



# ANNEXATION

## Frequently Asked Questions

As of April 29, 2021 at 9:32 a.m.

- **What is annexation?**

Annexation is a procedure for bringing unincorporated areas of a county into an adjacent incorporated city or town. In short, annexed properties become “in the city.” The process is outlined in Indiana Code 36-4-3, and allows a municipality to expand its boundaries to include existing developed or urban areas and to accommodate future growth opportunities and planning.

- **Why is the City proposing these annexations?**

Cities annex land to allow for the long-term planning necessary to accommodate a growing community and to facilitate the planning and budgeting of services and infrastructure.

Annexation is critical to the long-term health of our community. Whether we live on one side of the city limits or the other, we are one community with shared circumstances and goals. Bloomington’s economic, social, and environmental issues affect all of us. Annexation of land where growth has already occurred, and where additional growth is likely, allows the City to plan the area in a comprehensive way that promotes shared values and goals. As a result, annexed areas benefit from adequate roads, parks, and open space, as well as services such as policing and trash and recycling collection that may be efficiently and economically provided.

In many successful cities, annexation is a regular, continual process that allows a city to keep pace with natural increases in population and development; until 17 years ago, Bloomington was no exception. The original town platted in 1818 stretched four blocks east and west of the downtown square and two blocks north and south. Today, after hundreds of annexations -- 591 since 1940 alone -- Bloomington comprises just over 23 square miles.

Several decades ago, the County and City agreed on a “Two-Mile Fringe” as a planning jurisdiction boundary. At the time, the County did not have a comprehensive plan for development and land use. The City and County agreed that the City would be the most

appropriate planning authority over these areas that were likely to become part of the City in the future through annexation. Later, as the County began to develop its planning capabilities, the City and County negotiated an agreement granting the City planning jurisdiction over a somewhat smaller unincorporated area, which became known as the “AIFA,” or Areas Intended for Annexation. The AIFA was intended to be in place for sufficient time to allow the City to annex the areas over a multi-year period. Some portions of the AIFA were annexed. In other portions of the AIFA, planning jurisdiction was turned back over to the County when the agreement expired and the City had not pursued annexations. Meanwhile, the former AIFA and the original two-mile fringe have continued to develop as anticipated, and the eight areas proposed for annexation comprise an area that is somewhere between those two previously delineated boundaries.

Apart from the voluntary annexation of a single property in 2007, Bloomington’s last annexation was in 2004. As a consequence, the city’s boundaries no longer correspond to the extent of our community, which has experienced tremendous growth outside the city limits over the last 17 years. Many of the areas currently proposed for annexation have been identified for decades as areas to be annexed, and many of the current or prior property owners agreed to be annexed in the future in exchange for City sewer service.

Some of the areas proposed for annexation are islands completely surrounded by the city, while others have developed outside the existing boundaries as a part of the Bloomington community. The proposed annexation will allow all households and businesses to be a part of the same future. It will allow the greater community to enjoy improved and more efficient delivery of local government services. The annexation will also allow the City to promote and stimulate economic development and diversity of uses around the I-69 corridor, which is also proposed for annexation.

- **What is the procedure for annexation?**

The procedure for annexation is detailed in the Indiana Code and generally includes the following steps, some of which have already been completed:

- Mail notice to every property owner in the proposed annexation area of the dates and times for 6 public outreach sessions
- Hold the public outreach sessions
- Introduce the annexation ordinances in a City Council meeting and adopt fiscal plans
- Publish and provide notice to property owners of upcoming public hearings on the ordinances
- Hold the public hearings
- Hold City Council meeting to consider adoption of the ordinances
- Publish the adoption of the ordinances and mail information to property owners about the remonstrance process (the legal process by which property owners may formally object to the proposed annexation)

- **When did Bloomington’s current annexation process begin? Why was it stalled?**

Bloomington began the current annexation process in February of 2017. On March 29, 2017, the City Council introduced the ordinances and adopted the fiscal plans. Six public outreach sessions had already taken place, and notice of the public hearings had already been mailed to every property owner when, on April 21, 2017, the Indiana legislature passed a law that terminated Bloomington’s, and only Bloomington’s, annexation. The law also prohibited any annexation of the proposed areas until 2022. The City sued the State of Indiana and the case went all the way to the Indiana Supreme Court, which issued a decision on December 15, 2020 in favor of the City. The Court held that the law preventing Bloomington’s annexation efforts was unconstitutional.

