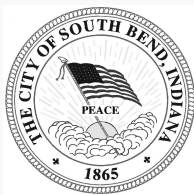


THE CITY OF SOUTH BEND

# ANNEXATION PROCEDURES

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A GUIDE FOR PROPERTY OWNERS  
INTERESTED IN JOINING THE CITY



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SOUTH BEND, IN 46601

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**TABLE OF CONTENTS**

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	Page
I. General Filing Instructions.....	3
II. Annexation Process & Timeline.....	5
III. Sample Petition for Annexation.....	7
IV. Sample Petition for Annexation and Zoning .....	9
V. Sample Ordinance for Annexation .....	11
VI. Sample Ordinance for Annexation and Zoning.....	13
VII. After Annexation.....	15
VIII. Frequently Asked Questions.....	16

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## I. GENERAL FILING INSTRUCTIONS

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Landowners often request that their property be annexed to the City of South Bend in order to receive important benefits and higher levels of services than what unincorporated areas may offer. Super-voluntary annexations, herein referred to as annexations for simplicity's sake, refer to annexations in which one hundred percent of landowners request that a municipality expand its boundaries to include their property. This guide addresses only this type of annexation.

To initiate annexation, 100% of owners of land located outside of – but at least 12.5% contiguous to – the City must file with the South Bend Common Council a petition and an ordinance annexing the area described in the petition. Per State law, if the annexation area does not share at least 12.5% of its border with the City, the City may not proceed with the annexation.

### STEPS TO FILE FOR ANNEXATION

**Step 1** Prior to submitting a petition for annexation, please call the City of South Bend Division of Community Development at (574) 235-9660 and ask for a consultation with the Annexation Planner. You will be able to confirm your property's eligibility for annexation, obtain the Council District number to which your property will be assigned, discuss a preliminary annexation schedule, and determine the overall adequacy of your petition.

**Step 2** Complete the attached **Petition** (see page 7) and **Ordinance** (see page 11). The Petition and Ordinance must be completed with all necessary information, including a correct legal description of the land to be annexed.

The **Petition** may be used as is or it may be re-typed. The **Ordinance** must be re-typed into an original document. The Petition and the Ordinance must be typed on an 8.5" x 11" format page, and the **Ordinance** must have ½" side margins and 2" top and bottom margins to meet the requirements of the St. Joseph County Recorder.

The legal description to be inserted as Exhibit "A" of the **Petition** and within the **Ordinance** is an important part of the documentation. Note that the legal description found on your deed may not be sufficient for annexation purposes. The legal description of the annexation area must include all adjacent rights-of-way, such

as streets or alleys, not already in the City. You may need to consult a registered land surveyor to complete the legal description.

***Important.*** Upon successful annexation and incorporation, your property will be zoned single family residential “SF1” per the requirements of City ordinance. If you wish to have a zoning classification other than “SF1,” you may seek concurrent annexation and zoning. To initiate this process, you must seek consultation with the Area Plan Commission, complete the **Petition** and **Ordinance** for annexation and zoning found on pages 9 and 13 (*instead of the Petition found on page 7 and Ordinance found on page 11*), and submit an additional check payable to the Area Plan Commission when filing the Petition and Ordinance (see APC fee schedule at [www.stjosephcountyindiana.com/departments/areaplan/Fee%20Schedule.pdf](http://www.stjosephcountyindiana.com/departments/areaplan/Fee%20Schedule.pdf)). A rezoning packet with zoning information may be obtained from the Area Plan Commission offices on the 11<sup>th</sup> floor of the County-City Building, 227 W. Jefferson Boulevard, South Bend, IN 46601; (574) 235-9571.

**Step 3** Prepare a check for \$100.00, payable to the City of South Bend, to submit with your Petition.

**Step 4** Submit the Petition and Ordinance with all other requested material to the City Clerk’s office, 4th floor of the County-City Building, **by 12:00 Noon on the Wednesday prior to a Common Council meeting.** Also e-mail the legal description to [mdivita@southbendin.gov](mailto:mdivita@southbendin.gov).

