



TOWN OF BRISTOL, INDIANA APPLICATION FOR VOLUNTARY ANNEXATION

Bristol Town Manager | (574) 848-4853 | 303 E. Vistula St., Bristol, IN 46507

INSTRUCTIONS AND FILING PROCEDURE FOR SUPER VOLUNTARY ANNEXATIONS

Super voluntary annexation into the Town of Bristol, Indiana (the “Town”) is handled in accordance with Indiana Code § 36-4-3-5.1 (“Super Voluntary Annexation”). Owners of land that is located outside by contiguous to the Town’s corporate limit may file a petition with the Town Council requesting an ordinance annexation the area described in the petition. Property is “contiguous” only if at least one-eighth (1/8) of the aggregate external boundaries of the real estate coincides with the boundaries of the Town. In determining if a parcel is contiguous, a strip of land less than one hundred fifty (150) feet wide which connects the annexing Town to the real estate is not considered a part of the boundaries of either the Town or the territory sought to be annexed.

The Bristol Town Council shall consider all applications for Super Voluntary Annexation. Super Voluntary Annexation petitions shall be filed by the property owner(s) (the “Petitioner”). The following information is provided as a guide for filing Super Voluntary Annexation petitions. Full responsibility for handling and following through on a Super Voluntary Annexation petition rests with the Petitioner. The importance of verifying and submitting a correct legal description, as well as all other required information pertinent to the consideration of the Super Voluntary Annexation cannot be over-emphasized. The Town Manager will gladly answer any questions you may have. Please note it is not the Town Manager’s function to prepare the annexation petition. If you are unable or do not feel comfortable preparing your annexation petition, we would strongly recommend that you consult or hire an attorney to prepare it for you.

APPLICATION

Pre-Application Meeting: Prior to the intended filing, the Petitioner must discuss the potential voluntary annexation with the Town Manager for the purpose of becoming familiar with requirements, procedures, deadlines, and hearing. The Town Manager can be reached at the phone number listed at the top of these instructions.

Making Application: The Petitioner must submit the annexation application to the Town Manager (via email at MikeYoder@bristolindiana.org) at least three weeks before the scheduled Bristol Town Council meeting. A complete application with all required attachments must be submitted. If the application is not complete, it will be returned to the Petitioner with the deficiencies identified.

Items Required for a Complete Application:

- ☐ **Application Fee:** \$500 payable to the Town of Bristol, Indiana.
- ☐ **Application Form:** All items must be fully completed and either typewritten or printed in ink. The application must be signed by the Petitioner.
 - **Attachment A:** Petition for Voluntary Annexation



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- **Attachment B:** Notice of Public Hearing
 - The Clerk-Treasurer will advertise this Notice of Public Hearing in *The Elkhart Truth* and *The Goshen News* no less than twenty (20) days prior to the date of the Town Council meeting in which the public hearing will be held. A template notice is included as Attachment B. Please complete this template notice and provide a word copy to the Town Manager with your annexation application.
- **Attachment C:** Annexation Ordinance*
- **Attachment D:** Resolution Approving Fiscal Plan*
- **Attachment E:** Proposed Timetable for Annexation
- ☐ **Proof of Ownership:** A copy of the deed for each parcel to be annexed to verify ownership.
- ☐ **Legal Description and Survey:** A legal description and survey (if available) of the subject property is required. The abbreviated legal description shown on a tax form is not an acceptable legal description.
- ☐ **Site Map:** 11" x 17" or smaller in size showing the existing structures, proposed structures (if applicable), streets, land uses, etc. of the property.
- ☐ **Contiguity:** A document verifying the percentage of land contiguous to the existing Town limits. Please contact the Town Manager if you need assistance with verifying contiguity.
- ☐ **Supplemental Information:** Any supplemental information you wish to provide to the Town.

Failure to meet any of the above requirements will result in your application not being accepted by the Town Manager until such time as said requirements are met.

* The Ordinance and Resolution numbers will be assigned by the Town Clerk-Treasurer upon filing of the annexation application. Please provide word copies of the Annexation Ordinance and Resolution to the Town Manager with your annexation application.



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ANNEXATION PROCESS

- **First Reading of Annexation Ordinance:** The Town Council will hold a public hearing regarding the annexation petition and complete the first reading of the Annexation Ordinance. The Town Council meets the first and third Thursday of each month.
 - You or your designated representative must be present at this Town Council meeting to make a presentation and answer any questions that may arise. You may use any evidence that will assist in the presentation. If the members of the Town Council need additional information, they will ask questions regarding your voluntary annexation request.
 - After you have completed your presentation, public comment will be heard for or against your petition.
 - You may be allowed to respond to any comments or answer any questions which may arise concerning your petition; that is at the discretion of the President of the Town Council.
- **Adoption of Fiscal Plan and Final Reading of Annexation Ordinance:** The Town Council will meet no sooner than fourteen (14) days after the public hearing. At this meeting, the Town Council will first review and adopt the fiscal plan for the annexation territory and then take final action on the Annexation Ordinance.
- **Publication of Adopted Annexation Ordinance:** If approval is given by the Town Council, the Annexation Ordinance shall take effect not less than thirty (30) days after adoption and upon the filing and recording of the Annexation Ordinance in accordance with Indiana Code § 36-4-3-22.

