

CITY OF SHELBYVILLE



ANNEXATION ORDINANCE

APPLICATION PACKET

Shelbyville Planning & Building Department
Plan Commission
44 W. Washington Street
Shelbyville, IN 46176
317-392-5102
www.cityofshelbyvillein.com

Quick Check List

- Affidavit and Consent of Property Owner - notarized.
- Annexation Petition – 10 Copies
- Legal Description of the Land
- Finding of Fact for Annexation – 10 Copies
- A map of the territory to be annexed that indicates the proximity of the proposal to the current city limits and the proposed zoning classification for the area to be annexed. – 20 Copies
- Annexation Ordinance – 10 copies
- Ordinance number can be obtained from the Clerk/Treasure Office
- Fiscal Plan – 10 copies
- A copy of the Notice of Public Hearing
- Affidavit of Notice to Interested Parties or Certified Mail receipts.

DEADLINE DATE: _____ MEETING DATE: _____

PROCEDURE FOR ANNEXATION INTO THE CITY OF SHELBYVILLE

Filing Deadline: Everything must be submitted to the Plan Commission at least three weeks before the scheduled Plan Commission Meeting. However, if the City Council meets before the three weeks, everything must be filed the Wednesday before the first City Council meeting. The fee for filing an annexation is \$400.

Notice Requirements:

Notice of Public Hearing for the Plan Commission is to be completed as set forth in Chapter 9 of the Shelbyville Unified Development Ordinances. The City of Shelbyville is responsible for placing the Notice of Public Hearing in the local newspaper. The legal advertisement must run at least 10 days prior to the hearing (not including the date of the hearing). The applicant is responsible for:

1. Notice to Interested Parties: The applicant is responsible for preparing and distributing written notice of the petition (including the same information found in the Legal Notice) to all property owners within a defined radius of the subject property. Names and addresses of those property owners will be provided by the Plan Commission staff. The notices must be sent at least once, at least 10 days prior to the hearing. Notice may be distributed through either a certificate of mailing (requiring USPS Form #665), certified mail, or hand delivery (requiring signatures on form provided by Plan Commission Office).
2. Notification Certification: A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Plan Commission Director by the petitioner a minimum of 2 business days prior to the date of the public hearing.

Annexation Processes

Step 1: The first meeting is with the Common Council. This will be the first reading of the Ordinance. City Council meets the first and third Monday of each month.

Submittal Deadline Date: _____ Meeting Date: _____

Step 2: The second meeting is with the Plan Commission. The Plan Commission will vote to recommend the zoning designation, not to recommend the zoning designation or make no recommendation. Plan Commission meets the fourth Monday of each month.

Public Notice Deadline: _____ Submittal Deadline Date: _____ Meeting Date: _____

Step 3: The petition is then returned to the Common Council for Final Reading. This meeting may occur no sooner than fourteen (14) days after the public hearing before the Plan Commission. At this meeting, the Council will take final action on the ordinance to annex certain property and on the fiscal plan resolution.

Meeting Date: _____

Step 4: If approval is given by the Common Council, the ordinance shall take effect after a thirty day time period has elapsed, and the Clerk-Treasurer shall file and record the ordinance in accordance with the provisions outlined in Indiana Code 36-4-3-22.

Proposed Timetable and Checklist for Annexation into the City of Shelbyville

<u>Date</u>	<u>Activity</u>	<u>Responsible Party</u>	<u>Completed</u>
_____	Submit Annexation Petition and Ordinance to the City of Shelbyville	Petitioner	_____
_____	Introduction and First Reading of Annexation Ordinance	Common Council & Petitioner	_____
_____	Notice of public hearing on Annexation	Petitioner	_____
_____	Notice of public hearing on Annexation sent to the <i>Shelbyville News</i>	Petitioner	_____
_____	Notice of public hearing on Annexation Ordinance published in the <i>Shelbyville News</i>	<i>The Shelbyville News</i>	_____
_____	Public hearing on Annexation Ordinance before the Common Council	Common Council & Petitioner	_____
_____	Notice of public hearing on zoning designation mailed	Petitioner	_____
_____	Notice of public hearing on zoning designation sent to the <i>Shelbyville News</i>	Petitioner	_____
_____	Notice of public hearing on zoning designation published in the <i>Shelbyville News</i>	<i>The Shelbyville News</i>	_____
_____	Plan Commission Meeting	Plan Commission & Petitioner	_____
_____	14 days after public hearing - Allowed Period for adoption begins (must be done prior to 60 days after Public hearing on Annexation Ordinance)	N/A	N/A
_____	Second and Final Reading of Annexation Ordinance before the Common Council (adoption)	Common Council & Petitioner	_____
_____	Notice of adoption of Annexation Ordinance sent to the <i>Shelbyville News</i>	Plan Commission	_____

