

HOUSE BILL No. 1205

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-18-15-2; IC 36-4; IC 36-9-22-2; IC 36-9-25-14.

Synopsis: Annexation. Requires a municipality that initiates an annexation to file an annexation petition (petition) with a court signed by: (1) at least 51% of the owners of non-tax exempt land in the annexation territory; or (2) the owners of at least 75% in assessed valuation of non-tax exempt land in the annexation territory. Eliminates: (1) remonstrances and waivers; (2) reimbursement of remonstrator's attorney's fees and costs; (3) settlement agreements in lieu of annexation; (4) contiguity of a public highway provisions; and (5) a required fiscal plan for certain super voluntary annexations. Reduces the number of outreach meetings from six to three. For super voluntary annexations, requires a municipality to: (1) hold a hearing on the petition within 90 (instead of 30) days; (2) adopt an annexation ordinance within 120 (instead of 60) days. Allows a super voluntary annexation of noncontiguous land for business, industrial, or residential development, if: (1) the landowner and municipal utility agree on the provision of gas, electric, water, or sewer service to the property; and (2) the county executive timely approves the petition. Allows noncontiguous land annexed in a super voluntary annexation to be used for additional voluntary or super voluntary annexations of contiguous land. After December 31, 2026, allows signatures on petitions to be gathered by mail. Provides that annexation territory that is divided by railroad tracks satisfies contiguity requirements, if the territory on at least one side of the railroad tracks is contiguous to the municipality. Grandfathers in annexations that adopt: (1) a fiscal plan before March 30, 2026; or (2) an annexation ordinance before March 30, 2026 (if a fiscal plan is not required by current law). Removes obsolete provisions.

Effective: Upon passage.

Hall, Meltzer

January 5, 2026, read first time and referred to Committee on Local Government.



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1205

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 13-18-15-2, AS AMENDED BY P.L.257-2019,
2 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) The persons involved shall negotiate the
4 terms for connection and service under this chapter.

5 (b) If service is ordered under this chapter, a receiver of that service
6 that is located in an unincorporated area may grant a waiver to a
7 municipality providing the service. A waiver under this section:

8 (1) must waive the receiver's right of remonstrance against
9 annexation of the areas in which the service is to be provided; and

10 (2) may be one (1) of the terms for connection and service
11 described in subsection (a).

12 (c) The waiver, if granted:

13 (1) shall be noted on the deed of each property affected and
14 recorded as provided by law; and

15 (2) is considered a covenant running with the land.

16 (d) This subsection applies to any deed recorded after June 30,
17 2015. This subsection applies only to property that is subject to a



1 remonstrance waiver. A municipality shall, within a reasonable time
 2 after the recording of a deed to property located within the
 3 municipality, provide written notice to the property owner that a waiver
 4 of the right of remonstrance exists with respect to the property.

5 (e) A remonstrance waiver executed before July 1, 2003, is void.
 6 This subsection does not invalidate an annexation that was effective on
 7 or before July 1, 2019.

8 (f) A remonstrance waiver executed after June 30, 2003, and before
 9 July 1, 2019, is subject to the following:

10 (1) The waiver is void unless the waiver was recorded ~~(A)~~ before
 11 January 1, 2020, ~~and (B)~~ with the county recorder of the county
 12 where the property subject to the waiver is located.

13 (2) A waiver that is not void under subdivision (1) **or subsection**
 14 **(h)** expires not later than fifteen (15) years after the date the
 15 waiver is executed.

16 This subsection does not invalidate an annexation that was effective on
 17 or before July 1, 2019.

18 (g) A remonstrance waiver executed after June 30, 2019, is ~~subject~~
 19 ~~to the following: (1) The waiver is void unless the waiver is must be~~
 20 ~~recorded (A) not later than thirty (30) business days after the date the~~
 21 ~~waiver was executed and (B) with the county recorder of the county~~
 22 ~~where the property subject to the waiver is located. (2) A waiver that~~
 23 ~~is not void under subdivision (1) expires not later than fifteen (15)~~
 24 ~~years after the date the waiver is executed.~~ This subsection does not
 25 invalidate an annexation that was effective on or before July 1, 2019.

26 **(h) Notwithstanding any other law, a waiver of the right of**
 27 **remonstrance is valid and binding on a landowner or a successor**
 28 **in title only with regard to an annexation for which the written**
 29 **fiscal plan was adopted before March 30, 2026.**

30 SECTION 2. IC 36-4-3-1.5, AS AMENDED BY P.L.206-2016,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 1.5. (a) For purposes of this chapter, territory
 33 sought to be annexed may be considered "contiguous" only if at least
 34 one-eighth (1/8) of the aggregate external boundaries of the territory
 35 coincides with the boundaries of the annexing municipality. In
 36 determining if a territory is contiguous, a strip of land less than one
 37 hundred fifty (150) feet wide that connects the annexing municipality
 38 to the territory is not considered a part of the boundaries of either the
 39 municipality or the territory.

