

Annexation in Indiana

Interim Study Committee on Government

Indianapolis

September 24, 2014

Wisdom Since 1997

- IACIR Annexation Study (1997-8)
- Watched issue in General Assembly over time
- IACIR Annexation Survey (2014)
- LSA Reporting Data
- Technical assistance calls

IACIR Annexation Study (1997-98)

- Controversies: Ft. Wayne, Seelyville, West Terre Haute
- In 1996-7, about 2/3rds of annexations were owner-initiated
- There was some learning by municipalities and opponents when they sat at a table together

IACIR Annexation Study (1997-98)

- Opponents concerns:
 - Fairness
 - Communication and notice
 - Procedural issues
 - Self-determination
 - Provision of services
 - Taxes

IACIR Annexation Study (1997-98)

- IACIR recommendations and 1999 Legislation
 - Many due process changes
 - Removed “similarly situated” clause
 - Requirement for fiscal plans
 - Provide some basis for substantive remonstrance (previously the only basis for remonstrance was procedural)

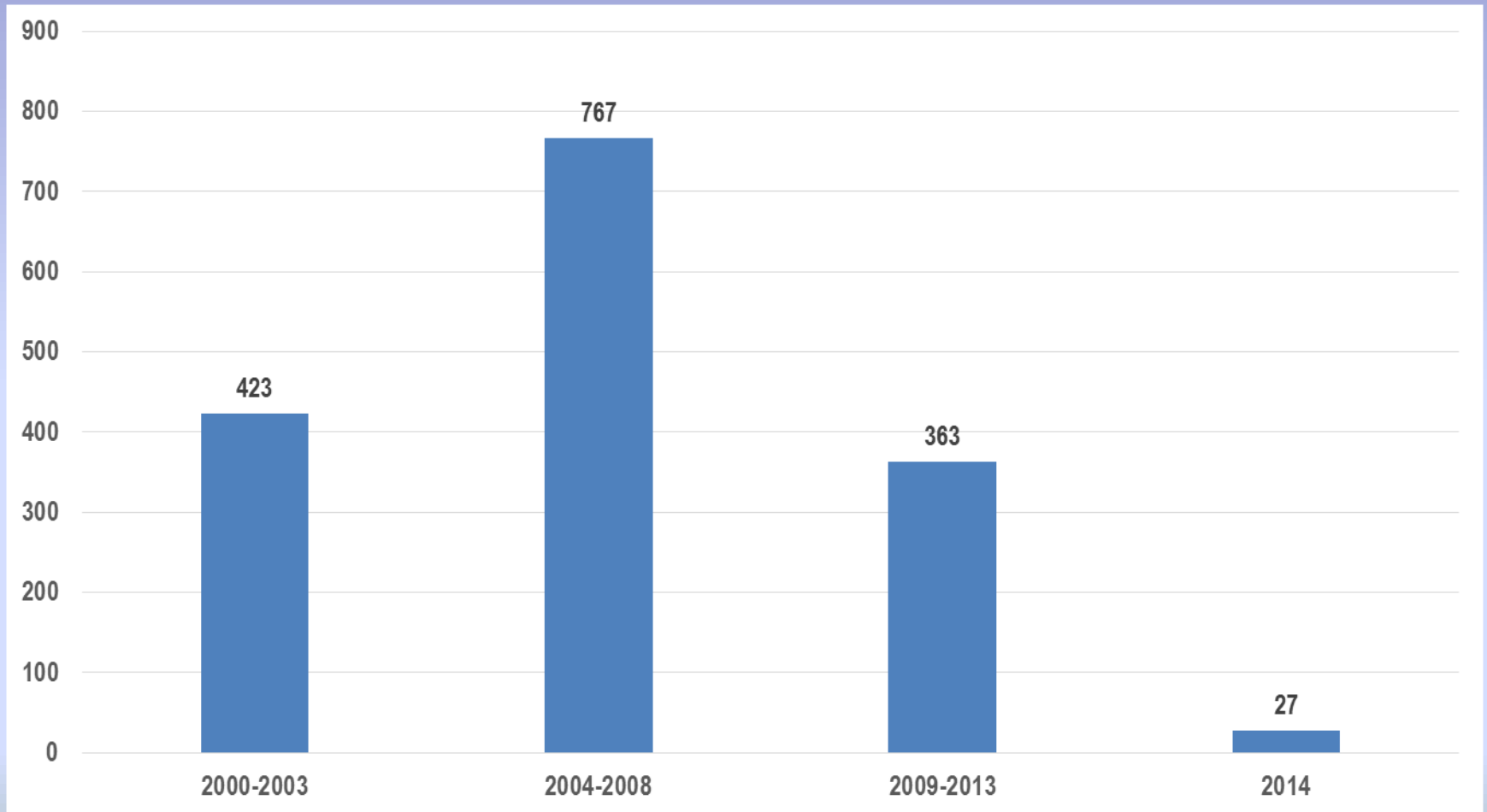
Legislation Since 1999

- Changes since
 - Super-voluntary annexation
 - Ability to abate municipal taxes for ag land expanded
 - Removed special provisions that applied to only St. Joseph County
 - Adjusted the relationship btw city and towns
 - Established the relationship formally between annexations and reorganizations
 - Waivers of remonstrance
 - Payment in lieu of annexation

