

IN THE COURT OF APPEALS OF IOWA

No. 6-304 / 05-0577
Filed June 28, 2006

JOHN FRANCIS ANDERSON,
Plaintiff-Appellant,

vs.

CITY DEVELOPMENT BOARD,
Respondent-Appellee.

Appeal from the Iowa District Court for Polk County, Scott D. Rosenberg,
Judge.

John Anderson appeals the dismissal of his petition for judicial review.

AFFIRMED.

John F. Anderson, Des Moines, pro se.

Thomas J. Miller, Attorney General, and Michael H. Smith, Assistant
Attorney General, for appellee.

Heard by Vogel, P.J., and Zimmer and Vaitheswaran, JJ.

VAITHESWARAN, J.

John Anderson, a resident of an area known as West Carlisle, would prefer to be a resident of Carlisle rather than Des Moines. He has attempted to achieve this result through litigation that has spanned more than a decade.

The appeal before us relates to the Des Moines City Development Board's decision to grant a petition for voluntary annexation of land south of Des Moines. The land is also the subject of an involuntary annexation petition that was still pending before the Board until well after this appeal was filed.

Anderson's property is situated within the territory that is the subject of the involuntary petition but not within the territory that is the subject of the voluntary petition. Based on this fact, the district court concluded Anderson lacked standing to contest the Board's action on the voluntary annexation petition. The court further concluded that, as the involuntary annexation petition was still pending before the Board, Anderson needed to await the conclusion of those proceedings before raising challenges to any action on that petition. The court dismissed Anderson's petition for judicial review.

Anderson has appealed this ruling. He raises a variety of issues, some relating to the grounds for dismissal and some relating to the merits of both the voluntary and involuntary annexation petitions. We will not address any aspect of the involuntary petition, as that is now the subject of a separate proceeding.¹

We turn to the Board's action on the voluntary annexation petition and our standards for review of that action. Those standards are set forth in Iowa Code

¹ The State filed a notice of additional authority informing the court that Anderson had filed an application for interlocutory review of a district court ruling approving the Board's action on the involuntary annexation petition.

section 368.22 (2003), which states in pertinent part, “The court’s review on appeal of a decision is limited to questions relating to jurisdiction, regularity of proceedings, and whether the decision appealed from is arbitrary, unreasonable, or without substantial supporting evidence.”²

“‘Standing to sue’ has been defined to mean that a party must have ‘sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy.’” *Birkhofer ex. rel. Johannsen v. Brammeier*, 610 N.W.2d 844, 847 (Iowa 2000) (quoting Black’s Law Dictionary 1405 (6th ed. 1990)). Anderson did not satisfy this standard.

Iowa Code section 368.22 states:

A city, or a resident or a property owner in the territory or city involved may appeal a decision of the board or a committee, or the legality of an election, to the district court of the county which contains a portion of any city or territory involved.

(Emphasis added). Anderson conceded he is not a resident or a property owner in the territory that was the subject of the voluntary annexation petition. Therefore, he cannot challenge the Board’s action on that petition.

We affirm the district court’s dismissal of Anderson’s judicial review petition.

AFFIRMED.

² The statute exempts board action from the judicial review standards set forth in Iowa Code section 17A.19(10). Iowa Code § 368.22.