40 **(b) Notwithstanding any other provision of this chapter, if a**
 41 **proposed annexation territory consists of:**

42 **(1) land that:**



- 1 (A) is contiguous to the municipality under subsection (a);
 2 and
 3 (B) abuts, at least in part, one (1) side of the railroad tracks
 4 and railroad right-of-way; and
 5 (2) land:
 6 (A) that is not contiguous to the municipality under
 7 subsection (a); and
 8 (B) that:
 9 (i) is separated from the land under subdivision (1) by;
 10 and
 11 (ii) abuts, at least in part, the opposite side of;
 12 the railroad tracks and railroad right-of-way described in
 13 subdivision (1)(B);
 14 the proposed annexation territory satisfies the contiguity
 15 requirements of this section. The annexing municipality is not
 16 required to obtain the consent of any person owning, leasing,
 17 operating, or using the railroad tracks or railroad right-of-way to
 18 annex the proposed territory.
 19 (c) Subsections (d) and (e) apply only to an annexation:
 20 (1) under:
 21 (A) section 4 of this chapter (excluding those annexations
 22 under section 4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter);
 23 or
 24 (B) section 3, 5, or 5.1 of this chapter (excluding an
 25 annexation under section 5.2 of this chapter); and
 26 (2) for which a written fiscal plan is adopted before March 30,
 27 2026.
 28 ~~(b)~~ (d) This subsection applies to an annexation for which an
 29 annexation ordinance is adopted after June 30, 2015. A public highway
 30 or the rights-of-way of a public highway are contiguous to:
 31 (1) the municipality; or
 32 (2) property in the unincorporated area adjacent to the public
 33 highway or rights-of-way of a public highway;
 34 if the public highway or the rights-of-way of a public highway are
 35 contiguous under subsection (a) and one (1) of the requirements in
 36 subsection ~~(c)~~ (e) is satisfied.
 37 ~~(c)~~ (e) A public highway or the rights-of-way of a public highway
 38 are not contiguous unless one (1) of the following requirements is met:
 39 (1) The municipality obtains the written consent of the owners of
 40 all property:
 41 (A) adjacent to the entire length of the part of the public
 42 highway and rights-of-way of the public highway that is being



annexed; and

(B) not already within the corporate boundaries of the municipality.

A waiver of the right of remonstrance executed by a property owner or a successor in title of the property owner for sewer services or water services does not constitute written consent for purposes of this subdivision.

(2) All property adjacent to at least one (1) side of the entire length of the part of the public highway or rights-of-way of the public highway being annexed is already within the corporate boundaries of the municipality.

(3) All property adjacent to at least one (1) side of the entire length of the part of the public highway or rights-of-way of the public highway being annexed is part of the same annexation ordinance in which the public highway or rights-of-way of a public highway are being annexed.

A municipality may not annex a public highway or the rights-of-way of a public highway or annex territory adjacent to the public highway or rights-of-way of a public highway unless the requirements of this section are met.

SECTION 3. IC 36-4-3-1.7, AS AMENDED BY P.L.70-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. (a) ~~This section applies only to an annexation ordinance adopted after June 30, 2015.~~ This section does not apply to an annexation under section 5.1 of this chapter.

(b) Not earlier than six (6) months before a municipality introduces an annexation ordinance, the municipality shall conduct an outreach program to inform citizens regarding the proposed annexation. For an annexation under section 3 or 4 of this chapter, **for which a written fiscal plan is adopted before March 30, 2026**, the outreach program must conduct at least six (6) public information meetings regarding the proposed annexation. For an annexation under section 5, ~~or 5.2, or 5.5~~ of this chapter, the outreach program must conduct at least three (3) public information meetings regarding the proposed annexation. The public information meetings must provide citizens with the following information:

(1) Maps showing the proposed boundaries of the annexation territory.

(2) Proposed plans for extension of capital and noncapital services in the annexation territory, including proposed dates of extension. In the case of an annexation under section 5.2 of this chapter, a copy of the preliminary written fiscal plan.



(3) Expected fiscal impact on taxpayers in the annexation territory, including any increase in taxes and fees.

(c) The municipality shall provide notice of the dates, times, and locations of the outreach program meetings. The municipality shall publish the notice of the meetings under IC 5-3-1, including the date, time, and location of the meetings, except that notice must be published not later than thirty (30) days before the date of each meeting. The municipality shall also send notice to each owner of land within the annexation territory not later than thirty (30) days before the date of the first meeting of the outreach program. The notice to landowners shall be sent by first class mail, certified mail with return receipt requested, or any other means of delivery that includes a return receipt and must include the following information:

(1) The notice **to the landowner** must inform the landowner that the municipality is proposing to annex territory that includes the landowner's property.

(2) The municipality is conducting an outreach program for the purpose of providing information to landowners and the public regarding the proposed annexation.

(3) The date, time, and location of the meetings to be conducted under the outreach program.

(d) The notice shall be sent to the address of the landowner as listed on the tax duplicate. If the municipality provides evidence that the notice was sent:

(1) by certified mail, with return receipt requested or any other means of delivery that includes a return receipt; and

(2) in accordance with this section;

it is not necessary that the landowner accept receipt of the notice.

(e) This subsection applies only to an annexation for which a written fiscal plan is adopted before March 30, 2026. If a remonstrance is filed under section 11 of this chapter, the municipality shall file with the court proof that notices were sent to landowners under this section and proof of publication.

~~(e)~~ **(f)** The notice required under this section is in addition to any notice required under sections 2.1 and 2.2 of this chapter.