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TOWN OF BRISTOL, INDIANA
APPLICATION FOR VOLUNTARY ANNEXATION

Bristol Town Manager | (574) 848-4853 | 303 E. Vistula St., Bristol, IN 46507

1. PETITIONER / PROPERTY OWNER:

Petitioner:*

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

Owner (if different from applicant):

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

2. PETITIONER'S ATTORNEY / CONTACT PERSON AND PROJECT ENGINEER:

Attorney/Contact Person:

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

Project Engineer (if any):

Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

3. PROJECT INFORMATION:

General Location of Property (address and
parcel numbers): _____

Additional Project Information: _____

Current Use: _____

Current Zoning: _____

Proposed Use: _____

Proposed Zoning: _____

Area (in acres): _____

Project Cost: _____

Project Start Date: _____

Project Completion Date: _____

4. ATTACHMENTS:

- | | |
|---|--|
| <input type="checkbox"/> Petition for Voluntary Annexation / Filing Fee | <input type="checkbox"/> Notice of Public Hearing [†] |
| <input type="checkbox"/> Proof of ownership (copy of deed(s)) | <input type="checkbox"/> Legal Description |
| <input type="checkbox"/> Contiguity calculation | <input type="checkbox"/> Site Map |
| <input type="checkbox"/> Timetable | <input type="checkbox"/> Supplemental Information (if any) |

* If the Petition is filed by any person other than the legal owner or the owner's attorney, written authorization of the legal owner authorizing the person to act as the owner's agent for Petition purposes must be filed with the Petition.

[†] Petitioner must provide the Town Manager with copies of the proofs of publication of the Notice of Public Hearing and affidavits of publication once those are received from the newspapers.

APPLICATION FOR VOLUNTARY ANNEXATION INTO
THE TOWN OF BRISTOL, INDIANA

WHEREFORE, Petitioner hereby executes this Application for Voluntary Annexation into the Town, states the above information is true and correct as of the date hereof, and consents to its filing with the Town Council.

Date: _____, _____

By: _____

Name: _____

Title: _____

ATTACHMENT A

PETITION FOR VOLUNTARY ANNEXATION INTO THE TOWN OF BRISTOL, INDIANA

The undersigned (the “Petitioner”) hereby submits this Petition for Voluntary Annexation (this “Petition”) into the Town of Bristol, Indiana, a municipal corporation existing under the laws of the State of Indiana (the “Town”), in accordance with Indiana Code § 36-4-3-5.1, as amended, and in support thereof, represents and warrants to the Town as follows:

1. _____, is the owner of the real property located at _____, _____, Indiana, and identified in the Elkhart County, Indiana property records as Parcel Number(s) _____, as more particularly described in Exhibit A and depicted in Exhibit B each attached hereto and incorporated herein by reference (the “Territory”).
2. Petitioner constitutes one hundred percent (100%) of the owners of the Territory and is the true, rightful and complete owner of the Territory as described herein.
3. Petitioner has the authority to execute this Petition and any other documents necessary to effectuate annexation of the Territory into the Town.
4. The Territory is located in Washington Township, Elkhart County, Indiana (the “Township”).
5. The land use of the Territory sought to be annexed is currently zoned _____ and Petitioners will seek to rezone the Territory to _____ following the annexation.
6. Petitioner is not aware of the Township’s participation in a reorganization which would prohibit the Town from adopting an annexation ordinance for the Territory.
7. Petitioner has verified that more than one-eighth (1/8) of the aggregate external boundaries of the Territory coincides with the corporate boundaries of the Town. (Note: Contiguous means that at least 1/8 of the aggregate external boundaries of the Territory coincides with the boundaries of the Town. In determining if a parcel is contiguous, a strip of land which is less than 150 feet wide connecting the Town to the Territory is not considered a part of the boundaries of either the Town or the Territory.)
8. The Territory is contiguous to public highways and the public right-of-ways thereof (collectively, the “Public Ways”). (Note: The Town cannot annex a public highway or right-of-way of a public highway in order to reach the Territory).