_____	Notice of adoption of Annexation Ordinance published in the <i>Shelbyville News</i>	The <i>Shelbyville News</i>	_____
	File Annexation Ordinance with:	Plan Commission	_____
	a) County Auditor		
	b) County Circuit Court Clerk		
	c) County Election Board		
	d) Secretary of State		
	Record Annexation Ordinance with Shelby County Recorder's Office	Plan Commission	_____
	Forward Annexation Ordinance to:	Plan Commission	_____
	a) Shelby County Highway Dept.		
	b) Shelby County Surveyor		
	c) Shelbyville Plan Commission		
	d) Shelby County Plan Commission		
	e) Shelby County Sheriff		
	f) Each Township Trustee that gained or lost jurisdiction		
	Indicate effect of Annexation Ordinance on property tax recor	County Auditor	_____



PETITION FOR ANNEXATION INTO THE CITY OF SHELBYVILLE, INDIANA

Shelbyville Plan Commission
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

For Office Use Only:

Case #: PC _____ - _____

Hearing Date: _____

Fees Paid: \$ _____

Final Decision:

Approved

Denied

1. Petitioner & Property Owner:

Petitioner:

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

Owner:

Name: _____

Address: _____

Phone Number: _____

2. Applicant's Attorney/Contact Person and Project Engineer (if any):

Attorney/Contact Person:

Name: _____

Phone Number: _____

Project Engineer:

Name: _____

Phone Number: _____

3. Project Information:

Subject Parcel Number(s) (and address if applicable): _____

Current Use: _____

Current Zoning: _____

Proposed Use: _____

Proposed Zoning: _____

4. Attachments:

- ☐ Proof of ownership (copy of deed)
- ☐ Letter of Intent
- ☐ Other Supporting Documents (Optional)

- ☐ Application Fee
- ☐ Legal Description

The undersigned states the above information is true and correct as s/he is informed and believes.

Signature of Petitioner: _____ Date: _____

State of _____)
County of _____) SS:

Subscribed and sworn to before me this _____ day of _____, _____.

_____/_____

Notary Public - Signed

Printed

Residing in _____ County. My Commission expires: _____

Signature of Property Owner: _____ Date: _____

State of _____)
County of _____) SS:

Subscribed and sworn to before me this _____ day of _____, _____.

_____/_____

Notary Public - Signed

Printed

Residing in _____ County. My Commission expires: _____

ORDINANCE NUMBER: _____

To annex to the City of Shelbyville, Indiana, certain real estate with a zoning classification of ____ under the Zoning Ordinance of the City of Shelbyville and to repeal all Ordinances in conflict therewith, to the extent of such conflict only:

BE IT ORDAINED: By the Common Council of the City of Shelbyville, Indiana, as follows, to-wit:

Section 1. That the following tracts of real estate in the County of Shelby, State of Indiana, described
as follows:

[Insert Legal Description Here]

Be, and is hereby annexed to the City of Shelbyville, Indiana, and is further designated an ____ classification under the Zoning Ordinance of the City of Shelbyville.

Section 2. The real estate annexed shall be assigned to the following municipal legislative body district
_____.

Section 3. Any Ordinance of the City of Shelbyville, Indiana, which is in conflict with the terms and provisions of this Ordinance is hereby repealed to the extent of such conflict only and as to the fore described real estate only

PASSED ON FIRST READING THIS _____ DAY OF _____ 20__.

BY A VOTE OF _____ AYES AND _____ NAYES.

Thomas D. DeBaun, Mayor

ATTEST:

Frank Zerr, City Clerk-Treasurer

PASSED ON SECOND READING THIS _____ DAY OF _____, 20__,
BY A VOTE OF _____ AYES AND _____ NAYES.