SECTION 4. IC 36-4-3-3.1, AS AMENDED BY P.L.70-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This section does not apply to an annexation under:

(1) section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter; or

(2) section 5.1(a)(1) or 5.1(a)(2) of this chapter, if the annexation ordinance is adopted after March 29, 2026.



(b) A municipality shall develop and adopt a written fiscal plan and establish a definite policy by resolution of the legislative body that meets the requirements set forth in section 13 of this chapter.

(c) Except as provided in subsection (d) and section 5.2 of this chapter, the municipality shall establish and adopt the written fiscal plan before mailing the notification to landowners in the territory proposed to be annexed under section 2.2 of this chapter.

(d) ~~In an annexation under section 5 or 5.1 of this chapter,~~ The municipality shall establish and adopt the written fiscal plan before adopting ~~the an annexation ordinance in an annexation under section 5, 5.1, or 5.5 of this chapter.~~

SECTION 5. IC 36-4-3-4.1, AS AMENDED BY P.L.228-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) A municipality may annex territory under ~~this section or (after June 30, 2015)~~ this chapter only if the territory is contiguous to the municipality.

(b) ~~This subsection applies only to an annexation ordinance adopted before July 1, 2015. Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that are classified for zoning purposes as agricultural and remain exempt from the property tax liability while the property's zoning classification remains agricultural.~~

(c) ~~(b)~~ This subsection applies only to an annexation ordinance adopted after June 30, 2015: Real property annexed under this chapter:

(1) is exempt; and

(2) remains exempt;

from all property tax liability under IC 6-1.1 for municipal purposes while the property is assessed as agricultural land under the real property assessment rules and guidelines of the department of local government finance.

(d) ~~(c)~~ There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner of the annexed territory.

(e) ~~(d)~~ Territory annexed under ~~this section or (after June 30, 2015)~~ this chapter may not be considered a part of the municipality for purposes of annexing additional territory under section 3 or 4 of this chapter. However, territory annexed under ~~this section or (after June 30, 2015)~~ this chapter shall be considered a part of the municipality for purposes of annexing additional **contiguous** territory under section 5 or 5.1 of this chapter.

SECTION 6. IC 36-4-3-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 4.7. (a) This section applies to a petition filed after December 31, 2026, in an annexation under section 5, 5.1, or 5.5 of this chapter.

(b) This subsection applies to an annexation under section 5 or 5.1 of this chapter. The state board of accounts shall design a form for a petition that is circulated in person by a carrier. The petition form must include the following:

(1) Multiple signature lines on each page for affixing signatures. On each page where signatures are affixed the petition must have a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town).".

(2) The petition must include a space for each signer to enter the address of the property owned by the signer in the annexation territory.

(3) The petition must include a certificate for the carrier to swear or affirm before a notary public that the carrier witnessed each signature that is affixed to the petition.

(4) The petition must include or be accompanied by the following instructions:

(A) The carrier and any person who signs the petition must be owners of property in the proposed annexation territory.

(B) The carrier of a petition must be a signatory on at least one (1) petition.

(C) A person signing a petition must put the address of the property owned by the person in the annexation territory on the petition.

(D) After collecting the signatures, the carrier must swear or affirm before a notary public that the carrier witnessed each person sign the petition.

(c) This subsection applies to an annexation under section 5, 5.1, or 5.5 of this chapter. The state board of accounts shall design a form for a petition that is to be signed by one (1) landowner. The petition form must include the following:

(1) On the page where the signature of the individual is affixed, a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town).".

(2) The petition must include a space for a signer to enter the



address of the property owned by the signer in the annexation territory.

(3) The petition must include the following printed statement:

"I swear or affirm that the information I have entered on this form is correct to the best of my knowledge and belief."

(4) The person must sign the person's name below the printed statement.

(5) The petition must include the following instructions:

(A) The person signing the petition must be an owner of property in the proposed annexation territory.

(B) Any person who signs a petition must indicate the address of the property owned by the person in the annexation territory.

(6) Blank petition forms may be circulated to landowners by mail. If the annexation is under section 5, 5.1, or 5.5 of this chapter, the municipality (if the annexation is under section 5.5 of this chapter) or landowners (if the annexation is under section 5 or 5.1 of this chapter) may mail with the petition any additional information considered necessary. If the annexation is under section 5.5 of this chapter, the information may include notification of the last date that the municipality may receive signed petitions in order to meet the deadline for submitting the petition to the court under section 5.5(f) of this chapter.

(7) A signed petition form may be submitted directly to the municipality in person or by mail or signed petition forms may be collected and submitted to the municipality in person or by mail.

(d) This subsection applies to an annexation under section 5.5 of this chapter. The state board of accounts shall design a form for a petition that is circulated in person by a representative of the annexing municipality for an annexation under section 5.5 of this chapter. The petition form must include the following:

(1) Multiple signature lines on each page. On each page where signatures are affixed the petition must have a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(2) The petition must include a space for each signer to enter the address of the property owned by the signer in the annexation territory.



(3) The petition must include a certificate for the carrier to swear or affirm before a notary public that the carrier witnessed each signature affixed to the petition.

(4) The petition must include or be accompanied by the following instructions:

(A) The person who signs the petition must be an owner of property in the proposed annexation territory.

