

City of Elkhart

INSTRUCTIONS AND FILING PROCEDURE FOR ANNEXATIONS

The City of Elkhart Plan Commission and the City of Elkhart Common Council shall consider all applications for annexation. The Plan Commission conducts a public hearing at its regular meeting and makes a recommendation to the City Council. The City Council considers the Plan Commission recommendation and makes their own independent final decision. Annexation petitions shall be filed by a property owner(s) or a property owner's attorney. The following information is provided as a guide for filing petitions.

Full responsibility for handling and following through on a petition rests with the individual(s) filing the petition. The importance of verifying and submitting a correct legal description, as well as all other required information pertinent to the consideration of the annexation cannot be over-emphasized.

The Planning staff will gladly answer any questions you may have, but it is not their function to prepare the petition. If you do not feel comfortable preparing your petition, we would strongly recommend that you consult or hire an attorney to prepare it for you.

Annexation Petitions must be filed with the Office of Planning and Development, Planning Services Division, 229 S. Second Street, Elkhart, Indiana. Petitions must be filed no later than the filing deadline dates shown on the Plan Commission calendar with all required signatures in permanent ink.

Annexation Petitions must contain the following information:

1. A completed Petition letter following the guide included with these instructions and including such data and/or information with a detailed explanation of the purpose of the annexation. Please include any pertinent data that will assist the Commission and Council in their decision.
2. A completed Petition form signed by the legal owner of record of the property that is the subject of the Petition. **The owner(s) of record at the time the petition is filed shall be considered the applicant and must sign the petition.** If the petition is filed by any person other than the legal owner or the owner's attorney, written authorization of the legal owner authorizing the person to act as the owner's agent for petition purposes must be filed with the petition. If the applicant is not an individual, the name(s) and title(s) of the person(s) who are authorized to execute legal documents for the applicant shall be supplied. Land Contract Purchasers or Renters cannot bring petitions without authorization from the owner of record.
3. A full and accurate legal description of the property(s) for which the annexation is being requested. (Not the abbreviated version shown on a tax form)
4. One (1) copy of an 11" x 17" or smaller scale drawing showing the dimensions of the property, buildings, yard setbacks, parking layouts, distances to adjoining buildings, **location of existing utilities**, and any other information that is pertinent to your petition. If drawing is larger than 11" x 17" 25 copies of the site plan must be provided. **Site Plans for all new**

commercial construction must be submitted to the Planning Services Department for Technical Review.

5. A copy of the deed of each property to be annexed to verify ownership.
6. A document verifying the percentage of land contiguous to the existing City limits. This document must be verified by the Engineering Department. The Engineering Department needs a minimum of 48 hours to prepare the letter of certification which is required prior to filing the application with the Plan Commission.
7. Current assessed valuation of land and improvements to be annexed.
8. If property to be developed is currently vacant, what is the estimated assessed value after completion of the project?
9. Any supplemental information you wish to provide to the Plan Commission and City Council.
10. A filing fee in the amount listed in Section 29.12 of the Zoning Ordinance. Checks must be made payable to the City of Elkhart.

Failure to meet any of the above requirements will result in your application not being accepted by the Staff until such time as said requirements are met.

Petitions for Annexations are reviewed by the Planning Services staff prior to the public hearing and decision of the Plan Commission and City Council. You or your designated representative **must** be present at the Plan Commission meeting to make a presentation and answer any questions that may arise. In making your presentations to the Plan Commission, you will have the burden of presenting sufficient evidence to persuade the Commission to grant your request. The evidence must relate to the standards listed below, as well as any other information you feel is pertinent to your petition. After you have completed your presentation, any proponents or opponents to your petition will be asked to speak. You will then be allowed to respond to any comments or answer any questions which may arise concerning your petition. This will be at the discretion of the Commission Chairman. After the hearing the Commission will send their recommendation (do pass or do not pass) to the City Council.

ANNEXATION PROCEDURE

1. A petition for Annexation is submitted to the Plan Commission in the Planning Services Division office according to the current Plan Commission Calendar.
2. Case preparations are made for Public Hearing by Planning Services Division staff.
 - Legal advertisement is prepared and sent to The Elkhart Truth for publication 10 days prior to Plan Commission meeting.
 - Reminder letter is sent to petitioner and/or property owner(s).
 - Planning Services Division staff prepares Staff Report.
 - Informational letter explaining the annexation sent to all affected property owners.
 - Planning Services Division notifies all departments of the proposed Annexation and seeks input for the Fiscal Plan.
 - Planning Services Division staff prepares the required Fiscal Plan.