Bloomington is now continuing its annexation from the point at which it was unconstitutionally terminated in 2017. The City is considering the same eight areas for annexation and is committed to ensuring that all members of the public, including potentially affected residents, have an opportunity to provide input and be fully informed about how any changes may affect them. The City Council will first adopt updated fiscal plans for the annexation areas, and the next step will be to provide notice to every owner of property in the proposed annexation areas that there will be a public hearing on the ordinances. After the public hearing, the City Council will have the opportunity in another public meeting to adopt the ordinances.

- **Am I in the annexed area?**

Please visit our website at [bloomington.in.gov/annex](http://bloomington.in.gov/annex) to view maps of the potential annexation areas and to search for an address using the property lookup tool.

- **What are the next steps in this process? How long will the process take?**

The currently anticipated timeline is as follows:

- May 12: City Council considers adoption of amended fiscal plans and a request for technical updates to the 2017 ordinances for the proposed annexation areas
- Publish and provide notice to property owners of upcoming public hearings to review and evaluate boundaries proposed by ordinances
- July 21: Hold the public hearings
- September: Hold City Council meeting to consider adoption of the ordinances
- Within 30 days of adoption: Publish the adoption of the ordinances and mail information to property owners about the remonstrance process

As this timeline demonstrates, the process for the City to consider approving the annexations could be completed this year. If adopted, the City proposes to delay the effective date until January 1, 2024, which means the areas would not be “in the city”

until 2024, even if the ordinances are adopted this year.

● **Will taxes increase on the annexed land?**

Annexation generally adds a municipal layer of property taxes to the existing tax layers on a property (school, county, township, library, etc.), and the City anticipates that most properties in the annexation areas would experience a tax increase after the annexation is effective (currently planned for 2024, with property taxes payable the following year, in 2025). Property owners may benefit from an increased federal income-tax deduction as a result of the increased property tax obligation. Property zoned agricultural would likely not see an increase unless/until the property is rezoned and developed with the landowner's permission. See below for information about possible sewer rate reductions as well.

Notably, even after annexation, the estimated property taxes would be substantially lower than comparable communities around the state and surrounding areas because of the relatively low property tax rate in Monroe County.

● **Once annexed, when do City taxes show up on property tax bills?**

Under the current plan, not until 2025 (taxes assessed in 2024 and payable in 2025).

● **What services does the City provide to the areas that are annexed?**

Upon annexation, the areas are generally assured of receiving City services in the same manner they are provided or made available to the City's current residents and businesses. The areas proposed for annexation would receive the following enhanced services:

- City police services, including more police officers
- City street maintenance and snow plowing
- Sidewalk/path construction and maintenance
- Stormwater management
- Curbside trash and recycling collection
- Tenant/landlord resources, including rental housing safety inspections
- Neighborhood grants funding infrastructure and programming
- Water and sewer service (see next question)
- Opportunities for transit expansion
- Opportunities for additional parks, trails, and playgrounds
- Access to additional programming, resources, and services from City departments including Parks and Recreation, Housing and Neighborhood Development (HAND), Community and Family Resources (CFRD), Economic and Sustainable Development (ESD), and others

One exception to the services the City would provide is fire services. In 2019, after the state had unlawfully stopped Bloomington's annexation, the Indiana legislature passed a law that prohibits cities of a certain size from providing fire services to annexed areas that are part of a fire district. This law applies to Bloomington, so at this time the City would not be permitted to provide fire services to any portion of the proposed annexation areas that lie within the Monroe Fire Protection District (MFPD) (although the Bloomington Fire Department and MFPD do provide mutual aid to one another when requested, per agreement). However, for purposes of illustration, the City has included in the fiscal plans both scenarios -- the fiscal impact *with* Bloomington fire services, and the impact *without* those services. The fiscal plans show that if the City were permitted to provide fire services, there would be more firefighters, new stations, and lower insurance costs for residents of the annexed areas due to the City's excellent fire insurance rating.

Additional benefits enjoyed by City residents include eligibility to vote in all municipal elections, to be elected to City offices, and to serve on a variety of appointed City boards and commissions. Being a resident means actively participating in the future of your community and the opportunity to let your voice be heard.

- **Will my sewer or water service change with annexation?**

The City is already the water provider to all areas, and the primary sewer provider to many of the proposed annexation areas. However, for those property owners in the annexed areas who are not currently on City service, the annexation may make sewer extensions available to those property owners who want them, as well as to developers, if feasible. Property owners in the proposed annexed areas who are already using the City's sewer service will experience an average reduction in their sewer rates of approximately 12%.