(B) The carrier must inform the signer that the carrier represents the annexing municipality.

(C) A person signing a petition must put the address of the property owned by the person in the annexation territory on the petition.

(D) After collecting the signatures, the carrier must swear or affirm before a notary public that the carrier witnessed each person sign the petition.

SECTION 7. IC 36-4-3-5, AS AMENDED BY P.L.149-2016, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection applies only to a petition requesting annexation that is filed before July 1, 2015. If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition:

(1) signed by at least:

(A) fifty-one percent (51%) of the owners of land in the territory sought to be annexed; or

(B) the owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes; and

(2) requesting an ordinance annexing the area described in the petition.

(b) (a) This subsection applies only to a petition requesting annexation that is filed after June 30, 2015. **A municipality may not collect signatures on an annexation petition that is filed with the legislative body under this section after March 29, 2026.** If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition that meets the following requirements:

(1) The petition is signed by at least one (1) of the following:

(A) Fifty-one percent (51%) of the owners of land in the territory sought to be annexed. An owner of land may not:

(i) be counted in calculating the total number of owners of land in the annexation territory; or



(ii) have the owner's signature counted;

with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(B) The owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count an owner's signature on a petition with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) The petition requests an ordinance annexing the area described in the petition.

~~(c)~~ **(b)** The petition circulated by the landowners must ~~include on each page where signatures are affixed a heading that is substantially similar to the following: "PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town):".~~ **meet the requirements of section 4.7 of this chapter.**

~~(d)~~ **(c)** If the legislative body fails to pass the ordinance within one hundred fifty (150) days after the date of filing of a petition under subsection (a), ~~or (b)~~, the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in the form of a summons, shall be served on the municipality named in the petition. The municipality is the defendant in the cause and shall appear and answer.

~~(e)~~ **(d)** The court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

- (1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;
- (2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;
- (3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and
- (4) the territory sought to be annexed is contiguous to the municipality.



If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

~~(f)~~ **(e)** This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

SECTION 8. IC 36-4-3-5.1, AS AMENDED BY P.L.160-2020, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) ~~Owners of land that~~ **This section applies to an annexation that meets one (1) of the following requirements:**

(1) The land that is the subject of the annexation is located outside of but contiguous to a municipality. ~~or that is~~

(2) The land that is the subject of the annexation is located in territory described in ~~section~~ **sections 4(i) and 5.2** of this chapter.

(3) The:

(A) land that is the subject of the annexation:

(i) is not contiguous to the municipality;

(ii) has its entire area not more than two (2) miles from the municipality's boundary; and

(iii) is to be used for the development, singly or in combination, of businesses, industrial enterprises, multi-family dwellings, or at least fifty (50) single family dwellings; and

(B) municipality has entered into a written agreement with the owner of the land for the municipal utility to provide to the owner as a customer of the utility, at least one (1) of the following services:

(i) Gas.

(ii) Electric.

(iii) Water.

(iv) Sewer.

(b) The owners of the land may file a petition with the legislative body of the municipality:

(1) requesting an ordinance annexing the area described in the petition; and

(2) signed by (A) one hundred percent (100%) of the landowners that reside within the territory that is proposed to be annexed; in the case of a petition filed before July 1, 2015; and (B) in the case of a petition filed after June 30, 2015, one hundred percent (100%) of the owners of land within the territory that is proposed to be annexed.



1 ~~(b)~~ (c) Sections 2.1 and 2.2 of this chapter do not apply to an
 2 annexation under this section.

3 ~~(c)~~ (d) The petition circulated by the landowners must ~~include on~~
 4 ~~each page where signatures are affixed a heading that is substantially~~
 5 ~~similar to the following:~~

6 "PETITION FOR ANNEXATION INTO THE (insert whether city
 7 or town) OF (insert name of city or town).": ~~meet the requirements of~~
 8 ~~section 4.7 of this chapter.~~

9 ~~(d)~~ (e) This subsection applies only to an annexation under
 10 subsection (a)(1) or (a)(2). The municipality may ~~(1)~~ adopt an
 11 annexation ordinance annexing the territory and ~~(2)~~ adopt a fiscal plan
 12 and establish a definite policy by resolution of the legislative body;
 13 after the legislative body has held a public hearing under subsection
 14 (g) on the proposed annexation.

15 (f) This subsection applies only to an annexation under
 16 subsection (a)(3). The municipality shall adopt a fiscal plan and
 17 resolution under section 3.1 of this chapter, and an annexation
 18 ordinance. The municipality shall file the annexation ordinance,
 19 fiscal plan, and resolution with the county executive of each county
 20 in which the annexation territory is located not earlier than fifteen
 21 (15) days after the public hearing under subsection (g). Not later
 22 than thirty (30) days after the filing, the county executive shall hold
 23 a public hearing, providing notice under IC 5-3-1, to adopt a
 24 resolution to approve or deny the proposed annexation. The
 25 annexation:

26 (1) may only proceed if at least a majority of the members of
 27 each county executive body adopts a resolution to approve the
 28 annexation; or

29 (2) is terminated, if:

30 (A) at least a majority of the members of each county
 31 executive body adopts a resolution to deny the annexation;
 32 or

33 (B) any county executive in which the territory is located
 34 fails to adopt a resolution approving or denying the
 35 annexation not later than sixty (60) days after the
 36 annexation is filed with the county executive.

