



Benefits of Annexation

The annexation of unincorporated land can have several benefits to the community. Some of these benefits are:

- More even distribution of the tax burden among all residents for the maintenance of regional facilities enjoyed by all;
- Maintain image as a major center for local and regional economic development by following natural growth patterns in the fringe areas;
- Increase revenues by expanding the tax base;
- Safeguard the health of surrounding residents in the face of increasing concerns on groundwater contamination due to well and septic systems;
- Eliminate irregular, confusing and arbitrary City boundaries.

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Annexation Questions & Procedure



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Annexation

What is Annexation?

Annexation is a systematic process by which land that is urban in character or with potential urban use is joined and united with a contiguous city or town. The need and justification to annex is driven by far more than just a desire for additional land. Rather, it is often done to make important services available for economic development and to ensure coordinated growth. Areas beyond the City limits have often developed as a legitimate response to the need for larger lot sizes or a more rural setting, or simply the availability of land.

What services are available upon Annexation?

Residents and property owners in annexed areas receive the same services as other residents and property owners within the city limits. State law provides that services of a capital nature (street lights, sewer and water infrastructure, etc.) are to be provided within three years of the effective date of the annexation. Services of a non-capital nature must be provided within one year. Some of the services are:

- Police and Fire Protection
- Emergency Medical Service (EMS)
- Code Enforcement & Animal Control
- Residential Trash & Recycling Service
- Leaf and Yard Waste Pickup
- Snow Plowing
- Street Sweeping and Maintenance
- Access to various City programs and grants

* Visit www.SouthBendIN.Gov/living/community_development for more information.

Additional Information

The annexation process is explained in further detail in the Indiana Code. The procedures for municipal annexation and disannexation are in Article 4, Chapter 3 of Indiana Code (IC 36-4-3). Indiana Code can be accessed online at the following URL: www.in.gov/legislative/ic/code.

Annexation Policy & Plan

Established 1992

The Annexation Policy and Plan establishes the city's intent relative to annexations. Policy guidelines ensure that areas being considered for annexation meet the policies of the City of South Bend and are reviewed for consistency with state law.



The Statement of Purpose in the Annexation Policy and Plan states: The City of South Bend will utilize annexation as a means by which the City can grow and direct that growth for the benefit of its citizens. The City will seek to incorporate those areas which bear a relationship to the City due to existing or potential land use patterns and intensities, and which require services and utilities associated with such land uses.

Annexation Policies:

1. It shall be the policy of the City of South Bend to annex developed land.
2. It shall be the policy of the City of South Bend to annex undeveloped land necessary to support residential, commercial and industrial growth.
3. It shall be the policy of the City of South Bend to periodically review its Annexation Plan and the procedures for its implementation.

Types of Annexation

There are three types of annexations in Indiana:

- Involuntary, or municipality-initiated annexations;
- Voluntary, or petitioned-for annexation; 51% of the owners of the real property petition for annexation.
- Super-voluntary annexations, where 100% of the owners of the real property petition for annexation.

Involuntary annexations are rare and voluntary annexations will occur occasionally. In South Bend, the most common type of annexation is the super-voluntary annexation.

Super-Voluntary Annexation of Property into the City of South Bend

Criteria

A super-voluntary annexation shortens the usual time requirements of annexation (Ind. Code 36-4-3-5.1). In a super-voluntary annexation, 100% of owners of land outside of, but at least 12.5% contiguous to a municipality, may file with the legislative body of the municipality a Petition and an Ordinance annexing the area described in the Petition. The Petition must be signed by one hundred percent (100%) of the owners of land in the territory sought to be annexed.

Preparing the Annexation Petition and Ordinance

Step 1: Obtain a sample Petition and Ordinance online at www.SouthBendIN.Gov/Online_Services/Forms or by calling the Division of Community Development at 574-235-9660. The Petition and Ordinance must be completed with all the necessary information, including a legal description of the land to be annexed.

Rezoning: As an alternative, a Petition and Ordinance requesting annexation and concurrent re-zoning of the property can be filed. A different Petition and Ordinance form is used for this purpose (additional fees apply).

General Annexation Procedures

Step 2: Prepare a personal or company check for \$150.00 (or two separate checks of \$150 & \$50 if concurrent rezoning is being sought), payable to the City of South Bend, and submit with your Petition and Ordinance. Please know that these fees cover legally required advertising and staff expenses.

Step 3: Submit the Petition and Ordinance with all other requested material to the City Clerk's office, 4th Floor County-City Building, by 12:00 Noon on the Wednesday prior a Common Council meeting. In addition, also provide the legal description of the land on a disk to the Division of Community Development.

Sample Timeline for Processing a Super-Voluntary Annexation with Rezoning

PROCESS	DATE
Petitioner files Petition and Ordinance with City Clerk	1/3/2007
Clerk sends letter Council	1/5/2007
1st Reading of Ordinance	1/8/2007
Service Report Request Sent by	1/12/2007
Service Report Request Due	1/26/2007
Fiscal Plan Completed by Staff	2/2/2007
Staff submits Fiscal Plan for BOPW Agenda Session	2/8/2007
Ordinance reviewed at Board of Public Works Hearing	2/12/2007
Ordinance reviewed at Board of Public Safety Hearing	2/21/2007
Rezoning considered at Area Plan Commission Public Hearing	2/20/2007
Area Plan Commission sends report to Council	2/26/2007
Notification sent to Property Owner(s)	2/27/2007
Council begins Advertisement of Public Hearing	3/2/2007
Staff drafts Resolution and sends to City Clerk	3/21/2007
2nd Reading of Ordinance Occurs	3/26/2007
3rd Reading of Ordinance Occurs	4/9/2007
Ordinance is Advertised	4/13/2007
Remonstrance Period Starts	4/13/2007
Remonstrance Period Ends	5/13/2007
Days	130
Months	4.5

Step 4: If seeking a concurrent rezoning, attend—or designate a representative to attend—the Area Plan Commission Public Hearing to present the rezoning request and answer any questions the APC may have.

Step 5: Attend—or designate a representative to attend—the second reading of the ordinance to answer any questions Common Council members may have. Upon approval by the Common Council at the second reading, the annexation typically takes an additional six weeks to be final per State law.

Other Considerations:

1. Prior to submitting a petition for annexation, please contact the Division of Community Development, at 235-9660, for consultation. You will be able to obtain the South Bend Common Council District to which the property will be assigned, discuss a preliminary schedule, and determine the adequacy of your petition.

3. The PETITION can be used as is, or re-typed. The ORDINANCE must be re-typed into an original document. The Petition and the Ordinance must be typed on 8.5" x 11" format, and the ORDINANCE must have 1" side and bottom margins and a 2" top margin to meet the requirements of the St. Joseph County Recorder.

4. The legal description of your property needs to include all adjacent rights-of-way. You may need to consult a registered land surveyor.

5. If a concurrent re-zoning is not being sought then upon the effective date of annexation, your property will be zoned "SF1" residential per the requirements of the City Code. A separate petition will need to be filed, at a latter date, if it is desired that the property be zoned to a classification other than "SF1".

Additional Information on the Annexation Policy and Plan is available on our Web site at:
www.southbendin.gov/living/community_development/