- **How much land is the City proposing for annexation?**

The total number of acres being proposed for annexation is 9,255. The approximate acreage for each annexation area is as follows\*:

- o Area 1a (South-West A) – 3,232
- o Area 1b (South-West B) – 1,755
- o Area 1c (South-West C) – 47
- o Area 2 (South-East) – 2,890
- o Area 3 (North Island) – 110
- o Area 4 (Central Island) – 93

- o Area 5 (South Island) – 232
- o Area 7 (North) – 896

\*Area 6 (Northeast) was removed from consideration when the Council declined to introduce the ordinance in 2017 based on public input.

● **What is the total parcel count for the annexation areas?**

The total number of non-right-of-way parcels is about 6,636. The total number of parcels, including parcels that consist of public right-of-way, is 6,859.

● **What is the population of the areas proposed for annexation?**

Based on the most recent available census data, the estimated populations in the eight different annexation areas are as follows:

- o Area 1a (South-West A) – 3,987
- o Area 1b (South-West B) – 4,566
- o Area 1c (South-West C) – 79
- o Area 2 (South-East) – 3,888
- o Area 3 (North Island) – 366
- o Area 4 (Central Island) – 420
- o Area 5 (South Island) – 956
- o Area 7 (North) – 115

● **Will annexation affect where my child attends school?**

Annexation will have no effect on school district boundaries, nor will it have any effect on where your child attends school.

● **Will annexation change my current zoning and property use?**

The City updated its zoning code in 2020 and 2021. Some current county zoning is not replicated in the City’s code and might need to be added. In the end, some zoning will likely remain the same and some may change, but as is discussed below, current property uses in the annexed areas will not need to change. Any legal use of land prior to the effective date of the annexation that ultimately conflicts with the City’s zoning code or future rezonings will still be permitted as a legal non-conforming use (i.e., it is “grandfathered”). So, for example and with respect to animals such as horses, the City currently has more restrictive rules for livestock than the County. But if a property in an annexation area already has animals, that existing use will be grandfathered and not subject to City standards unless changes to the property use are made.

Another example is signage. Newly annexed areas will be subject to the signage standards in the City's Unified Development Ordinance only when they seek to change the existing signage on a property or erect new signage not already in place. Any existing signage installed under County standards may remain in place and will be grandfathered, until such time as a change is made to the signage. Some provisions of the sign standards will apply, however; for example, signs in public rights-of-way.

While existing non-conforming property uses may remain in place, certain practices currently permitted in the county would not be grandfathered in the same way if they constitute health and safety violations per City code, including open burning, shooting guns, or violating the noise ordinance.

- **What City Council districts will each of the proposed areas be assigned to?**

They will be assigned to a Council district in the annexation ordinance(s), and the City anticipates redistricting after the annexations are effective, depending on which annexations become effective.

- **Why is the City proposing to annex these specific parcels or areas?**

The City proposed the overall annexation areas based on a variety of factors, including increases in population and density of development, opportunities for future growth, the I-69 expansion, and the City's existing services.

- **Who can I contact if I have more questions?**

During the current public health emergency, the City encourages residents to interact with the City over the phone or online in order to limit the spread of COVID-19. Please visit our website at [bloomington.in.gov/annex](https://www.bloomington.in.gov/annex) for more information and to provide your comments at the submission form link. You may also contact the City by phone at 812-349-3808. These channels will be monitored and input reviewed on a daily basis.

- **Why does my property have a remonstrance waiver, and does that mean I cannot protest annexation even if it was a previous landowner who acquired the waiver?**

Your property has a remonstrance waiver because either you or a previous owner of your property signed a waiver with the City in exchange for sewer service. A waiver binds whoever signed it and whoever subsequently owns the property to which the waiver applies. Legal objections to an annexation are only valid for individuals who do not have a valid waiver associated with their property.

- **Can I remove the remonstrance waiver from my property?**

Homeowners cannot remove a waiver from their property. Only a court could declare a waiver invalid during a remonstrance trial.

- **Why were county residents in proposed annexation areas not surveyed first before initiating this process?**

The annexation process is very strictly delineated in the state code and must be closely followed. Surveying residents in the proposed annexation areas is not a step in the required process.

### **What if I want to stop the annexation in my area?**

The City encourages you to consider the benefits and opportunities that expanding the city limits will have for you personally and for the long-term health of our community before opposing the prospect of becoming part of Bloomington. The City is committed to engaging in a respectful discussion about annexation and invites you to do the same. There will continue to be numerous opportunities to voice your concerns.

Ultimately the City Council has the authority to approve the annexations and the proposed boundaries. A formal public hearing before the Council is scheduled for July 21. If the City ultimately adopts one or more annexation ordinances, there will be a 90-day opportunity for those properties that do not have a remonstrance waiver to sign a remonstrance petition. The City will provide more information about the remonstrance process after any such ordinance is adopted.