37 If the annexation is terminated under subdivision (2), the
 38 annexation ordinance adopted by the municipality is void and of no
 39 effect.

40 ~~(e)~~ (g) The municipality may introduce and hold the public hearing
 41 on the annexation ordinance not later than ~~thirty (30)~~ ninety (90) days
 42 after the petition is filed with the legislative body. Notice of the public



1 hearing may be published one (1) time in accordance with IC 5-3-1 at
 2 least twenty (20) days before the hearing. All interested parties must
 3 have the opportunity to testify at the hearing as to the proposed
 4 annexation.

5 ~~(f)~~ **(h)** The municipality may adopt the annexation ordinance not
 6 earlier than fourteen (14) days after the public hearing under subsection
 7 ~~(e)~~ **(g)**.

8 ~~(g)~~ **(i)** A landowner may withdraw the landowner's signature from
 9 the petition not more than thirteen (13) days after the ~~municipality~~
 10 ~~adopts the fiscal plan~~ **date of the public hearing under subsection (g)**
 11 by providing written notice to the office of the clerk of the
 12 municipality. If a landowner withdraws the landowner's signature, the
 13 petition shall automatically be considered a voluntary petition that is
 14 filed with the legislative body under section 5 of this chapter, fourteen
 15 (14) days after the date ~~the fiscal plan is adopted~~ **of the public**
 16 **hearing under subsection (g)**. All provisions applicable to a petition
 17 initiated under section 5 of this chapter apply to the petition.

18 ~~(h)~~ **(j)** If the municipality does not adopt an annexation ordinance
 19 within ~~sixty (60)~~ **one hundred twenty (120)** days after the landowners
 20 file the petition with the legislative body, the landowners may file a
 21 duplicate petition with the circuit or superior court of a county in which
 22 the territory is located. The court shall determine whether the
 23 annexation shall take place, ~~as set forth in section 5 of this chapter~~
 24 **providing a written statement of why the annexation should take**
 25 **place. Notice of the proceedings, in the form of a summons, shall be**
 26 **served on the municipality named in the petition. The municipality**
 27 **is the defendant in the cause and shall appear and answer. The**
 28 **court shall hear and determine the petition without a jury, and**
 29 **shall order the proposed annexation to take place only if the**
 30 **evidence introduced by the parties establishes the following:**

31 **(1) This subdivision applies only to an annexation under**
 32 **subsection (a)(1). The evidence must establish the factors set**
 33 **forth in section 5(d) of this chapter or the court shall deny the**
 34 **petition and dismiss the proceeding.**

35 **(2) This subdivision applies only to an annexation under**
 36 **subsection (a)(2) or (a)(3). The evidence must establish that:**

37 **(A) essential municipal services and facilities are not**
 38 **available to the residents of the territory sought to be**
 39 **annexed; and**

40 **(B) the municipality is physically and financially able to**
 41 **provide municipal services to the territory sought to be**
 42 **annexed.**



The evidence must establish both of the preceding factors or the court shall deny the petition and dismiss the proceeding.

~~(i) A remonstrance under section 11 of this chapter may not be filed. However, an appeal under section 15.5 of this chapter may be filed.~~

~~(j) In the absence of an appeal under section 15.5 of this chapter, an annexation ordinance adopted under this section takes effect not less than thirty (30) days after the adoption of the ordinance and upon the filing and recording of the ordinance under section 22 of this chapter.~~

(k) This subsection applies only to territory annexed under subsection (a)(3). The annexed territory may not be considered a part of the municipality for purposes of annexing additional territory under section 3, 4, or 5.5 of this chapter. However, the territory shall be considered a part of the municipality for purposes of annexing additional contiguous territory under this section or section 5 of this chapter.

SECTION 9. IC 36-4-3-5.2, AS AMENDED BY P.L.211-2025, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) As used in this section, "homeowners association" means a corporation that satisfies all of the following:

(1) The corporation is exempt from federal income taxation under 26 U.S.C. 528.

(2) The control and management of the corporation is vested in a board of directors.

(3) The corporation is organized and operated exclusively for the benefit of two (2) or more persons who each own:

(A) a dwelling in fee simple; or

(B) a commercial building in fee simple; within the residential development.

(4) The purpose of the corporation is to:

(A) own, maintain, and operate common areas and facilities;

(B) administer and enforce covenants and restrictions on property; and

(C) collect and distribute assessments on property; located within the residential development.