IACIR 2014 Annexation Survey

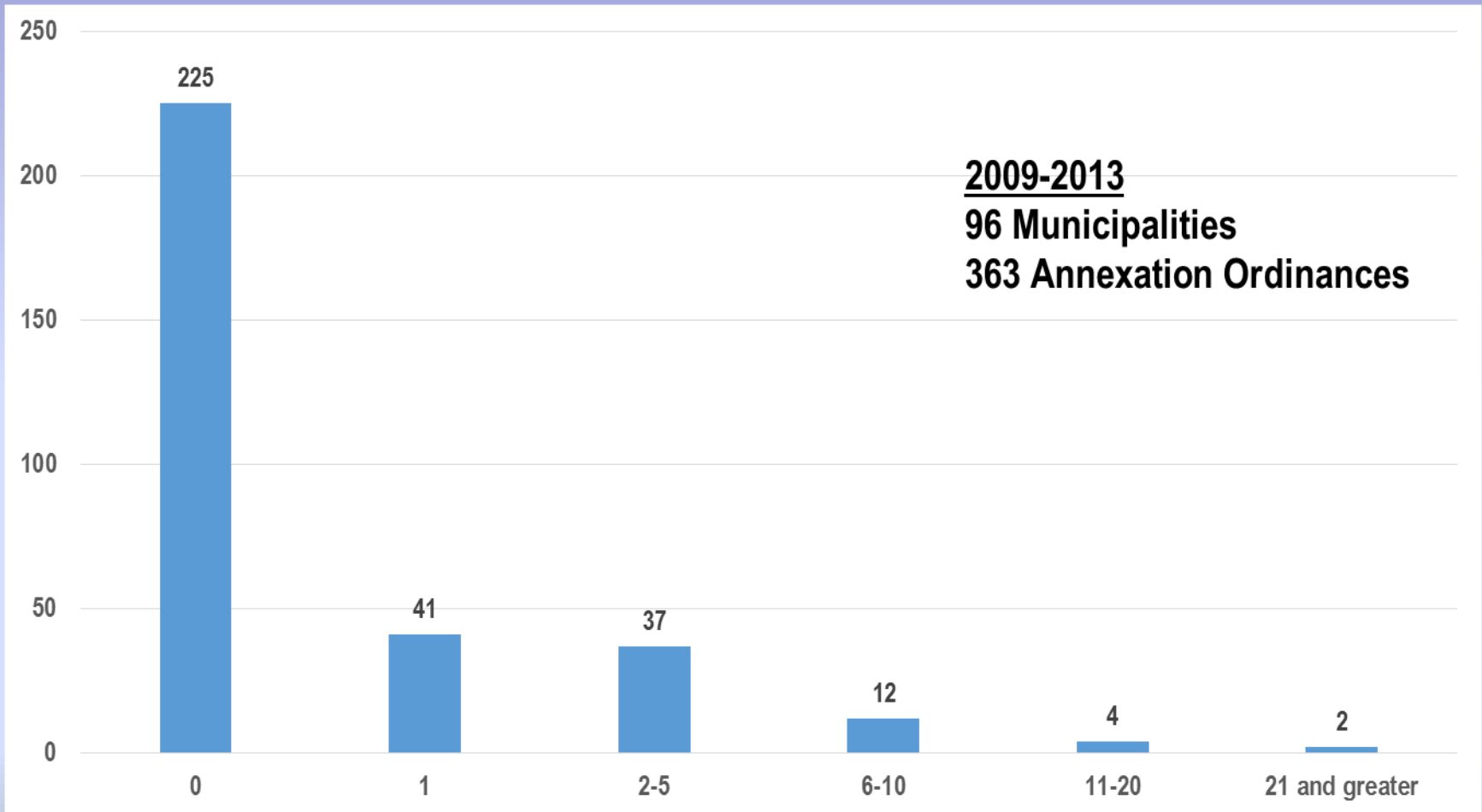
- Members wanted commission to take up issue again
- Staff conducted a survey of annexations
 - Ordinances passed 2009-2014
 - Took responses 4/15/14 – 8/21/14
 - 309 municipalities responded
 - 289 ordinances
- Also secured LSA data

