future of the city, Coralville will eventually annex and control all of the land on the east side of North Liberty.

IMPORTANT CONSIDERATIONS

1) Long-Term Benefits of this Annexation

North Liberty is currently one of the fastest-growing cities in Iowa. It is important to do everything possible to assure reasonable and sensible oversight of all future developments. Approval of the annexations in North Liberty’s favor would be an important element in guaranteeing the City of North Liberty the necessary control over its own future. The annexation will allow North Liberty the option of planned and rational expansion to the east and southeast. Any surrender of the Scanlon properties to the City of Coralville would eliminate North Liberty’s control of future development. (For more information, see report: *Issues Related the Annexation.*)

2) Impact on Traffic

In regard to issues of traffic and safety, a moratorium on large-scale development, as proposed in 2007 by the Johnson County Council of Governments, is a reasonable and advisable concept. Since most of the properties included in North Liberty's annexation petition are already developed, the North Liberty annexation would have no impact on the traffic situation.

3) First Response

Because of the proximity of the North Liberty fire station, North Liberty will remain responsible for emergency first response for the entire area to the east and southeast. (See *First Responder Map*.)

4) Increased Tax Base

The new neighborhoods will provide significant new tax base to serve the economic needs of North Liberty. In the future, as the Scanlon properties are later annexed and developed, these properties also would contribute to North Liberty's tax base.

5) Future Development of the Scanlon Properties

As North Liberty continues to grow, but only when it is ready, it could eventually annex the undeveloped Scanlon properties and allow development to proceed under North Liberty's own guidance. If, however, North Liberty allows these properties to be annexed into Coralville, North Liberty will have little or no control over any development to the east and southeast. (Even if Coralville agrees in the near future to expand no further north than Dubuque Street, by law such an agreement can extend no more than 10 years.)

6) Motive of the Residents

Supporters of the annexation are not seeking to improve city services or make money through immediate development projects, but rather are looking to secure an active voice in representative government. Their goal is to assure long-term traffic safety and sensible planning for the area.

7) The Unpopularity of the Competing Annexation Petition

In contrast to the North Liberty's annexation effort on behalf of hundreds of adjoining residents, Coralville's interest in annexation is on behalf of one non-resident landowner, the Scanlon Family Trust. All other properties included in Coralville's petition are not only non-consenting, but are vehemently opposed to the annexation. In addition, Coralville's annexation proposal is strongly opposed by more than 90% of the affected local residents. Coralville's underlying motive for annexation is high-density residential and commercial development, with or without adequate roads.

8) No Opportunity in the Future to Re-establish Control of the North Corridor

If Coralville annexes the southern tip of the Scanlon properties, there will be no opportunity for North Liberty to prevent Coralville's expansion all the way north to Mahaffey Bridge Road. There is no piece of property north of the current annexation area that cuts across the Scanlon property. Any fringe agreement that establishes a northern boundary, such as Dubuque Street, can extend no more than ten years. Since it will take that long to develop the initial portion of the Scanlon property, the agreed-on boundary would present no obstacle to Coralville's plans. Inaction by the City Council on this issue will assure that the eastern border of North Liberty will eventually transfer from the county to Coralville. North Liberty will be the provider of services, but property taxes will flow into Coralville.

9) The Myth of "Staying in the County"

The County Board of Supervisors has expressed their opinion that the residents who requested annexation to North Liberty should "just stay in the county." This is not an option. Whether now or after a moratorium, the land in the North Corridor WILL be annexed, and it WILL be developed. The only questions are "When?" and "Which city will oversee the development?" After development is complete, there will be two new questions: 1) "To which community will residents turn for services?" and 2) "Where will residents be sending their tax dollars?"