

**Town of Ellettsville, 221 North Sale Street, Ellettsville, IN 47429  
Clerk Treasurer Phone 812-876-3860 Fax 812-876-3491**

**Planning Director, 102 South Park Street, Ellettsville, IN 47429  
Phone 812-876-8008 Fax 812-876-8007**

### STEPS FOR VOLUNTARY ANNEXATION

1. Read enclosed voluntary annexation procedures and criteria.
2. Petition for voluntary annexation (see enclosed).
3. Meet with Planning Director to set date for public hearing.
4. Notify adjacent property owners (see attached instructions and sample letter).
5. Publish legal notice in The Journal at least twenty days before public hearing (sample enclosed).
6. Bring copies of the letters sent, certified mail receipts, and the published legal notice to the public hearing.

The assignment of zoning can be done at the time of annexation. Please follow the steps for rezoning to get a recommendation from the Plan Commission for the zoning.

Time schedule to follow to be on the agenda:

- 25 days before hearing date: Petition submitted to Planning Director along with copy of deed for preparation of annexation ordinance
- 21 days before hearing date: Information submitted to Town Engineer
- 20 days before hearing date: Letters mailed to adjacent property owners notifying them of hearing
- 11 days before hearing date: Engineer's report received by Planning Director
- 20 days before hearing date: Publication of hearing notice in newspaper
- 7 days before hearing date: Report received by Town Council

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STATE OF INDIANA    )  
                                  )  
COUNTY OF MONROE )

BEFORE THE ELLETTSVILLE  
TOWN COUNCIL

PETITION FOR VOLUNTARY ANNEXATION

The Petitioner (s) \_\_\_\_\_

Hereby petition the Ellettsville Town Council to annex the following territory, described as follows:

(Insert legal description)

The total border of this land is \_\_\_\_\_ feet, of which \_\_\_\_\_ feet are contiguous with the Town's corporate boundaries. Therefore, \_\_\_\_\_% of the borders of the proposed annexation is contiguous with the Town's corporate boundaries.

The Name and Addresses of the legal owners of the Real Estate sought to be annexed are set out in the Application for Annexation filed herewith and made a part hereof.

The Petitioners herein represent fifty-one (51) percent of the owners of land in the territory or are the owners of seventy-five (75) percent of the total assessed value of the land for property tax purposes.

THEREFORE, pursuant to I.C. 36-4-3-5, said owners request an Ordinance annexing the area described herein.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Date)

RECEIVED BY THE ELLETTSVILLE TOWN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

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Sandra C. Hash, Clerk-Treasurer

**VOLUNTARY ANNEXATIONS PROCEDURE  
AND CRITERIA FOR DEPARTMENT REVIEW AND COUNCIL ACTION**

Indiana Law (IC 36-4-3-5) provides that the owners of land located outside of but contiguous to a municipality may file with the legislative body of the municipality a petition requesting an ordinance annexing the area described in the petition.

The petition must be signed by at least 51% of the owners of land in the territory sought to be annexed; or the owners of 75% of the total assessed value of the land for property tax purposes.

If the Town Council fails to pass the ordinance within 60 days after the date of filing of the petition, the petitioners may file a petition for annexation in the circuit or superior court of the county, including a written statement of why the annexation should take place. The court then will hear the petition without a jury, and order the proposed annexation to take place if the evidence establishes that (1) Essential municipal services and facilities are not available to the residents of the territory; (2) The Town is physically and financially able to provide municipal services to the territory sought to be annexed; (3) The population density of the territory is at least 3 persons per acre; and (4) The territory is contiguous to the Town.

**WHAT CONSTITUTES CONTIGUITY?**

State law defines “contiguous” as follows: The territory is contiguous only if at least one eighth (1/8) of the aggregate external boundaries of the territory coincides with the boundaries of the Town. A strip of land less than 150’ wide, which connects the Town to the territory, is not considered a part of the boundaries of either the municipality or the territory.

**HOW DO YOU DISCOVER WHO THE OWNERS OF LAND IN THE TERRITORY ARE AND WHETHER THE PROPERTY IS CONTIGUOUS?**

The Monroe County Auditor’s Office (Court House) can provide a list of all property owners from the Auditor’s plat book or tax records.

