

# Annexation

Orderly Growth and  
Administrative Requirements

## Adding New Lands by Annexation ...

- Counties are everywhere – boundaries set by state legislature
- Cities have historically been established where urbanization is occurring – boundaries set at time of creation
- Thereafter, only lands that qualify by law are eligible – in the discretion of the city council
- Procedures set by state law
- Appeals allowed in city-initiated annexations

## Key Message – Prepare Up Front!

- Have the city council decide if a proposal is worthy – before starting
- Inaccurate legal description can waste your efforts – independent review is wise
- Confirm procedures before starting
- Check compliance when preparing annexation ordinance
- Check with State Tax Commission to see that mapping works
- Confirm publication – extra notice if Category B
- Record ordinance at county

## Why Annexation?

- Owners often seek access to city-owned utilities
- Predictability of system extension
- Protection against inconsistent standards for transportation, etc.
- Avoid *de facto* build-up of unserved urban development

## Consequences of Not Annexing

- Gaps in basic systems
- Inadequate dedication and fee collection for future urban needs
- Remedial costs may be unaffordable
- Inequitable sharing of common costs
- Pressure on county budgets – paid by city taxpayers

# Procedures to Annex

- Owner-Requested (Category A)
  - Similar to zone change – requires two (2) public hearings (I.C. §50-222)
  - Completed by ordinance adoption
- Residential enclave (Category A)
  - Same procedures as owner-requested annexation
  - Surrounded by city
- City-initiated/not all owners consent (Category B)
  - Basic procedures plus ..
  - Area of city impact
  - Annexation plan
  - Findings required by statute
  - Subject to judicial review

# Owner- Requested Annexation/En clave

- Must be contiguous – touching, even at a point
- Must have an ACCURATE legal description from the start – do not wait until drafting ordinance
- Should make sense from an orderly development standpoint – consider alternative of not annexing
- Best practice - annex undeveloped land
- Annexation agreements
- Always consider how services would be delivered

## Requested Annexation (Category A)

- Lands adjacent/contiguous
- Often seeking utility access (policy implications of denial)
- Apply initial zoning
  - Public hearing
  - Zoning recommendation from p-z
- Annexation recommendation from p-z (unless no p-z)



Considerations  
For  
Owner-  
Requested  
Annexation

- Can you provide services efficiently – orderly – adequate capacity?
- What if you say no? Consequences?
- Intervening lands
- Contiguity

## City-Initiated Annexation (Category B)

- Two primary types
  - Bridging a gap to allow new development (often started by proposed development)
  - Including a substantially developed area
- Not everyone consents
- Implied consent if using utilities (pre-2008)
- Now must get executed agreement if provide utilities

# Annexation Plan – Required Components

- Manner of providing **tax-supported services**
- **Changes in taxation** – newly annexed would begin to pay city taxes
- Means of providing **fee-supported municipal services**
- Analysis of **effects of annexation on other units of government**
- Proposed **future land use and zoning**
- Publish initial notice at least 28 days in advance – notify of plan
- Notify where plan is available without charge

## Required Findings by Governing Board

- Must find **compliance with requirements of §50-222** and not subject to any conditional exceptions
- Must find that the proposed **annexation would be consistent with the public purposes** set forth in the annexation plan
- Must find that the annexation is **reasonably necessary for the orderly development** of the city
- Must be in motion by council and set forth in council minutes

Category C –  
Seek  
Professional  
Help

- Don't try Category C annexation without thorough consideration by advisers
- You start Category C behind the curve
- High potential for broad controversy

## General Considerations

- Annex before development
- Don't extend utilities outside your city limits – once you enable development – owners will try to avoid paying public costs
- When you hold public hearings, listen; don't rush through annexation
- Work with counties to build an understanding of the reasons for unified systems