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Residential and Agricultural Advisory Committee, LLC v. Dyersville City Council

Court of Appeals of Iowa - November 6, 2013 - Slip Copy - 2013 WL 5951191

Residential and Agricultural Advisory Committee, L.L.C., filed a petition for writ of certiorari and request for stay and injunction against the Dyersville City Council, the mayor of Dyersville, and the individual city council members. The plaintiffs alleged the city council had acted (1) in violation of Iowa law, (2) in violation of Dyersville city ordinances, (3) in excess of its authority, (4) arbitrarily and capriciously, and (5) in contravention of public safety, health, morals, and the general welfare by passing Resolution Number 38-12, which rezoned certain property from A-1 Agricultural to C-2 Commercial. The property in question included that known as the "Field of Dreams."

At the initial hearing, the District Court denied plaintiffs' petition for writ of certiorari.

Plaintiffs appealed, asserting that under Iowa Rule of Civil Procedure 1.1406 the issues before the court at the initial hearing were limited to the sufficiency of the petition for writ of certiorari, whether an injunction should have been issued, and whether a bond would be required. They contend the district court improperly considered the merits of the case before they had an opportunity to conduct discovery.

The Court of Appeals agreed, concluding that the district court improperly decided the merits of the petition for writ of certiorari after the initial hearing, rather than confine its decision to whether the writ should be issued.