(Signature Page to Follow)

PETITION FOR VOLUNTARY ANNEXATION INTO THE TOWN OF BRISTOL, INDIANA

WHEREFORE, Petitioner hereby executes this Petition for Voluntary Annexation into the Town, consents to its filing with the Town Council, and requests the Town Council adopt an ordinance annexing the Territory, and the contiguous areas of the Public Ways, into the Town in accordance with Indiana Code § 36-4-3-5.1.

_____,

By: _____

Name: _____

Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public, in and for said County and State, personally appeared _____ in his/her capacity as the _____ of _____, _____, who acknowledged the execution of the foregoing instrument as such _____ acting for and on behalf of said company and who acknowledged the execution of the foregoing instrument as his/her free and voluntary act and deed, and for the use and purposes contained therein.

Witness my hand and Notarial Seal this ____ day of _____, 20____.

Notary Public

Printed Signature

My Commission Expires:

My County of Residence:

EXHIBIT A

Legal Description

EXHIBIT B

Map of Annexation Territory

ATTACHMENT B

NOTICE OF PUBLIC HEARING ON A
PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF BRISTOL, INDIANA

Notice is hereby given that the Town Council (the "Council") of the Town of Bristol, Indiana (the "Town"), on _____, 20__ at 7:00 p.m. (local time), at the Town Hall, 303 East Vistula Street, Bristol, Indiana 46507, will hold a public hearing during the regular meeting of the Council upon a proposed ordinance (the "Ordinance") annexing real property located outside but contiguous to the corporate limits of the Town, consisting of _____ parcels located at _____, Washington Township, Elkhart County, Indiana and identified in the Elkhart County, Indiana property records as Parcel Number(s) _____, consisting of approximately _____ acres (the "Annexation Territory"). _____, _____, the 100% owner of the Annexation Territory, filed a petition for voluntary annexation into the Town with the Council on _____, 20__ requesting the Ordinance (the "Petition"). The Petition, proposed Ordinance and map and legal description of the Annexation Territory are available for inspection by the public at the office of the Clerk Treasurer, located at 303 East Vistula Street, Bristol, Indiana 46507. The Council reserves the right, prior to taking final action, to amend the Ordinance. At the public hearing, all interested persons will have the opportunity to testify and be heard concerning the proposed Annexation Territory. The hearing may be continued to a later date or dates. For further information, please contact Mike Yoder, Bristol Town Manager, at (574) 298-3331.

Dated: _____, 20__

TOWN COUNCIL OF THE TOWN
OF BRISTOL, INDIANA

[Please insert the date of publication at end of notice. To the extent you maintain an internet website, please also post on the website on the same date as publication in the newspaper.]

[Publish no later than _____, 20__]

ATTACHMENT C

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN
OF BRISTOL, INDIANA ANNEXING CERTAIN TERRITORY
AND DECLARING THE SAME TO BE A PART OF THE TOWN
OF BRISTOL, INDIANA

WHEREAS, the Town Council (the “Council”) of the Town of Bristol, Indiana (the “Town”) has the authority to annex lands into the Town pursuant to Indiana Code § 36-4-3 (the “Act”); and

WHEREAS, the Council received a petition for voluntary annexation into the Town (the “Petition”); and

WHEREAS, the Petition requests that _____ parcels along _____, Washington Township, Elkhart County, Indiana, and identified in the Elkhart County, Indiana property records as Parcel Number(s) _____, consisting of approximately _____ acres (the “Annexation Territory”), be annexed by the Town; and

WHEREAS, the Petition has been signed by one hundred percent (100%) of the owners of land within the Annexation Territory; and

WHEREAS, a legal description and map of the Annexation Territory are attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by reference; and

WHEREAS, the Annexation Territory is contiguous to the current boundaries of the Town in accordance with Section 1.5 of the Act and has not been previously annexed; and

WHEREAS, the Annexation Territory is currently zoned under Elkhart County zoning as _____; and

WHEREAS, the Council has adopted, by resolution, a fiscal plan for the annexation of the Annexation Territory in accordance with Section 3.1(d) of the Act; and

WHEREAS, the Council has conducted a public hearing on _____, 20____, as required by law with regard to the annexation of the Annexation Territory; and

WHEREAS, the Council now finds that the statutory criteria under the Act for annexation have been met.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. In accordance with Section 5.1 of the Act, the Annexation Territory is hereby annexed to and declared to be part of the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
- Section 3. The Annexation Territory is to further include the contiguous public highways and rights-of-way of the public highways which are adjacent to the Annexation Territory pursuant to Section 2.5 of the Act.
- Section 4. The Annexation Territory shall not be assigned to any Town Council District as the Town has abolished the Town's Council Districts under Indiana Code 36-5-2-4.1.
- Section 5. The Annexation Territory shall retain the _____ zoning classification following the annexation into the Town upon the effective date of this Ordinance.
- Section 6. This Ordinance shall be in full force and effect upon its passage by the Council, and its publication and filing, upon the passage of the applicable thirty (30) day waiting period, in the absence of remonstrance and appeal, all as provided by the Act.
- Section 7. That all ordinances or parts thereof in conflict herewith are hereby repealed.