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## II. ANNEXATION PROCESS & TIMELINE

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1. Once the Petition and Ordinance are submitted, the City Clerk will notify the Common Council through a letter.
2. A first reading of the Ordinance will take place at the next Common Council meeting.
3. After the first reading, the Annexation Planner will complete the preliminary annexation schedule (see table below for example). An internal review of the proposed annexation by all City Departments and the preparation of a fiscal plan, a document required by State law, will be completed. The Board of Public Works and Board of Public Safety will review the fiscal plan and associated resolutions prior to the Common Council's second reading/public hearing. If seeking a concurrent zoning, the zoning request will be heard by the Area Plan Commission prior to the second hearing.
4. The Petitioner is notified of the date for the second reading/public hearing of the annexation, which will take place a minimum of 20 days after notification.
5. At least 20 days prior to the second reading/public hearing, the City Clerk's office will publish a legal notice of the public hearing in the South Bend Tribune.
6. On the afternoon of the second reading/public hearing, the Zoning and Annexation Committee of the Common Council will consider the annexation request and make a recommendation to the full Council.
7. The Common Council will have the second reading/public hearing.
8. Pending the Common Council's favorable vote at the second reading/public hearing and adoption of the fiscal plan, the Common Council will have the third reading of the annexation ordinance at its next meeting. With approval, the ordinance will be advertised soon thereafter, and (except in the year before a federal decennial census) the ordinance will take effect thirty days after this publication.

<b>SAMPLE ANNEXATION TIMELINE</b>	<b>DATE</b>
Petitioner files Petition and Ordinance with City Clerk	1/5
Clerk sends letter to Council	1/7
Council conducts 1st Reading of Ordinance	1/10
Annexation Planner Sends Service Report Request by	1/14
Staff Submits Service Reports by	1/28
Annexation Planner Completes Fiscal Plan by	2/4
Annexation Planner submits Fiscal Plan for Board of Public Works Agenda Session on	2/10
Board of Public Works considers Fiscal Plan at Hearing	2/14
Board of Public Safety considers Fiscal Plan at Hearing	2/16
Area Plan Commission considers Rezoning at Public Hearing	2/15
Area Plan Commission provides report to Council	2/21
Staff sends notification to Property Owner(s)	2/22
Council begins Advertisement of Public Hearing	2/25
Staff drafts Annexation Resolution and sends to City Clerk	3/16
Council conducts 2nd Reading (Public Hearing) of Ordinance; Council considers Fiscal Plan at Hearing	3/21
Council conducts 3rd Reading of Ordinance	4/11
Ordinance is Advertised	4/15
Appeal Period Starts	4/15
Appeal Period Ends	5/15
<b>Days</b>	<b>130</b>
<b>Months</b>	<b>4.3</b>

### **REQUIRED MEETING ATTENDANCE**

The Petitioner or his/her representative must attend the following public meetings:

- the Area Plan Commission rezoning hearing (if you are seeking a concurrent rezoning),
- the Common Council Zoning and Annexation Committee meeting, which takes place in the afternoon of the same day as the Common Council second reading/public hearing, and
- the Common Council second reading/public hearing on the annexation ordinance.

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### III. SAMPLE PETITION FOR ANNEXATION

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PETITION FOR VOLUNTARY ANNEXATION  
INTO THE CITY OF SOUTH BEND, INDIANA

I (We) the undersigned, make application to the Common Council of the City of South Bend, Indiana, for the voluntary annexation of land to the City of South Bend, Indiana, for land in \_\_\_\_\_ Township, St. Joseph County, Indiana, and in support of which Petition allege(s) and affirm(s) as follows:

- 1) I am (We are) the owner(s) (hereinafter "petitioner" or "petitioners") of a parcel of land more particularly described in Exhibit "A".
- 2) Petitioner(s) desire(s) that the parcel be annexed to the City of South Bend, Indiana, by proper ordinance.
- 3) This Petition is signed by one hundred percent (100%) of the owners of the land in the territory sought to be annexed.
- 4) The property sought to be annexed is generally located at:  
\_\_\_\_\_
- 5) The Property Tax Key Number: \_\_\_\_\_
- 6) The name and address of the contingent purchaser(s), if applicable:  
\_\_\_\_\_
- 7) The parcel is \_\_\_\_\_ acres in size and currently has the following use(s) on it:  
\_\_\_\_\_
- 8) The parcel will be used for the following use(s): \_\_\_\_\_
- 9) The number of residents currently in the annexation area: \_\_\_\_\_
- 10) The anticipated "build-out" year for the project: \_\_\_\_\_
- 11) The proposed number of parcels: \_\_\_\_\_
- 12) The proposed miles of new roadways: \_\_\_\_\_