Annexations Since 2000



Source: 2000-2008 LSA only; 2009-2014 LSA and IACIR Data

Annexing Municipalities



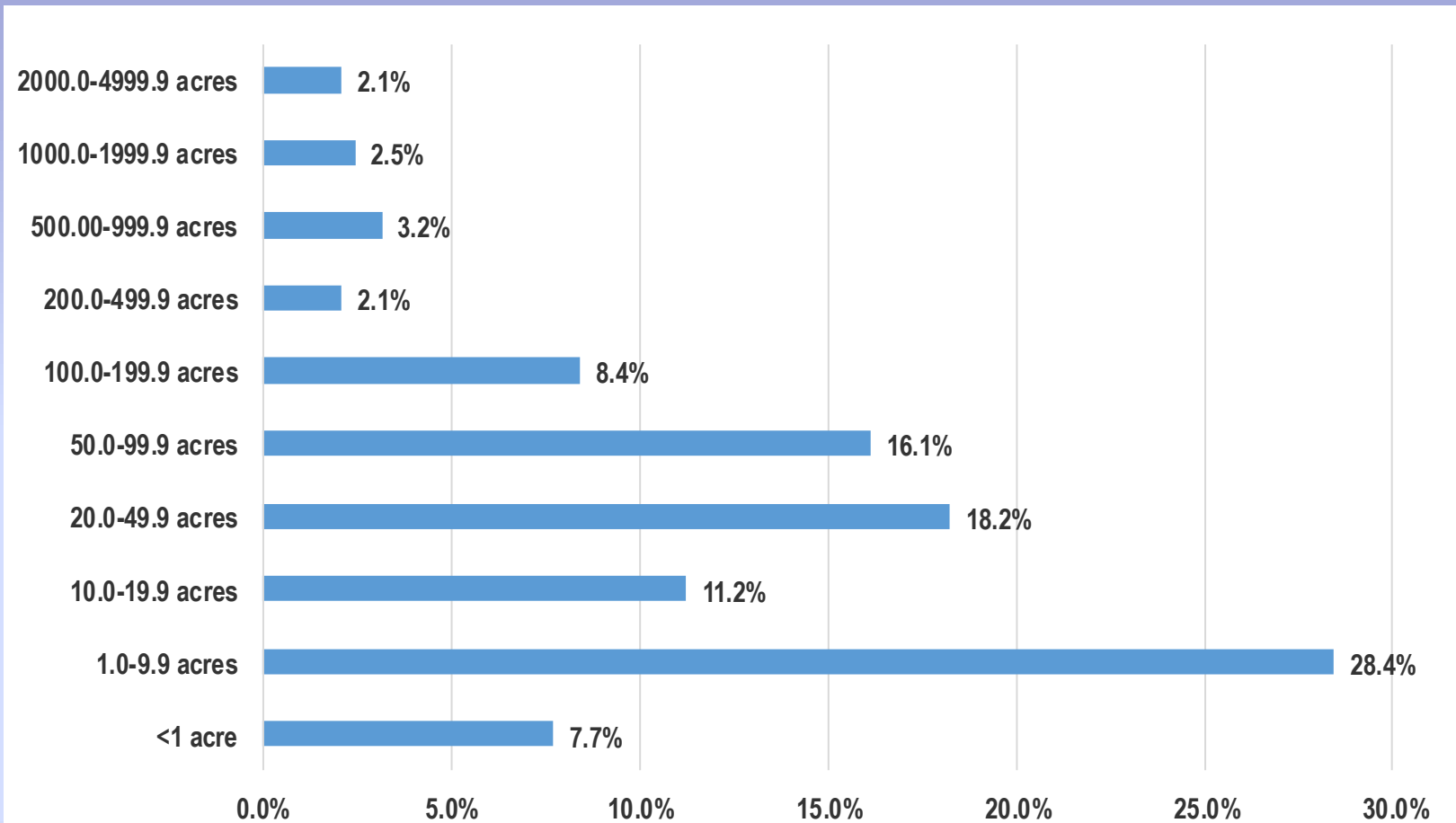
Source: LSA and IACIR Data

Statutory Tool

Statutory Option (N=275)	Annexations	Percentage
IC 36-4-3-3 (only)	59	21%
IC 36-4-3-4	24	9%
IC 36-4-3-5	63	23%
IC 36-4-3-5.1	129	47%
IC 36-7-3-4.1	23	8%

