

Voluntary Annexation Application

Town of Upland, Indiana Advisory Plan Commission

This application is for 100% voluntary annexation to the Town of Upland under Indiana Code 36-4-3-5.1. In order for this type of annexation to be possible the petition for annexation needs to be signed by 100% of property owners in the area to be annexed. The area to be annexed needs to be 1/8 contiguous to the existing corporate boundary of the Town of Upland to be considered.

STEP ONE: PRE-APPLICATION

Before filing an application, it is recommended that the applicant meet with the Planning Staff at least one week prior to the anticipated application submission to discuss the proposed request, and to become more familiar with the applicable requirements. Call (765) 998 - 7439 or email uplandplanning@uplandindiana.com to schedule a meeting.

This meeting will be used to determine if the area is eligible for voluntary annexation under IC 36-4-3-5.1.

STEP TWO: APPLICATION

Applications must be received at least 30 days before the desired meeting of the Plan Commission or Town Council. Staff will notify petitioner when an application is considered complete and is accepted. Any deficiencies will be explained to the applicant. Applications submitted or completed after the posted deadline date will be placed on the next month's application cycle.

Applications, fees, and all required documentation must be submitted by 4:00 pm on the deadline date. These documents are to be submitted to the Upland Town Hall, 175 North Main Street, Upland, Indiana 46989 and electronically to uplandplanning@uplandindiana.com.

The items below are required to complete your application and shall be submitted when your application is filed. Please submit one print copy and electronic files at the time of application.

Application Form

- All items must be completed fully and either typewritten or printed in ink.
- The application must be signed by the 100% of the property owners and notarized.

Application Fee

- Please refer to the fee schedule.
- Checks are to be made payable to the Town of Upland and submitted to the Clerk-Treasurer.

Attachment A: Affidavit of Ownership

Written Commitments *(if required by the Town)*

Memorandum of Understanding *(if required by the Town)*

Aerial Location Map

- Aerial maps can be obtained from the Grant County Surveyor's Office, 401 South Adams Street, Marion, Indiana, 46953, 3rd Floor. (765) 651-2407 or an internet mapping source.
- Draw property lines of the site plan on the map.

Legal Description

Final Covenants and Restrictions *(if any)*

Electronic Files

- The above documentation should be submitted in hard copy as well as electronically (as PDF) for the Town's files. If electronic copies are not possible, Town Staff can scan paper copies.

Application for Rezoning/Zone Map Amendment *(if applicable)*

- All rezoning applications shall meet the submittal requirements of the Town of Upland Zoning Ordinance.

100% Voluntary Annexation Requirements:

Per Indiana Code 36-4-3-5.1 owners of real property that is contiguous to the Town of Upland may petition the Town for annexation with the signatures of 100% of the property owners.

- The parcel(s) to be annexed must share a boundary that is at least 1/8 contiguous (shared) with the existing Town of Upland corporate boundary.
- The owners may request an ordinance for annexation by submitting this form.
- The petition that is part of the application must be signed by 100% of landowners.
- A written fiscal plan must be developed and approved by the Upland Town Council prior to consideration of the annexation ordinance.
- The ordinance must include a description of the boundaries of the proposed annexation area, including public rights-of-way.
- The ordinance must include approximate acreage of the proposed annexation area.
- The ordinance must include a description of any special terms and conditions of the annexation.
- The ordinance must include any real property tax abatements.
- Agricultural assessed and agricultural zoned land must be identified.
- If rezoning is requested at the time of annexation the application for a zone map amendment must be filed.

STEP THREE: FISCAL PLAN FOR ANNEXATION

The Town of Upland will be responsible for developing a written fiscal plan for annexation. The Town may contract with outside professionals to develop the written fiscal plan. Once prepared the Town Council will consider the written fiscal plan. An annexation ordinance may not be adopted until a written fiscal plan for the annexation is adopted by the Council.

