

PROPOSED AMENDMENT

HB 1362 # 2

DIGEST

Annexation. Provides that the municipality may collect signatures for the petition by mail on a form prescribed by the municipality as long as the signature is made under oath or affirmation. Provides that a landowner may enter into an agreement to consent to a future annexation in certain circumstances.

- 1 Page 2, between lines 29 and 30, begin a new paragraph and insert:
2 "**(i) This subsection applies after May 14, 2025. If service is**
3 **ordered under this chapter, a receiver of that service that is located**
4 **in an unincorporated area may enter into an agreement described**
5 **in IC 36-4-3-5.5(i) with a municipality providing the service. An**
6 **agreement under this subsection:**
7 **(1) provides that the landowner consents to a future**
8 **annexation of the property by a municipality and the**
9 **landowner will be included on a petition under IC 36-4-3-5.5**
10 **in accordance with the terms set forth in IC 36-4-3-5.5(i); and**
11 **(2) may be one (1) of the terms for connection and service**
12 **described in subsection (a).**
13 **The agreement, if granted, shall be noted on the deed of each**
14 **property affected and recorded as provided by law and is**
15 **considered a covenant running with the land."**
16 Page 8, line 37, delete "After" and insert "**Except as provided in**
17 **subsection (i), after"**.
18 Page 9, between lines 8 and 9, begin a new line blocked left and
19 insert:
20 **"The municipality may collect signatures for the petition by mail**
21 **on a form prescribed by the municipality that meets the**
22 **requirements of this section as long as the signature is made under**
23 **oath or affirmation."**
24 Page 10, between lines 11 and 12, begin a new paragraph and insert:
25 **"(i) A receiver of service under IC 13-18-15, IC 36-9-22, or**
26 **IC 36-9-25-14 whose property is located in an unincorporated area**

1 may enter into an agreement to provide consent to a future
 2 annexation in accordance with the requirements set forth in this
 3 section. A landowner who signs an agreement under this subsection
 4 shall be included in the petition described in subsection (c).
 5 However, an agreement under this subsection is subject to the
 6 following:

7 (1) The agreement is void unless the agreement is recorded:

8 (A) not later than thirty (30) business days after the date
 9 the agreement was executed; and

10 (B) with the county recorder of the county where the
 11 property subject to the agreement is located.

12 (2) An agreement that is not void under subdivision (1)
 13 expires not later than fifteen (15) years after the date the
 14 agreement is executed.

15 A municipality shall provide written notice to any successor in title
 16 to the property within a reasonable time after the deed is recorded,
 17 that an agreement has been made with respect to the property in
 18 accordance with this subsection. This subsection does not
 19 invalidate an annexation that was effective on or before May 15,
 20 2025."

21 Page 36, line 26, after "subsection (c)" delete "," and insert "**or**
 22 **(m)**,".

23 Page 36, line 27, after "subsection (c)" insert "**or (m)**".

24 Page 36, line 29, after "subsection (c)" insert "**or (m)**".

25 Page 38, between lines 3 and 4, begin a new paragraph and insert:

26 "**(m) This subsection applies after May 14, 2025. The contract**
 27 **must include, as part of the consideration running to the**
 28 **municipality, consent of:**

29 (1) the parties to the contract; and

30 (2) the successors in title of the parties to the contract;

31 to be included on a petition under IC 36-4-3-5.5 for any pending or
 32 future annexations by the municipality of the area served by the
 33 sewage works."

34 Page 40, line 39, after "(g)" insert "**or (q)**".

35 Page 41, between lines 25 and 26, begin a new paragraph and insert:

36 "**(q) This subsection applies after May 14, 2025. Except as**
 37 **provided in subsections (j) and (l), sewer service agreements made**
 38 **under subsection (e) must contain a provision that persons (other**
 39 **than municipalities) who own or occupy property agree for**
 40 **themselves, their executors, administrators, heirs, devisees,**

1 **grantees, successors, and assigns that they will:**
2 **(1) consent to a future annexation of the property by a**
3 **municipality within the boundaries of the district and to be**
4 **included on a petition under IC 36-4-3-5.5 in accordance with**
5 **the terms set forth in IC 36-4-3-5.5(i);**
6 **(2) not appeal from an order or a judgment annexing the**
7 **property to a municipality; and**
8 **(3) not file a complaint or an action against annexation**
9 **proceedings.**
10 **The terms of the provision must conform to the requirements set**
11 **forth in IC 36-4-3-5.5(i)."**

(Reference is to HB 1362 as introduced.)