Source: IACIR Survey

Size



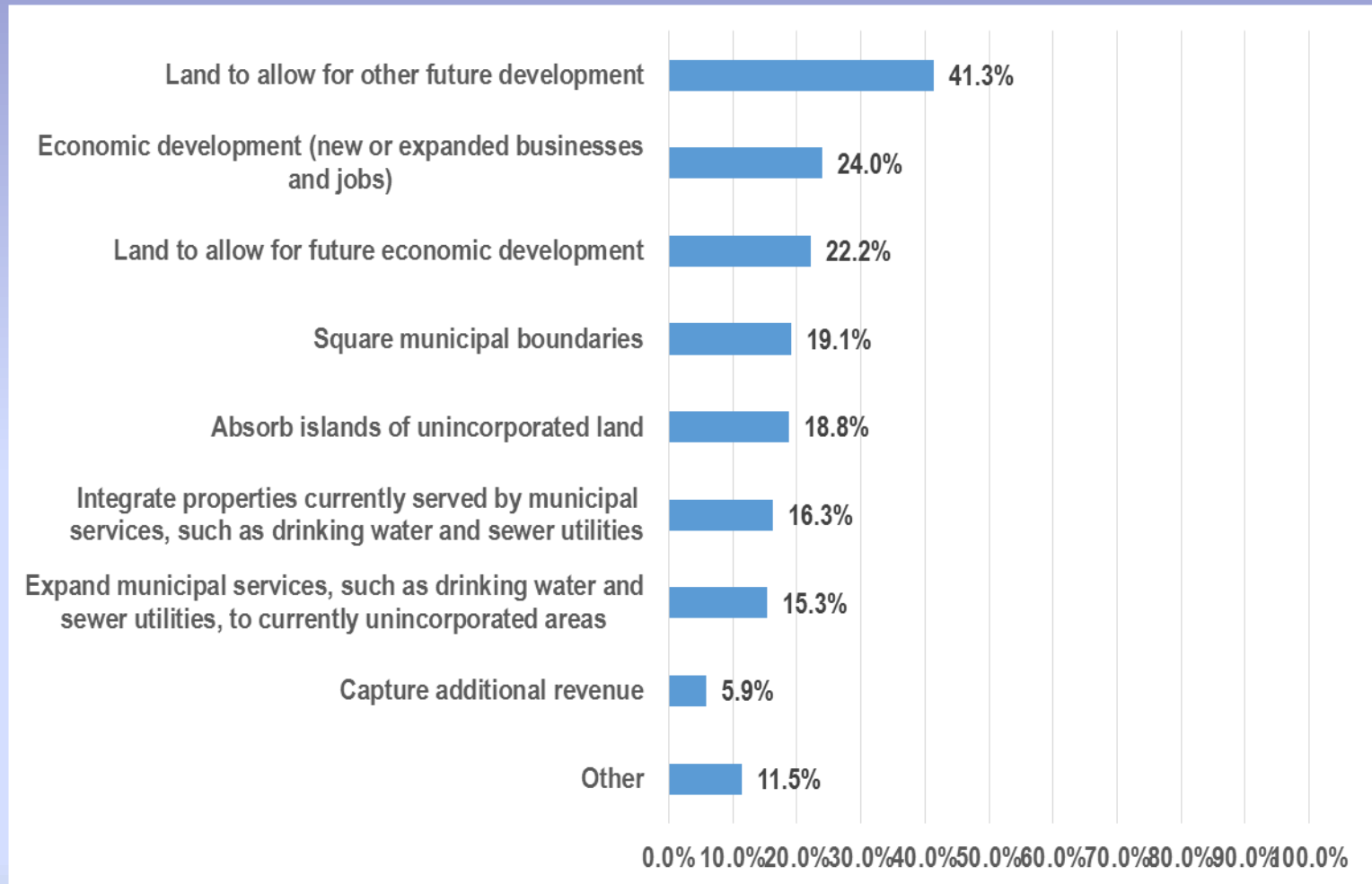
Source: IACIR Survey (N=275)

Land Use

Land Use (N=285)	Any of Land Use	%	>50% of Land Use	%
Agriculture	126	44.2%	110	38.6%
Commercial	60	21.1%	35	12.3%
Industrial	24	8.4%	11	3.9%
Residential	122	42.8%	73	25.6%
Municipally-owned	21	7.4%	13	4.6%
Other	46	16.1%	27	9.5%

Source: IACIR Survey

Purpose



Source: IACIR Survey (N=289)

Services to Area- Before Annex

Service (n=284)	Percentage All or Part
Sanitary Sewers	36.6%
Drinking Water	33.8%
Police Protection	27.1%
Fire Protection	59.5%
Planning and Zoning	35.2%
Other	8.5%

Source: IACIR Survey

Capital Services to Area- Post-Annex

Service (n=194)	Percentage
Sewers	93.8%
Drinking water	68.6%
Electric	29.9%
Natural gas	18.0%

Source: IACIR Survey

Waivers of Remonstrance

% of Area Subject (n=278)	Percentage
None	81.7%
1-24%	3.2%
25-49%	1.4%
50-74%	0.7%
75-100%	12.9%

Source: IACIR Survey

Remonstrance and Appeal

	Remonstrance (n=280)	Appeal (n=282)
Yes	5.7%	3.5%
No	94.3%	96.5%

Source: IACIR Survey

A Few More Thoughts

- Contested territory between municipalities

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