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HOUSE BILL No. 1058

Proposed Changes to introduced printing by AM105801

DIGEST OF PROPOSED AMENDMENT

Railroad tracks. Provides that a municipality is not authorized to annex the railroad tracks in addition to the railroad right of way.

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-4-3-3.7 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2026]: **Sec. 3.7. (a) This section applies to an annexation, if the
4 annexation territory becomes surrounded on all sides by the
5 municipality after June 30, 2026.**
6 **(b) A municipality may annex territory by adopting an
7 annexation ordinance under section 3 or 4 of this chapter after
8 complying with sections 2.1 and 2.2 of this chapter.**
9 **(c) Notwithstanding any other provision of this chapter, if a
10 proposed annexation territory consists of:**
11 **(1) land that:**
12 **(A) is contiguous to the municipality under section 1.5 of**
13 **this chapter; and**
14 **(B) abuts, at least in part, one (1) side of the railroad**
15 **tracks and railroad right-of-way; and**
16 **(2) land:**
17 **(A) that is not contiguous to the municipality under**
18 **section 1.5 of this chapter; and**
19 **(B) that:**
20 **(i) is separated from the land under subdivision (1)**
21 **by; and**

2026

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1 (ii) abuts, at least in part, the opposite side of;
 2 the railroad tracks and railroad right-of-way described
 3 in subdivision (1)(B);
 4 the proposed annexation territory satisfies the contiguity
 5 requirements under section 1.5 of this chapter. The annexing
 6 municipality is not required to obtain the consent of any person
 7 owning, leasing, operating, or using the railroad tracks or railroad
 8 right-of-way to annex the proposed territory.
 9 (d) Nothing in this section authorizes the municipality to annex
 10 the railroad [tracks and railroad]right-of[-]way[abutting the
 11 annexation territory].
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