3. Plan Commission meeting/public hearing is held and staff reads recommendation to Plan Commission. Plan Commission votes on proposal, sends request on to Common Council with a do pass/do not pass/or without a recommendation.
4. At the following Common Council meeting (not the same day) the proposed annexation ordinance is introduced (without Common Council action) and a Resolution adopting the Fiscal Plan is proposed and approved/denied by the Common Council.
5. At least 60 days after the introduction of the proposed Annexation Ordinance publication date the Common Council holds a public hearing regarding proposed Annexation Ordinance (1st Reading, no Common Council action taken).
6. At least 30 days after the public hearing the Common Council hears the proposed Annexation Ordinance on second and third reading and may vote to approve or deny the Annexation Ordinance.
7. If the Common Council adopts the proposed Annexation Ordinance, the Annexation becomes effective either 30 days (100% voluntary) or 90 (all other annexations) days after its passage if no remonstrance is received during the mandatory 90-day waiting period.

The Plan Commission meets on the first Monday of each month at 1:45 p.m. in the City Council Chambers on the second floor of the Municipal Building to hold public hearings and make recommendations. Notice of the public hearing shall be published in the newspaper 10 days prior to the meeting. Plan Commission recommendation is sent to the City Council for hearing and final action. The City Council meets on the first and third Monday of each month.

Once the recommendation is sent to the City Council, the following occurs: The Council has first reading of the proposed ordinance (your request). The title of the proposed ordinance is read aloud and is passed on for second and third reading. Public comment is not accepted and you do not need to attend this meeting. The second and third readings are normally held at the next regularly scheduled Council meeting. The public hearing takes place at this meeting and comments will be heard. **You must attend this meeting in order to make a presentation to the Council or no action will be taken. It is your responsibility to check with the Council Secretary at 574.294-5471 x 351 to verify the date and time that this meeting will take place. There is no personal notification given for Council public hearings.** The City Council meets on the first and third Monday of each month at 7:00 p.m. in the Council Chambers.

PETITION NUMBER: _____

Date Filed: _____

PETITION to the PLAN COMMISSION

Petition Type:

_____ Rezoning*

_____ PUD*

_____ PUD Amendment*

_____ Annexation*

_____ Final Site Plan

_____ Subdivision

_____ Wireless Communications Facility

* denotes that this action requires final approval from the Common Council

Property Owner(s): _____

Mailing Address: _____

Phone: _____ email: _____

Contact Person: _____

Address: _____

Phone: _____ email: _____

Subject Property Address: _____

Zoning: _____ Present Use: _____

Proposed Use: _____

Checklist (✓) for submittal of the Petition to the Plan Commission docket: you must include:

- One copy of the required Petition Letter signed in ink by the owner of the property.
- A completed Petition form signed by the legal owner of record.
- If any other person other than the legal owner or the legal owner's attorney files the appeal, written authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, smaller than 11" x 17". If larger than 11" x 17", 12 copies must be submitted.
- Cash or check made payable to the City of Elkhart.
- Any other information listed in the Instructions and Filing Procedure for your type of Petition.

Optional: any supplementary information you wish to include.

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) (PRINT) _____

SIGNATURES _____

RECEIVED BY: _____ DATE: _____

Remit To:

CITY OF ELKHART – OFFICE OF PLANNING & DEVELOPMENT – Planning Services Division
Municipal Building, 229 S. Second Street, Elkhart, Indiana 46516

(staff to complete)

Ordinance Requirement: Sections(s): _____

MAP #: _____ AREA: _____

This is NOT a fill-in form.
It is a sample form to be used as a guide
when preparing your letter to the Plan Commission and Council

DATE: _____

TO: Honorable Members of the Plan Commission
and City Council
City of Elkhart, Indiana

RE: Annexation

The undersigned petitioner(s) respectfully shows the Council and Plan Commission:

1. I, *(insert property owner(s) name(s))*, am the owner of the following described real estate located within the City of Elkhart, _____ Township, Elkhart County, State of Indiana, to-wit:

Attach the accurate legal description and common address— a tax key number is not a legal description. This may be submitted electronically to Kathy.Kalman@coei.org.