Thomas D. DeBaun, Mayor

ATTEST:

Frank Zerr, City Clerk-Treasurer

Presented by me to the Honorable Mayor this _____ day of _____, 20__.

Frank Zerr, City Clerk-Treasurer

APPROVED by me this _____ day of _____, 20__.

Thomas D. DeBaun, Mayor

RESOLUTION NO. 20 _____ - _____

RESOLUTION OF COMMON COUNCIL OF CITY OF SHELBYVILLE
ADOPTING A FISCAL PLAN FOR TERRITORY TO BE ANNEXED TO THE
CITY OF SHELBYVILLE AND ESTABLISHING A DEFINITE POLICY FOR THE
EXTENSION OF SERVICES

A RESOLUTION of the Common Council of the City of Shelbyville ("City" herein), Indiana establishing a written fiscal plan for the furnishing of services to annexed territory within the city limits of the City of Shelbyville upon the petition of annexation of _____. ("Petitioners").

WHEREAS, The Petitioners have filed their petition for annexation of real estate described on the attached Exhibit A, and the Real Estate is depicted on the attached Exhibit B (all of which Exhibits are incorporated herein) and Petitioners desire the Real Estate to be annexed to the City; and

WHEREAS, the Common Council of the City of Shelbyville is required under statute to provide a written fiscal plan to provide for the furnishing of services of a non-capital and capital improvements nature to the Real Estate pursuant to I.C. 36-4-3-13;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Shelbyville as follows:

1. That this resolution shall constitute the written fiscal plan and definite policy for the annexation of the Real Estate contained in the annexation ordinance adopted pursuant to the annexation petition filed by the Petitioners.

2. That more than one-eighth (1/8) of the aggregate external boundaries of the Real Estate coincides with the boundaries of the City.

3. Regardless of similar topography, patterns of land use, and population density (and in a manner consistent with federal, state and local laws, procedures and planning criteria), the City will provide the following services of a capital improvement nature within three (3) years after the effective date of the annexation in the same manner as such services are provided to areas within the corporate boundaries:

A. That the Real Estate will be served by sewer facilities of the same type as presently serves other areas within the corporate boundaries of the City with the cost of said sewer facilities to serve the Real Estate initially paid by the Petitioners.

B. That the City chooses its park locations based upon geographic considerations and therefore, a neighborhood park is not anticipated for the use or benefit of the Real Estate.

C. Street construction will not be needed to serve the Real Estate as it is currently serviced by _____.

D. The City does not provide water services to any resident of the City and cannot control the furnishing of such water services to the Real Estate.

4. That planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries of the City will be provided to the Real Estate within one (1) year after the effective date of the annexation and will be provided in a manner equivalent in standard and scope to those non-capital services provided within the corporate boundaries regardless of similar topography, patterns of land use, and population density as follows:

- a) Police Services are presently provided to the adjacent area consisting of _____ ("Adjacent Areas") and no additional costs are expected to be attributable to the Real Estate since the response time is approximately the same.
- b) Fire Services should also have the same projected response times from existing fire stations to the Real Estate within the same range as comparable areas, including the Adjacent Areas.
- c) _____ is currently in the _____ jurisdiction and the maintenance of said road will be the responsibility of the county.
- d) The Real Estate will be served by the City Sewage Utility and the owners of real estate within and will pay the same rate as would be charged customers with similar sewage flows and requirements.
- e) Life support ambulance services will be immediately available to the Real Estate with the same response time as to comparable areas, including the Adjacent Areas.
- f) City trash services will _____ be provided to the Real Estate. Animal control services are not expected to be required.

5. The planned services of non-capital nature will involve the use of existing personnel of the Police Department, Fire Department and the Street Department of the City.

6. Sanitary sewer lines are presently extended near the Real Estate. The existing public highways consisting of Bassett Road and State Road 9 will be adequate public highways for the access to the Real Estate.

7. All non-capital services will be paid from existing budgets.

Adopted this _____ day of _____, 20____.

COMMON COUNCIL OF CITY OF
SHELBYVILLE

By _____

ATTEST:

Frank Zerr, City Clerk – Treasurer

Joanne Bowen, Council Member

Nathan Willis, Council Member

Rob Nolley, Council Member

Brad Ridgeway, Council Member

Jeff Wright, Council Member

David Phares, Council Member

Brian Asher, Council Member