STEP FOUR: PLAN COMMISSION RECOMMENDATION

If the proposed annexation is on land that is zoned agricultural or assessed as an agricultural use and the petitioner desires the zoning classification to be changed, the Plan Commission will review and make a recommendation on the zone map amendment prior to consideration by the Town Council. The Plan Commission will follow all rules and procedures for a zone map amendment including public notice and hearing requirements. If the proposed annexation area does not require rezoning Plan Commission is not involved and the annexation goes directly to Town Council for consideration. If rezoning is involved the case will receive a recommendation from the Plan Commission, which will be certified to the Town Council and considered by the Council at their next regular meeting, before the annexation ordinance. Please see the rezoning/zone map amendment application for details.

STEP FIVE: TOWN COUNCIL CONSIDERATION

Public notice and public hearing are not required for annexation under IC 36-4-3-5.1. The Council shall consider the annexation ordinance, after adoption of the fiscal plan, as it would any other ordinance. You may wish to be present at the meeting to answer questions from the Council.

STEP SIX: FILING AND RECORDING

If the Council adopts the annexation ordinance the Clerk-Treasurer will publish the notice following the process in IC 5-3-1. There is a 30-day period after publication before the annexation becomes effective. Remonstrances are not allowed for annexations under IC 36-4-3-5.1, but there is an opportunity for appeal by owners of property within one-half mile of the annexation area or another municipality in the Grant County. If an appeal is not filed 31 days after publication the annexation becomes effective and the Clerk-Treasurer will file the annexation ordinance with the Grant County Auditor within 90 days of the effective date of the annexation ordinance. The Auditor is required to notify a variety of other county and state offices.

An approved ordinance must be recorded by the Clerk-Treasurer at the Grant County Auditor's office within 90 days after the 30 day appeal period post publication of the annexation ordinance.

100% VOLUNTARY ANNEXATION APPLICATION

1. Property Owner(s)

Attach completed **Attachment A: Affidavit of Ownership**

Name:		
Address:		
Phone:	Fax:	Email:

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

Any persons identified within this section are authorized to act on behalf of the petitioner.

Check One:	<input type="checkbox"/> Attorney	<input type="checkbox"/> Agent	<input type="checkbox"/> Engineer	<input type="checkbox"/> Surveyor	<input type="checkbox"/> Other: _____
Name:					
Address:					
Phone:	Fax:		Email:		

Check One:	<input type="checkbox"/> Attorney	<input type="checkbox"/> Agent	<input type="checkbox"/> Engineer	<input type="checkbox"/> Surveyor	<input type="checkbox"/> Other: _____
Name:					
Address:					
Phone:	Fax:		Email:		

3. Site Information

If only part of a parcel is requested for the Annexation, then write "PART" after the Tax Parcel Identification Number(s). Attach location map and legal description.

Tax Parcel Identification Number(s):
Address: (Number and Street):
Address: (City, Zip Code, State):

If no address, please provide a general street location from the closest street intersection:

4. Annexation Area Information

Current Use of Property:	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Other: _____
Zoning District:	Assessment Property Class:				
Rezoning Proposed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Project Area (acres):				
Proposed Zone (if yes):	Proposed Number of Entrances/Exists:				

5. Special Terms, Conditions, or Tax Abatements

Special Terms and Conditions:
Tax Abatement Requested:

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

Signature(s) of Applicant(s):

Date:

Additional signatures may be attached. Signatures are required from 100% of the owners of all parcels in the annexation area.

Notary Statement

Sworn to and subscribed before me the

_____ day of _____, 20 _____

Notary Public in and for the State of Indiana.

Notary Public / Printed

Seal

My Commission expires: _____

For Office Use Only					
Date Filed:		Contiguity Calc:		Rezoning App Date:	
PC Hearing:		Fiscal Plan:		Council Date	
Publication Date:		Effective Date		Filed with Auditor Date:	
Decision of PC <input type="checkbox"/> Unfavorable <input type="checkbox"/> Favorable <input type="checkbox"/> Favorable with Conditions Conditions (if any):					
Decision of Council:					
Rezoning (if applicable) <input type="checkbox"/> Approve <input type="checkbox"/> Deny					
Fiscal Plan <input type="checkbox"/> Approve <input type="checkbox"/> Deny					
Annexation <input type="checkbox"/> Approve <input type="checkbox"/> Deny					