2. The above described real estate presently has a zoning classification of _____
_____ District under the Elkhart County Zoning Ordinance.
3. Petitioner(s) presently occupies *(or proposes to occupy)* the above described property in the following manner: (explain).
4. Petitioner(s) desires to annex and rezone said real estate to _____ District under the City of Elkhart Zoning Ordinance for that purpose.
5. Petitioner has presented evidence to the City Engineer that the property to be annexed is _____ percent contiguous to the City limits and therefore eligible for annexation.
6. Petitioner believes the annexation will be mutually beneficial because _____

WHEREFORE, Petitioner prays and respectfully requests a hearing on this annexation request and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance annexing the above described parcel of land located in the City of Elkhart.

Signature of Property Owner: _____

Printed Name: _____

Second Property Owner: _____

Printed Name: _____

Contact Person: _____

Name: _____

Address: _____

Phone Number where you can be reached: _____

Fax Number: _____

AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION

I, _____, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows :

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my annexation petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at _____ Elkhart, Indiana.

4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the _____ day of _____, 20____.

Printed: _____

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Printed: _____

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared _____, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this _____ day of _____, 20____.

Printed: _____

My commission expires:

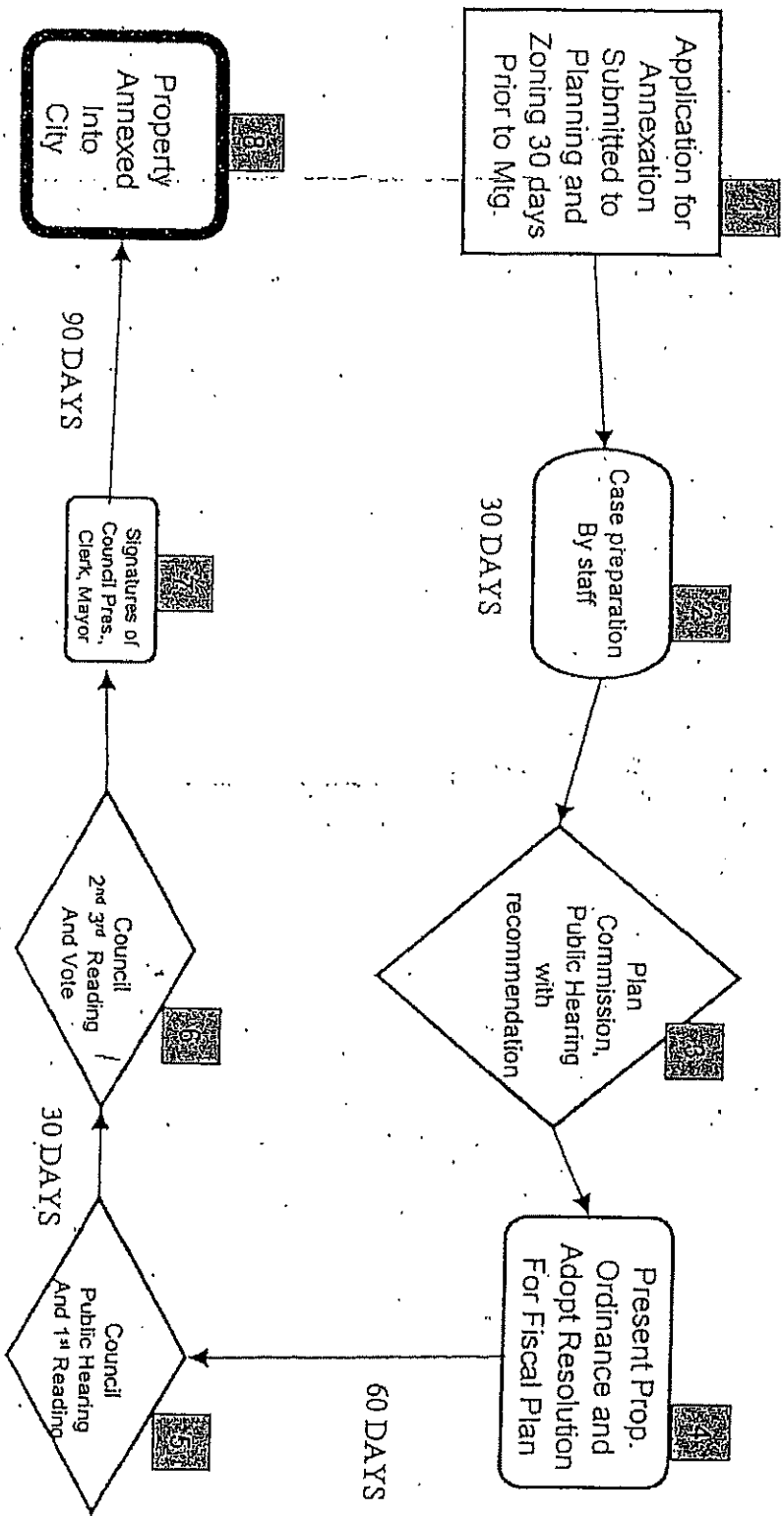
Notary Public in and for the State of Indiana
Resident of _____ County, Indiana