(5) The corporation acts in accordance with the articles, bylaws, or other documents governing the corporation to:

(A) adopt and enforce rules and regulations necessary for the enjoyment of common areas, recreation facilities, and other amenities located within the residential development; and

(B) exercise the corporation's power to:

(i) levy assessments on property within the residential development; and



- 1 (ii) collect assessments on property located within the
 2 residential development by enforcing the corporation's lien
 3 and foreclosure rights.
- 4 (b) As used in this section, "municipality" means:
 5 (1) a third class city; or
 6 (2) a town having a population of more than thirty thousand
 7 (30,000) located in a county having a population of more than one
 8 hundred seventy-four thousand (174,000) and less than one
 9 hundred eighty thousand (180,000).
- 10 (c) As used in this section, "residential development" means a parcel
 11 of land that is subdivided or will be subdivided upon collection of the
 12 annexation into:
 13 (1) lots, parcels, tracts, units, or interests that:
 14 (A) include an existing Class 2 structure (as defined in
 15 IC 22-12-1-5); or
 16 (B) are designated for the construction of a Class 2 structure;
 17 each of which is encumbered by substantively identical restrictive
 18 covenants concerning one (1) or more servient estates located
 19 within the boundaries of the original undivided parcel, or other
 20 governing document of record;
 21 (2) lots, parcels, tracts, units, or interests that:
 22 (A) include an existing Class 1 structure (as defined in
 23 IC 22-12-1-4); or
 24 (B) are designated for the construction of a Class 1 structure;
 25 and
 26 (3) a common area.
- 27 (d) In addition to annexing territory under section 3, 4, 5, or 5.1 of
 28 this chapter, a third class city may annex a residential development and
 29 a public highway right-of-way that connects the residential
 30 development to the corporate limits of the third class city. A town
 31 described in subsection (b)(2) may annex a residential development.
 32 An annexation by a third class city or a town under this section must
 33 satisfy the following:
 34 (1) This subdivision applies only to an annexation by a
 35 municipality. The residential development is governed by a
 36 homeowners association.
 37 (2) The residential development has at least any combination of:
 38 (A) three hundred (300) proposed or existing, or both, single
 39 family lots within the proposed or existing residential
 40 developments, in the case of an annexation by a third class
 41 city; or
 42 (B) five hundred (500) proposed or existing, or both, single



- 1 family lots within the proposed or existing residential
 2 developments, in the case of an annexation by a town
 3 described in subsection (b)(2).
- 4 (3) This subdivision applies only to an annexation by a
 5 municipality. The residential development is located in its entirety
 6 not more than four and five-tenths (4.5) miles outside the
 7 municipality's corporate boundaries.
- 8 (4) This subdivision applies only to an annexation by a third class
 9 city. The residential development dwellings are or will be upon
 10 construction connected to the third class city's sewer or water
 11 service.
- 12 (5) This subdivision applies only to an annexation by a
 13 municipality. The residential development includes a commercial
 14 area containing or proposed to contain buildings intended to be
 15 used and operated for commercial purposes.
- 16 (6) This subdivision applies only to an annexation by a third class
 17 city. The residential development is adjacent to the public
 18 highway right-of-way.
- 19 (7) This subdivision applies only to an annexation by a third class
 20 city. The public highway that connects the residential
 21 development to the corporate limits of the city is part of the state
 22 highway system (as defined in IC 8-23-1-40).
- 23 (8) This subdivision applies only to an annexation by a third class
 24 city. The city's annexation territory includes only the public
 25 highway right-of-way and the residential development.
- 26 (9) The aggregate external boundary of the annexation territory
 27 that coincides with the boundary of the third class city is greater
 28 than zero (0).
- 29 (10) This subdivision applies only to an annexation by a town
 30 described in subsection (b)(2). An existing sewer line extends
 31 from the residential development to the corporate limits of the
 32 town. The residential development is or will be upon construction
 33 connected to the town's sewer and water service.
- 34 (11) This subdivision applies only to an annexation by a town
 35 described in subsection (b)(2). The cost of construction of the
 36 residential development is at least five hundred million dollars
 37 (\$500,000,000).
- 38 (12) The aggregate external boundary of the annexation territory
 39 that coincides with the boundary of the town described in
 40 subsection (b)(2) is zero (0).
- 41 (e) Unless the articles, bylaws, or other governing documents of the
 42 homeowners association expressly provide otherwise, the board of



1 directors of the homeowners association may file a petition with the
 2 legislative body of the municipality requesting the municipality to
 3 annex all property within the residential development. The annexation
 4 may proceed only if the municipality adopts a resolution approving the
 5 initiation of the annexation process not more than sixty (60) days after
 6 the petition is filed. If the municipality does not adopt a resolution
 7 within the sixty (60) day period, the petition is void.

8 (f) If the legislative body of the municipality adopts a resolution
 9 approving initiation of the annexation, the municipality shall prepare
 10 a written preliminary fiscal plan that must be made available to the
 11 public at each of the outreach program meetings under section 1.7 of
 12 this chapter.

13 (g) Upon completion of the outreach program meetings and before
 14 mailing the notification to landowners under section 2.2 of this chapter,
 15 the legislative body of the municipality shall adopt a written fiscal plan
 16 by resolution that incorporates any revisions to the preliminary fiscal
 17 plan.

18 (h) The municipality shall hold a public hearing not earlier than
 19 thirty (30) days after the date the annexation ordinance is introduced.
 20 All interested parties must have the opportunity to testify as to the
 21 proposed annexation. Notice of the hearing shall be:

- 22 (1) published in accordance with IC 5-3-1 except that the notice
- 23 shall be published at least thirty (30) days before the hearing; and
- 24 (2) mailed as set forth in section 2.2 of this chapter.

25 A municipality may adopt an ordinance not earlier than thirty (30) days
 26 or not later than sixty (60) days after the legislative body of the
 27 municipality has held the public hearing under this subsection.

