



January 25, 2010

# HOUSE BILL No. 1125

DIGEST OF HB 1125 (Updated January 21, 2010 11:00 am - DI 44)

**Citations Affected:** IC 8-23; IC 36-4.

**Synopsis:** Highway matters. Adds two intersections to the part of State Road 331 in St. Joseph County from the U.S. Highway 20 bypass to State Road 23 that is a limited access facility. Provides that no traffic signal may be erected at the intersection at Ireland Road. Requires a municipality to send written notice of the hearing on an annexation ordinance to property owners whose property is located outside the proposed annexed area but is contiguous to a road or street that forms one of the boundaries of the area.

**Effective:** Upon passage; July 1, 2010.

**Fry**

January 11, 2010, read first time and referred to Committee on Interstate and International Cooperation.  
January 25, 2010, amended, reported — Do Pass.

C  
o  
p  
y



January 25, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

C  
O  
P  
Y

## HOUSE BILL No. 1125

---

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 8-23-8-10, AS ADDED BY P.L.182-2009(ss),  
2 SECTION 279, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in this section,  
4 "designated highway" refers to the highway designated as a limited  
5 access facility under subsection (b).  
6 (b) The department shall designate and do all acts necessary to  
7 establish the part of State Road 331 in St. Joseph County from the U.S.  
8 Highway 20 bypass to State Road 23 as a limited access facility. The  
9 designated highway shall be in operation as a limited access facility  
10 beginning not later than January 1, 2009.  
11 (c) Neither the department nor any political subdivision may  
12 authorize any additional curb cuts or intersections after January 1,  
13 2009, on the designated highway. The department shall limit  
14 intersections on the designated highway to the following locations:  
15 (1) U.S. Highway 20 bypass.  
16 (2) **Ireland Road.**  
17 (2) **(3) Dragoon Trail.**

HB 1125—LS 6188/DI 103+



- 1           ~~(3)~~ **(4)** Twelfth Street (also known as Harrison Road).
- 2           ~~(4)~~ **(5)** Indiana 933 (also known as Lincoln Way).
- 3           ~~(5)~~ **(6)** Jefferson Boulevard.
- 4           ~~(6)~~ **(7)** McKinley Highway.
- 5           ~~(7)~~ **(8)** Day Road.
- 6           **(9) Douglas Road.**
- 7           ~~(8)~~ **(10)** Cleveland Road.
- 8           ~~(9)~~ **(11)** State Road 23.

9           **(d) No traffic signal may be erected at the intersection described**  
 10 **in subsection (c)(2).**

11           SECTION 2. IC 36-4-3-2.2 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.2. (a) This section  
 13 does not apply to an annexation under section 4(a)(2), 4(a)(3), 4(b),  
 14 4(h), or 4.1 of this chapter or an annexation described in section 5.1 of  
 15 this chapter.

16           (b) Before a municipality may annex territory, the municipality shall  
 17 provide written notice of the hearing required under section 2.1 of this  
 18 chapter. Except as provided in subsection (e), the notice must be sent  
 19 by certified mail at least sixty (60) days before the date of the hearing  
 20 to each owner of real property, as shown on the county auditor's current  
 21 tax list, whose real property is located within the territory proposed to  
 22 be annexed. **For purposes of an annexation of territory described**  
 23 **in section 2.5 of this chapter, if the hearing required under section**  
 24 **2.1 of this chapter is conducted after June 30, 2010, the notice**  
 25 **required by this section must also be sent to each owner of real**  
 26 **property, as shown on the county auditor's current tax list, whose**  
 27 **real property includes contiguous areas of rights-of-way of the**  
 28 **public highway on the side of the public highway that is not part of**  
 29 **the annexed territory.**

30           (c) The notice required by this section must include the following:

- 31           (1) A legal description of the real property proposed to be
- 32           annexed.
- 33           (2) The date, time, location, and subject of the hearing.
- 34           (3) A map showing the current municipal boundaries and the
- 35           proposed municipal boundaries.
- 36           (4) Current zoning classifications for the area proposed to be
- 37           annexed and any proposed zoning changes for the area proposed
- 38           to be annexed.
- 39           (5) A detailed summary of the fiscal plan described in section 13
- 40           of this chapter.
- 41           (6) The location where the public may inspect and copy the fiscal
- 42           plan.

C  
o  
p  
y



1 (7) A statement that the municipality will provide a copy of the  
 2 fiscal plan after the fiscal plan is adopted immediately to any  
 3 landowner in the annexed territory who requests a copy.  
 4 (8) The name and telephone number of a representative of the  
 5 municipality who may be contacted for further information.  
 6 (d) If the municipality complies with this section, the notice is not  
 7 invalidated if the owner does not receive the notice.  
 8 (e) This subsection applies to an annexation under section 3 or 4 of  
 9 this chapter in which all property owners within the area to be annexed  
 10 provide written consent to the annexation. The written notice described  
 11 in this section must be sent by certified mail not later than twenty (20)  
 12 days before the date of the hearing to each owner of real property, as  
 13 shown on the county auditor's current tax list, whose real property is  
 14 located within the territory proposed to be annexed.  
 15 **SECTION 3. An emergency is declared for this act.**

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1125, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 36-4-3-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.2. (a) This section does not apply to an annexation under section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter or an annexation described in section 5.1 of this chapter.

(b) Before a municipality may annex territory, the municipality shall provide written notice of the hearing required under section 2.1 of this chapter. Except as provided in subsection (e), the notice must be sent by certified mail at least sixty (60) days before the date of the hearing to each owner of real property, as shown on the county auditor's current tax list, whose real property is located within the territory proposed to be annexed. **For purposes of an annexation of territory described in section 2.5 of this chapter, if the hearing required under section 2.1 of this chapter is conducted after June 30, 2010, the notice required by this section must also be sent to each owner of real property, as shown on the county auditor's current tax list, whose real property includes contiguous areas of rights-of-way of the public highway on the side of the public highway that is not part of the annexed territory.**

(c) The notice required by this section must include the following:

- (1) A legal description of the real property proposed to be annexed.
- (2) The date, time, location, and subject of the hearing.
- (3) A map showing the current municipal boundaries and the proposed municipal boundaries.
- (4) Current zoning classifications for the area proposed to be annexed and any proposed zoning changes for the area proposed to be annexed.
- (5) A detailed summary of the fiscal plan described in section 13 of this chapter.
- (6) The location where the public may inspect and copy the fiscal plan.
- (7) A statement that the municipality will provide a copy of the fiscal plan after the fiscal plan is adopted immediately to any landowner in the annexed territory who requests a copy.
- (8) The name and telephone number of a representative of the

C  
O  
P  
Y



municipality who may be contacted for further information.

(d) If the municipality complies with this section, the notice is not invalidated if the owner does not receive the notice.

(e) This subsection applies to an annexation under section 3 or 4 of this chapter in which all property owners within the area to be annexed provide written consent to the annexation. The written notice described in this section must be sent by certified mail not later than twenty (20) days before the date of the hearing to each owner of real property, as shown on the county auditor's current tax list, whose real property is located within the territory proposed to be annexed."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1125 as introduced.)

HARRIS, Chair

Committee Vote: yeas 12, nays 0.

**C**  
**O**  
**P**  
**Y**

