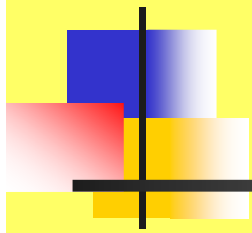


# ANNEXATION 101

## The Pieces of the Puzzle



**March 7, 2005 – 7:00 PM**

Patrick Lyp – Blachly, Tabor, Bozik, and Hartman LLC  
Craig Phillips – City of Valparaiso – Planning Director





# What is Annexation?

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- A process whereby a municipality incorporates additional territory into its corporate boundaries
- Dictated by Indiana Code IC 36-4-3
- Generally initiated by a written petition to City
- A method by which our community can carefully and methodically guide growth and development



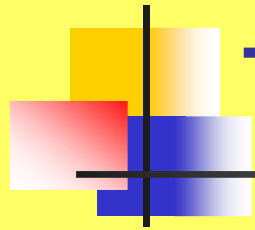


# What is Contiguity?

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- Definition (Contiguous) – Touching along a boundary or at a point
- State law requires at least 1/8 or 12.5% (1/4 OR 25% strongly suggested) of the perimeter of an annexation area be contiguous to existing City limits at one or more points
- Annexation area must be one continuous area in order for proposed area to be valid, and to count toward calculation of contiguity





# Three types of annexation

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- Super Voluntary
- Voluntary
- Municipal/Involuntary



# Super Voluntary IC 36-4-3-5.1

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- 100% of landowners sign petition
- Shorter timeline for adoption process
- Notification in local newspaper
- Written notice not required
- No remonstrance is permitted





# Voluntary IC 36-4-3-5

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- At least 51% of landowners sign petition
- Longer timeline for adoption
- Notification in local newspaper
- Notification sent to affected property owners
- Remonstrance period of 90 days following publication of adopted ordinance



## Municipal (Involuntary) IC 36-4-3-4

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- Does not always require a petition\*
- Same timeline, notification, and remonstrance as voluntary
- Additional fiscal plan requirements
- Requires the creation of an annexation board
- Requires impoundment of taxes collected
- Allows postponement of effective date of annexation up to three years
- Allows tax abatement for up to three years



# Notification Requirements

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- **\*\*Plan Commission Requirements**
  - Same as any public hearing in front of PC
    - Notice in local paper at least 10 days prior to the public hearing
    - Notice sent to all affected property owners via regular US Mail at least 10 days prior to public hearing
    - Plan Commission is an elective step in process, and NOT subject to IC 36-4-3 notification reqs.







## Notification Requirements – Cont'd.

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- Council Requirements \*\*
- Super Voluntary
  - Notice to paper at least 20 days prior to public hearing
- Voluntary
  - Notice to paper at least 60 days prior to public hearing following adoption of fiscal plan
  - Notice to affected property owners via certified mail at least 60 days prior to public hearing
- Municipal
  - Same notification as Voluntary





# Timelines

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- Super Voluntary (i.e. Spencer)
  - Publish at least 20 days prior to hearing\*
  - Vote takes place no less than 14 days after public hearing
  - Ordinance published following adoption
  - Annexation effective 30 days after publication of ordinance
- Total – At least 163 days (approx. 5 months)