28 (i) **This subsection applies only to an annexation for which a**
 29 **written fiscal plan was adopted before March 30, 2026.** A
 30 landowner may file a remonstrance against the annexation as provided
 31 in section 11 of this chapter.

32 (j) Territory annexed under this section may not be considered a part
 33 of the third class city for purposes of annexing additional territory
 34 under section 3 or 4 of this chapter. However, territory annexed under
 35 this chapter shall be considered a part of the third class city for
 36 purposes of annexing additional **contiguous** territory under section 5
 37 or 5.1 of this chapter.

38 (k) For purposes of an annexation by a third class city under this
 39 section:

- 40 (1) section 1.5 of this chapter does not apply; and
- 41 (2) the landowner of the public highway right-of-way that is part
- 42 of the state highway system (as defined in IC 8-23-1-40) is



considered to be the state of Indiana.

(l) The redevelopment commission of a town described in subsection (b)(2) may only enact a housing tax increment financing district in Liberty Township in Hendricks County if the housing tax increment financing district is approved by a resolution passed by the Mill Creek School Corporation.

(m) The following apply only to an annexation by a town described in subsection (b)(2):

(1) Any territory that is annexed under this section may not be considered a part of the town for purposes of annexing additional territory under section 3 or 4 of this chapter. However, any part of the unincorporated area (including any property occupied by the sewer line under subsection (d)(10)) that:

(A) adjoins the boundaries of the annexation territory; and

(B) extends one-half (1/2) mile from the boundaries of the annexation territory;

may only be annexed by the town if the annexation is under section 5.1 of this chapter.

(2) Any part of the unincorporated area (including any property occupied by the sewer line under subsection (d)(10)) that extends:

(A) outside the one-half (1/2) mile area described in subdivision (1); and

(B) to the corporate limits of the town;

is not a part of the annexation territory or the town for purposes of annexing additional territory under this chapter.

SECTION 10. IC 36-4-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) This section does not apply to an annexation under section 5, 5.1, or 5.2 of this chapter.**

(b) This section applies only to an annexation for which a written fiscal plan is adopted after March 29, 2026.

(c) After adopting an annexation ordinance under section 3 or 4 of this chapter, in order for the annexation to proceed, the municipality must file a written petition under subsection (f) signed by owners of land in the territory proposed to be annexed who are in favor of the annexation. The petition must be signed by:

(1) at least fifty-one percent (51%) of the owners of land:

(A) not exempt from property taxes under IC 6-1.1-10 or any other state law; and

(B) in the territory proposed to be annexed; or

(2) the owners of more than seventy-five percent (75%) in assessed valuation of land:



1 (A) not exempt from property taxes under IC 6-1.1-10 or
 2 any other state law; and

3 (B) in the territory proposed to be annexed.

4 (d) The petition circulated by the municipality must meet the
 5 requirements of section 4.7 of this chapter.

6 (e) A landowner may withdraw the landowner's signature from
 7 the petition not more than ten (10) days after the municipality
 8 adopts the annexation ordinance by providing written notice to the
 9 office of the clerk of the municipality. A landowner who withdraws
 10 the landowner's signature from the petition is considered not to
 11 have signed the petition for purposes of subsection (h)(2).

12 (f) The municipality must file the petition with the circuit or
 13 superior court of the county where the municipality is located not
 14 later than ninety (90) days after the publication of the annexation
 15 ordinance under section 7 of this chapter. The petition must be
 16 accompanied by:

17 (1) a copy of the ordinance; and

18 (2) the names and addresses of all persons who meet the
 19 requirements of subsection (h).

20 (g) On receipt of the petition, the court shall determine whether
 21 the petition has the necessary signatures. In determining the total
 22 number of landowners of the territory proposed to be annexed and
 23 whether signers of the petition are landowners, the names
 24 appearing on the tax duplicate for that territory constitute prima
 25 facie evidence of ownership. Only one (1) person having an interest
 26 in each single property, as evidenced by the tax duplicate, is
 27 considered a landowner for purposes of this section. A person is
 28 entitled to sign a petition only one (1) time, regardless of whether
 29 the person owns more than one (1) parcel of real property. If the
 30 court determines that the municipality's petition has a sufficient
 31 number of signatures, the court shall fix a time, not later than sixty
 32 (60) days after its determination, for a public hearing on the
 33 petition.

34 (h) A person may intervene as a party at the hearing described
 35 in subsection (g) if the following requirements are satisfied:

36 (1) The person owns, solely or with another person, property
 37 that is in the territory proposed to be annexed.

38 (2) None of the owners of the property signed the petition filed
 39 by the municipality.

40 (3) The person appeared in person or submitted a
 41 remonstrance or other document objecting to the annexation
 42 into the record of the municipality's public hearing on the



annexation ordinance under section 2.1 of this chapter.
 The court shall give a person described in this subsection notice of the public hearing on the petition by certified mail.

SECTION 11. IC 36-4-3-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) This section does not apply to an annexation under section 5, 5.1, or 5.2 of this chapter for which the written fiscal plan is adopted before March 30, 2026.

(b) If, with regard to a signature on a petition for annexation under section 5, 5.1, or 5.5 of this chapter:

(1) the validity of a signature is uncertain; and

(2) this section does not establish a standard to be applied in the case;

a reasonable doubt must be resolved in favor of the validity of the signature.