The signature(s) of all property owner(s), or Attorney for all property owner(s)

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Phone Number: \_\_\_\_\_

\_\_\_\_\_  
Phone Number: \_\_\_\_\_

Name, Address, and Phone Number of Contact Person/Preparer (Please print):

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**IV. SAMPLE PETITION FOR ANNEXATION AND ZONING**

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PETITION FOR THE VOLUNTARY ANNEXATION  
INTO and THE ZONING OF THE ANNEXED LAND  
IN THE CITY OF SOUTH BEND, INDIANA

I (We) the undersigned, make application to the Common Council of the City of South Bend, Indiana, for the voluntary annexation of land to the City of South Bend, Indiana, and for the zoning of that land in \_\_\_\_\_ Township, St. Joseph County, Indiana, and in support of which Petition allege(s) and affirm(s) as follows:

- 1) I am (We are) the owner(s) (hereinafter “petitioner” or “petitioners”) of a parcel of land more particularly described in Exhibit “A”.
- 2) Petitioner(s) desire(s) that the parcel be annexed to the City of South Bend, Indiana, by proper ordinance.
- 3) This Petition is signed by one hundred percent (100%) of the owners of the land in the territory sought to be annexed.
- 4) The property sought to be annexed and rezoned is located at:  
\_\_\_\_\_
- 5) The Property Tax Key Number: \_\_\_\_\_
- 6) The name and address of the property owner(s) of the petition site is/are:  
\_\_\_\_\_
- 7) The name and address of the contingent purchaser(s), if applicable:  
\_\_\_\_\_
- 8) The parcel is \_\_\_\_\_ acres in size and currently has the following use(s) on it:  
\_\_\_\_\_
- 9) The number of people currently residing on the property: \_\_\_\_\_
- 10) It is desired and requested that the petition site be rezoned

**From** St. Joseph County zoning classification:

\_\_\_\_\_

**To** City of South Bend zoning classification:

\_\_\_\_\_

for the following use(s): \_\_\_\_\_

- 11) The anticipated “build-out” year for the project: \_\_\_\_\_
- 12) The proposed number of lots: \_\_\_\_\_
- 13) The proposed miles of new roadways: \_\_\_\_\_
- 14) The following information has been submitted with the Petition:
  - 1. a legal description of the property, titled as *Exhibit “A”*;
  - 2. a list of names and addresses of all property owners, along with the tax key numbers, for all properties within 300 feet of the petition property;
  - 3. seventeen (17) site plans;
  - 4. addressed, stamped envelopes for all property owners within 300 feet of the petition property.
- 15) The signature(s) of all property owner(s), or Attorney for all property owner(s)

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

- 16) Name, Address, and Phone Number of Contact Person/Preparer (please print):

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**V. SAMPLE ORDINANCE FOR ANNEXATION**

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\*\*Maintain two inches from top and bottom of sheet\*\*

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,  
ANNEXING TO AND BRINGING WITHIN  
THE CITY LIMITS OF SOUTH BEND, INDIANA, CERTAIN LAND IN  
(*insert township name here*) TOWNSHIP, CONTIGUOUS THEREWITH;  
COUNCILMANIC DISTRICT (*insert number of Council District here*)

Name of Petition (*Example: John Smith, Inc.*)  
Common Address (*Example: 99999 No Name Road*)  
(*If no Address, then Example: 99900 Block, West Side of No Name Road*)

STATEMENT OF PURPOSE AND INTENT

A Petition for voluntary annexation of \_\_\_\_\_ acres located in \_\_\_\_\_ Township, St. Joseph County, Indiana, has been filed by 100% of the owners of the land in the territory sought to be annexed. It is the intent and purpose of this Ordinance to annex this territory to the City of South Bend, Indiana.

THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AS FOLLOWS:

SECTION I. That the following described real estate situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

***Insert Legal Description of Annexation Area Here***

*(Note to preparer: This legal includes all adjacent rights-of way, as required by state law)*

SECTION II. That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above described parcel as a part of the City of South Bend, Indiana.

SECTION III. This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council, approval by the Mayor, and legal publication.