# Timelines cont'd.

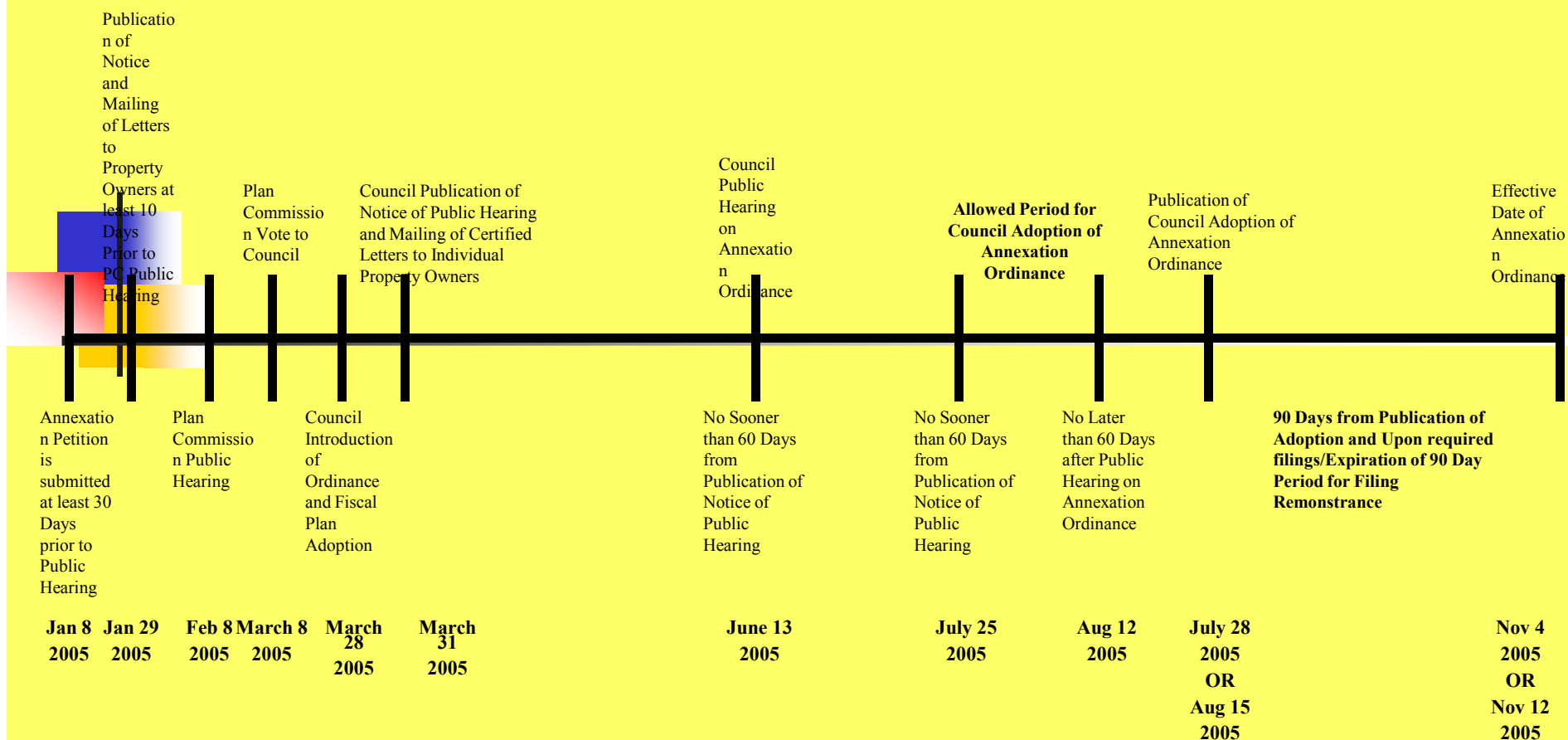
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- Voluntary and Municipal/Involuntary
  - Ordinance and fiscal plan introduced, and fiscal plan adopted at first meeting
  - Publication of notice of public hearing at least 60 days prior to hearing
  - Vote on ordinance take place no less than 30 days following public hearing
  - Following adoption, ordinance is published
  - In the absence of remonstrance, ordinance is effective 90 days after publication
- Total – At least 288 days (approx. 9 mos.)



## SUMMARY TIMELINE FOR NORTHEAST ANNEXATION

### Under IC 36-4-3-5 ("Voluntary" Annexation)



\*\*Assumes no tabling of ordinance during the process. If this occurs, the timeline must be adjusted accordingly.



# Fiscal Plan IC 36-4-3-3.1

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- A document which details the provision of services within an annexation area
- Specific Info Required by State statute
  - Costs of services to be provided to the annexation area
  - The method of financing the services
  - The plan for the extension of services including dates of beginning of service





## Fiscal Plan - cont'd.

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- 2 required statements \*\*
  - That planned services of a noncapital nature...will be provided within one year of effective date of annexation...
  - That planned services of a capital nature... will be provided within three years of effective date of annexation...





# Fiscal Plan – cont'd.

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- Additional information
  - Background information
  - Detailed Cost/Benefit Analysis
  - Summary
- City may annex land even if it is not acceptable financially (i.e. strategically necessary to future growth)



# Role of Plan Commission

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- Plan Commission – Elective
  - Not required by State statute
  - Conducts a public hearing
  - Recommendation to City Council





# Role of Council

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- Required by State statute
- Consider Plan Commission recommendation
- Adoption of Fiscal Plan
- Conducts official public hearing
- Approval/Denial of Annex. Ordinance
- Adoption final unless remonstrance filed



# Annexation Policy and Strategic Plan

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- City's 1<sup>st</sup> Annexation Policy adopted 04
  - Background and policy for decisions
  - Highlights areas for future study
- City Strategic Plan
  - Guiding principles for Administration
  - Annexation is a priority for careful growth
  - Undeveloped areas – Connected areas
  - Incorporation of Valparaiso “community”





# Other Issues

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- School District Boundaries
- Provision of Utilities
- Zoning Districts – permitted uses
- Development plans/Agreements
- Remonstrance



# Questions and Answers

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- Thank you for attending
- More info/Contacts
  - Craig Phillips 462-1161  
[craigphillips@netnitco.net](mailto:craigphillips@netnitco.net)
  - Patrick Lyp – BTBH 464-1041  
[plyp@btbhlaw.com](mailto:plyp@btbhlaw.com)
  - Websites
    - [www.valpo.us](http://www.valpo.us)
    - [www.in.gov/legislative/ic/code](http://www.in.gov/legislative/ic/code)

