



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

ANNEXATION/ZONING PROCEDURE

Annexation with zoning request petitions may be filed by a property owner or their attorney. The following information is provided as a **guide** for filing petitions.

Full responsibility for handling and following through on a given petition rests with the individual filling. We cannot over-emphasize the importance of verifying and submitting a **correct legal description**, as well as all other required data pertinent to the consideration of a given request.

The City Planning staff will gladly answer any questions, but it is not their function to prepare the petition, the surrounding property owner list, nor the stamped and addressed envelopes. If an individual does not feel they are capable of following this guideline, we would strongly suggest they consult their attorney and have it prepared for them.

NOTICE: Incomplete submittals will not be accepted.

All petitions are to be legibly prepared in **TRIPLICATE** with original signatures on 8½" by 11" paper and filed with the Department of City Planning, along with cash or check payable to the *City of Mishawaka* in the amount of **\$300.00 (under 10 acres), or \$500.00 (over 10 acres)**.

The following items shall be filed with the petition for annexation:

- A list of all property owners of record within 300 feet of the subject property, provided by Planning Staff.
- Business size (4½" by 9½"), stamped envelopes addressed to all property owners within 300 feet of the subject property boundary lines (*the list you received from Planning staff*). **Do not** put a return address on the envelopes; the Plan Department address will be stamped on. If you are using a stamp meter, do not date.
- A conceptual site plan.

A copy of the petition will be forwarded to the City Clerk who will place it on the Common Council agenda. The petition is read before the Council and referred to the Plan Commission for public hearing and recommendation.

The petitioner will receive written notice from the Plan Commission as to the time and place of the public hearing. The petitioner or his designated representative **must be present** and be prepared to give the Commission a full explanation of the proposal and to answer any questions of the Commission. After the hearing, the Commission will send their recommendation to the Common Council.

In turn, the Common Council will have first reading of the proposed ordinance (your request). At the first reading with the Council, public comment is not accepted. The City Clerk's office will schedule the second reading/public hearing where public comment will be accepted. It is the responsibility of the petitioner to establish the date and time that the second reading/public hearing will be held and to be present for that hearing. **There will be no personal notification given for the Common Council public hearing.**

The normal sequence for a petition would be for the Council to have first reading of the proposed ordinance at their next meeting following receipt of the Plan Commission recommendation, and to schedule the public hearing at their succeeding meeting. *This will not necessarily always be the timetable followed*, therefore, the petitioner must assume the obligation of determining the date for the Council public hearing by contacting the **City Clerk at (574) 258-1616**. Failure to attend the Council hearing most likely will result in at least a two week delay.

Please note: The Common Council makes the final decision on all petitions requesting rezoning, annexation/zoning, and vacation of public right of way. The Plan Commission functions as an advisory body and makes recommendations to the Council. The Common Council is under no obligation to accept the recommendation of the Plan Commission.

PLAN COMMISSION STAFF IS THE MISHAWAKA CITY PLAN DEPARTMENT

Ken Prince ASLA, AICP	Executive Director
Derek Spier, AICP	City Planner
Christa Hill	Senior Planner
Shad Annis	Associate Planner
Donna Burkart	Administrative Planner

Telephone 574-258-1625

Fax 574-968-6999

Office Hours 8:30 – 4:45
Monday - Friday

DATE:

This is not a fill in form. It is to be used merely as a guide in preparing your petition.

TO THE:

Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: Petition for Annexation and Zoning Classification

The undersigned (*names of titleholder(s) of record*) respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

(Give accurate, complete legal description and the common address or a definitive common location).

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located (*state where the real estate is located*) and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a (*state zoning classification desired*) District. Petitioners further state they intend to utilize said land for (*state intended use*).

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a (*state zoning classification*).

Property Owner Signature

Print Property Owner Name

Contact Person:

NAME
ADDRESS
TELEPHONE NUMBER
EMAIL