* * * * *

ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA, ON
THIS ____ DAY OF _____, 20__.

TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

Prepared by and return after recording to:

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security
Number in this document, unless required by law. _____

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B

MAP OF THE ANNEXATION TERRITORY

ATTACHMENT D

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
BRISTOL, INDIANA, ADOPTING A FISCAL PLAN FOR THE
ANNEXATION OF CERTAIN TERRITORY INTO THE TOWN

WHEREAS, the Town Council (the “Council”) of the Town of Bristol, Indiana (the “Town”) is considering the voluntary annexation of certain territory into the Town; and

WHEREAS, the area to be annexed is legally described and depicted in Appendix II to the Fiscal Plan (as defined herein) (the “Annexation Territory”); and

WHEREAS, pursuant to Indiana Code § 36-4-3-3.1(d), the Council is required to adopt a written fiscal plan and establish a definitive policy, by resolution, that meets the requirements set forth in Indiana Code § 36-4-3-13 for the Annexation Territory, prior to adopting an annexation ordinance; and

WHEREAS, the required fiscal plan, included as Exhibit A (the “Fiscal Plan”) and attached hereto and made a part hereof, has been prepared and presented to this Council for consideration; and

WHEREAS, the Fiscal Plan has been reviewed and complies with the requirements of Indiana Code § 36-4-3-13.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bristol, Indiana meeting in regular session as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. The Fiscal Plan is hereby approved and adopted for the Annexation Territory.
- Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA THIS
____ DAY OF _____, 20____.

TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

EXHIBIT A

FISCAL PLAN

(To be attached)

ATTACHMENT E

PROPOSED TIMETABLE AND CHECKLIST FOR VOLUNTARY ANNEXATION INTO THE TOWN OF BRISTOL, INDIANA

<u>Date</u>	<u>Activity</u>	<u>Responsible Party</u>	<u>Completed</u>
<hr/>	<ul style="list-style-type: none">• Submit notice of public hearing regarding the Petition for Voluntary Annexation to <i>The Elkhart Truth</i> and <i>The Goshen News</i>.	Petitioner	<hr/>
<hr/>	<ul style="list-style-type: none">• Notice of public hearing regarding the Petition for Voluntary Annexation published one time in <i>The Elkhart Truth</i> and <i>The Goshen News</i> (at least 20 days prior to public hearing).	Newspapers	<hr/>
<hr/>	<ul style="list-style-type: none">• Petition for Voluntary Annexation received from Petitioner.	Petitioner	<hr/>
<hr/>	<ul style="list-style-type: none">• Town Council holds a public hearing on the Annexation Ordinance (must be 20 days after notice of public hearing is published in the newspapers).	Town Council	<hr/>
<hr/>	<ul style="list-style-type: none">• Fiscal Plan prepared by Town's Municipal Advisor (one week prior to Town Council meeting to adoption of Fiscal Plan).⁴	Municipal Advisor	<hr/>
<hr/>	<ul style="list-style-type: none">• Town Council adopts Resolution Approving Fiscal Plan (the fiscal plan must be adopted before the adoption of the Annexation Ordinance).	Town Council	<hr/>
<hr/>	<ul style="list-style-type: none">• Town Council adopts Annexation Ordinance (the Annexation Ordinance may not be adopted earlier than fourteen (14) days after the public hearing).		
<hr/>	<ul style="list-style-type: none">• Annexation Ordinance submitted for publication one time in <i>The Elkhart Truth</i> and <i>The Goshen News</i>.	Clerk-Treasurer / Town Attorney	<hr/>
<hr/>	<ul style="list-style-type: none">• Annexation Ordinance published one time in <i>The Elkhart Truth</i> and <i>The Goshen News</i>.	Newspapers	<hr/>

⁴ Date to be confirmed by Municipal Advisor.

<u>Date</u>	<u>Activity</u>	<u>Responsible Party</u>	<u>Completed</u>
_____	<ul style="list-style-type: none"> • End of remonstrance period (30 days after publication of Annexation Ordinance). 		_____
_____	<ul style="list-style-type: none"> • File Annexation Ordinance with the County Auditor, Circuit Court Clerk, and Board of Registration (if a board of registration exists) of Elkhart County, the Office of the Secretary of State of Indiana, and the office of census data. 	Clerk-Treasurer / Town Attorney	_____
	<ul style="list-style-type: none"> • Record Annexation Ordinance with the Elkhart County Recorder. Annexation Ordinance becomes effective upon recording. 		