The Ellettsville Planning Director can tell you whether the property is contiguous to the Town.

**HOW DO YOU FILE A PETITION WITH THE LEGISLATIVE BODY TO REQUEST VOLUNTARY ANNEXATION?**

Complete the information requested on the Application for Voluntary Annexation and Petition for Voluntary Annexation contained in this packet. File the Petition with the Application and a copy of the deed (s) showing current title and ownership of the property with the Town Planning Director. This constitutes filing with the legislative body and the 60-day time period will begin to run from that date.

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**WHAT HAPPENS FOLLOWING FILING WITH THE LEGISLATIVE BODY?**

The Planning Director's office will forward copies of your Petition and Application to various town departments for their review. The Town Attorney will prepare an ordinance annexing the territory, which will be placed on the Council agenda for first reading and will receive final vote at the following council meeting. The Clerk-Treasurer's Office will advise you of the dates when the ordinance will be discussed by the council.

**WHAT HAPPENS FOLLOWING PASSAGE BY THE COMMON COUNCIL?**

If the Town Council passes the ordinance, the ordinance must be published one time within two weeks of passage (I.C. 5-3-1) and the ordinance takes effect 60 days after publication (I.C. 36-4-3-5 for the procedure required for requesting Judicial Review.)

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NOTIFICATION OF ADJACENT PROPERTY OWNERS  
DETAILED INSTRUCTIONS

1. Who must be notified?

You must notify all property owners who touch your property including those across any street or alley that would touch your property if the street and/or alley were not there.

2. How do you discover who the adjacent property owners are?

Go to the Monroe County Auditor's Office and ask for the Auditor's plat book or Tax records. The list of all property owners is in this book.

2. 3. What information must the notices contain?  
(See attached form letter for suggested format.)

- A. Nature of request (i.e. change of zone, variance, home occupation permit, etc.).
- B. Time, dates and location of all hearings on the request.
- C. That under Indiana Law, any interested party may appear at said hearing(s) and voice his/her opinions on the request.

3. 4. When and how must the notices be mailed?

- A. Notices must be mailed no later than ten days prior to scheduled date of public hearings.
- B. All notices must be mailed via certified mail, return receipt requested.

4. 5. What constitutes proof of notification?

- A. Sketch map showing names of adjacent property owners (see attached example).
- B. A copy of letter sent to the specified property owners.
- C. Certified mail receipts for the letters (see attached example).

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Notice of Public Hearing

The Ellettsville Plan Commission will hold a public hearing on Thursday, \_\_\_\_\_,  
at 7:00 p.m. at the Ellettsville Fire Department Training and Conference Room, 5080  
West State Road 46, Bloomington, IN 47404 to consider a request regarding the  
following described real estate in the Town of Ellettsville, Monroe County, Indiana, for  
the purposes of

PETITIONER:  
OWNER:  
LOCATION:  
ADDRESS:

Under the provisions of Indiana Law, any interested party may appear at said hearing and  
voice his/her opinions on this request.

Publish legal notice at least twenty days before public hearing (this is the sample).

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ELLETTSVILLE TOWN COUNCIL

Notice of Public Hearing

Date \_\_\_\_\_

The Ellettsville Town Council will hold public hearings at 7:30 p.m.,

Monday, \_\_\_\_\_, at the Ellettsville Fire Department Training and  
Conference Room, 5080 West State Road 46, Bloomington, IN 47404 concerning the

Petition of \_\_\_\_\_

For the purpose of \_\_\_\_\_

For the property located at \_\_\_\_\_

And to which you are an adjacent property owner.

Under provisions of Indiana Law, you may appear and speak on the merit of this  
proposal at the public hearing at the time and date as set out herein. If you have any  
questions concerning this matter, you may telephone the petitioner (at the below listed  
number) or the Planning Director at 812-876-8008.

Ellettsville Town Council

\_\_\_\_\_  
Petitioner/Attorney for Petitioner

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

Notify adjacent property owners, sample letter.