Annexation Process

The following is a chronological list of the steps in the annexation process:

1. A petition for Annexation is submitted to the Plan Commission in the Planning and Zoning office 30 days prior to a regularly scheduled Plan Commission meeting.
2. Case preparations are made for Public Hearing by Planning and Zoning staff
 - Legal advertisement is prepared and sent to The Elkhart Truth 10 days prior to Plan Commission meeting.
 - Reminder letter is sent to petitioner and/or property owner(s).
 - Planning and Zoning staff prepare staff Report and Staff Recommendation.
 - Informational letter explaining proposed annexation sent to all affected property owners included in Annexation.
 - Planning and Zoning staff draft a Fiscal Plan for the Annexation.
 - Planning and Zoning staff notifies Public Works and Utilities Department of proposed Annexation.
3. Plan Commission meeting/public hearing is held and staff reads recommendation to Plan Commission. Plan Commission votes on proposal, sends request on to Common Council with a do pass/do not pass/or without a recommendation.
4. At the following Common Council meeting (not the same day) the proposed annexation ordinance is introduced (without Common Council action) and a Resolution adopting the Fiscal Plan is proposed and approved/denied by the Common Council.
5. At least 60 days after the introduction of the proposed Annexation Ordinance publication date the Common Council holds a public hearing regarding proposed Annexation Ordinance (1st Reading, no Common Council action taken).
6. At least 30 days after the public hearing the Common Council hears the proposed Annexation Ordinance on second and third reading and may vote to approve or deny the Annexation Ordinance.
7. If the Common Council adopts the proposed Annexation Ordinance, the Annexation becomes effective 90 days after its passage if no remonstrance is received during the mandatory 90-day waiting period.

Annexation Process



2021 ELKHART CITY PLAN COMMISSION CALENDAR

File by Date

Meeting Date

Friday, December 11, 2020

Monday, January 4, 2021

Friday, January 8, 2021

Monday, February 1, 2021

Friday, February 5, 2021

Monday, March 1, 2021

Friday, March 5, 2021

Monday, April 5, 2021

Friday, April 9, 2021

Monday, May 3, 2021

Friday, May 7, 2021

Monday, June 7, 2021

Friday, June 11, 2021

Tuesday, July 6, 2021

Friday, July 9, 2021

Monday, August 2, 2021

Friday, August 6, 2021

Tuesday, September 7, 2021

Friday, September 10, 2021

Monday, October 4, 2021

Friday, October 8, 2021

Monday, November 1, 2021

Friday, November 5, 2021

Monday, December 6, 2021

Friday, December 10, 2022

Monday, January 4, 2022

Note: All meetings are held in the Council Chambers, 2nd floor, City Municipal Building at 1:45 p.m., the 1st Monday of each month, unless indicated.

Reviewed and adopted by the Elkhart City Plan Commission at its regular meeting on December 7, 2020.

Jeffrey Shaffer, President

Dave Osborne, Vice President



SCHEDULE OF 2021 CITY COUNCIL MEETINGS

Following is the schedule for the regular Elkhart City Council meetings for 2021:

January 4
January 11*

July 12*
July 19

February 1
February 8*

August 2
August 16

March 1
March 15

September 13*
September 20

April 5
April 19

October 4
October 18

May 3
May 17

November 1
November 15

June 7
June 21

December 6
December 20

* Deviation from 1st or 3rd Monday because of Holidays