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MEMBER OF THE COMMON COUNCIL

Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

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## VI. SAMPLE ORDINANCE FOR ANNEXATION WITH ZONING

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**\*\*Maintain two inches from top and bottom of sheet\*\***

ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,  
ANNEXING TO AND BRINGING WITHIN  
THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING  
THE ZONING ORDINANCE FOR PROPERTY LOCATED IN  
*(insert township name here)* TOWNSHIP, CONTIGUOUS THEREWITH;  
COUNCILMANIC DISTRICT *(insert number of Council District here)*

Name of Petition *(Example: John Smith, Inc.)*

Common Address *(Example: 99999 No Name Road)*

*(If no Address, then Example: 99900 Block, West Side of No Name Road)*

### STATEMENT OF PURPOSE AND INTENT

A Petition for the voluntary annexation and for the zoning of \_\_\_\_\_ acres located in \_\_\_\_\_ Township, St. Joseph County, Indiana, has been filed by 100% of the owners of the land in the territory sought to be annexed and zoned. It is the intent and purpose of this Ordinance to annex this territory to the City of South Bend, Indiana, and to establish a zoning district for this territory.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

**SECTION I.** That the following described real estate situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

***Insert Legal Description of Annexation Area Here***

*(Note to preparer: This legal includes all adjacent rights-of way, as required by state law)*

**SECTION II.** That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above described parcel as a part of the City of South Bend, Indiana.

**SECTION III.** Ordinance No. 9495-04, as amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as *(insert new zoning classification here)*; provided, however, that the required, established, and stated procedures for review of such zoning classification by

the Area Plan Commission have been fully satisfied.

SECTION IV. This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council, approval by the Mayor, and legal publication.

\_\_\_\_\_  
MEMBER OF THE COMMON COUNCIL

Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

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## VII. AFTER ANNEXATION

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- Your overall property taxes may go up with the addition of the City rate, the Transpo rate, and the Redevelopment rate. The increase will depend upon the township in which the annexation area is located. You may contact the County Auditor's office for more detailed information.
- City services will be available to you. The fiscal plan for your property, prepared by City Staff upon the filing of your Petition, will delineate what those services will be and when those services will be made available.
- The resolution that the Common Council adopts to approve the fiscal plan may establish additional development conditions for the annexation area, which, if not complied with, may result in the City's repeal of annexation.
- Your five digit County address (if there is one) will change to a four digit City address. The City of South Bend Division of Engineering will assign the new street number and can provide you with additional information. Please contact (574) 235-9254 for more information on addresses. Address numbers must be promptly posted in a conspicuous place on the front of a newly annexed building, with digits at least three (3) inches in length.

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## VIII. FREQUENTLY ASKED QUESTIONS

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### **WHAT CONSTITUTES CONTIGUITY?**

State law defines “contiguous” as follows: The territory is contiguous only if at least one eighth (1/8) of the aggregate external boundaries of the territory coincides with the boundaries of the City. In determining if a territory is contiguous, a strip of land less than 150’ wide which connects the City to the territory is not considered a part of the boundaries of either the City or the territory. The Annexation Planner can help you determine whether the property is contiguous to the City.

### **HOW DO YOU DISCOVER WHO ARE THE OWNERS OF LAND IN THE ANNEXATION TERRITORY?**

The St. Joseph County Auditor’s Office (County-City Building, 2<sup>nd</sup> floor) can provide a list of all property owners from the Auditor’s plat book or tax records.

### **WHEN DOES THE ANNEXATION TAKE EFFECT?**

If the Common Council passes the annexation ordinance, the ordinance must be published one time within two weeks of passage (IC 5-3-1), and the ordinance takes effect 30 days after publication (IC 36-4-3-7(f)), except in a year preceding a federal decennial census when no annexations can be made effective until January 2 of the census year (IC 36-4-3-7(b)).

### **FOR FURTHER QUESTIONS, PLEASE CONTACT:**

Annexation Planner  
Department of Community and Economic Development  
1200 County-City Building  
South Bend, IN 46601  
Phone: (574) 235-9660  
Fax: (574) 235-9469  
Email: [mdivita@southbendin.gov](mailto:mdivita@southbendin.gov)

Information on the City of South Bend’s *Annexation Policy and Plan* is available online at [www.southbendin.gov/living/community\\_development/annexation.asp](http://www.southbendin.gov/living/community_development/annexation.asp).