

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

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

Owner-
Requested
Annexation/
Enclave



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 commission (unless no p-z)

Requested Annexation (Category A)

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

- 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

Required
Findings
by
Governing
Board

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