(c) Whenever the name of an individual, as printed or signed, contains a minor variation from the name of the individual as set forth in the relevant county records, the signature is considered valid.

(d) Whenever the residence address or mailing address of an individual contains a minor variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered valid.

(e) If the residence address or mailing address of an individual contains a substantial variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered invalid.

(f) If the signature of an individual does not substantially conform with the signature of the individual as set forth in the relevant county records, the signature is considered invalid. In determining whether a signature substantially conforms with the signature in the relevant county records, consideration shall be given to whether that lack of conformity may reasonably be attributed to the age, disability, or impairment of the individual.

SECTION 12. IC 36-4-3-7, AS AMENDED BY P.L.1-2025, SECTION 235, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, 5.1, ~~or 5.2,~~ **or 5.5** of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), (c), (d), or (e), in the absence of a remonstrance ~~and appeal~~ under section 11 ~~or 15.5~~ of this chapter **or an appeal under section 15.5 of this chapter**, the ordinance takes effect at least ninety



(90) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An annexation ordinance takes effect as follows:

(1) This subdivision applies to an annexation under section 5 of this chapter. Except as provided in subsection (d), in the absence of an appeal under section 15.5 of this chapter, the annexation ordinance takes effect at least ninety (90) days after its publication and upon the filing required under section 22(a) of this chapter.

(2) This subdivision applies to an annexation under section 5.1 of this chapter. Except as provided in subsection (d), in the absence of an appeal under section 15.5 of this chapter, the ordinance takes effect at least thirty (30) days after the adoption of the ordinance and upon the filing required under section 22(a) of this chapter.

(3) This subdivision applies to an annexation under section 5.5 of this chapter. Except as provided in subsection (d), if a final and unappealable judgment under section 12 or 15.5 of this chapter is entered in favor of the annexation, the annexation is effective upon the filing required under section 22(a) of this chapter.

(4) This subdivision applies to an annexation under section 7.1(c) of this chapter. Except as provided in subsection (d), if a final and unappealable judgment under section 12 or 15.5 of this chapter is entered in favor of the annexation, the annexation is effective upon the filing required under section 22(a) of this chapter.

(5) This subdivision applies to an annexation under section 7.2 of this chapter. In the absence of an appeal under section 15.5 of this chapter, the annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required under section 22(a) of this chapter.

(b) (c) For the purposes of this section, territory that has been:

(1) added to an existing fire protection district under IC 36-8-11-11; or

(2) approved by ordinance of the county legislative body to be added to an existing fire protection district under IC 36-8-11-11, notwithstanding that the territory's addition to the fire protection district has not yet taken effect;

shall be considered a part of the fire protection district as of the date that the fire protection district was originally established.

(c) (d) This subsection applies only to a fire protection district



established after July 1, 1987. This subsection does not apply to an annexation under subsection (f). Whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance in the absence of:

(1) a remonstrance ~~and appeal~~ under section 11 ~~or 15.5~~ of this chapter; or

(2) **an appeal under section 15.5 of this chapter;**

takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall ~~(1)~~ provide fire protection to that territory beginning the date the ordinance is effective and ~~(2)~~ send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

~~(d)~~ (e) This subsection applies only to a fire protection district established after July 1, 1987. This subsection does not apply to an annexation under subsection (f). If the fire protection district from which a municipality annexes territory is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

~~(e)~~ This subsection applies to an annexation initiated by property owners under section 5-1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsection (c), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty ~~(30)~~ days after its publication and upon the filing required by section 22(a) of this chapter.

(f) Whenever a municipality annexes territory that lies within a fire protection district that has a total net assessed value (as determined by the county auditor) of more than one billion dollars (\$1,000,000,000) on the date the annexation ordinance is adopted:

(1) the annexed area shall remain a part of the fire protection



district after the annexation takes effect; and

(2) the fire protection district shall continue to provide fire protection services to the annexed area.

The municipality shall not tax the annexed territory for fire protection services. The annexing municipality shall establish a special fire fund for all fire protection services that are provided by the municipality within the area of the municipality that is not within the fire protection district, and which shall not be assessed to the annexed special taxing district. The annexed territory that lies within the fire protection district shall continue to be part of the fire protection district special taxing district.

SECTION 13. IC 36-4-3-7.1, AS AMENDED BY P.L.104-2022, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. **(a) This section applies to an annexation ordinance:**

(1) adopted under section 4 or 5.1 of this chapter; and

(2) that meets all of the following conditions:

(A) The annexed territory has no population.

(B) Ninety percent (90%) of the total assessed value of the land for property tax purposes has one (1) owner.

(C) The annexation is required to fulfill an economic development incentive package and to retain an industry through various local incentives, including urban enterprise zone benefits.

(b) An:

(1) annexation:

(A) under section 4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter; and

(B) for which an annexation ordinance is adopted before March 30, 2026; or

(2) annexation:

(A) under section 4 of this chapter (excluding an annexation under section 4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter) or section 5.1 of this chapter; and

(B) for which a written fiscal plan is adopted before March 30, 2026;

takes effect immediately upon the expiration of the remonstrance and appeal period under section 11 ~~11.1~~, or 15.5 of this chapter and after the publication, filing, and recording required by section 22(a) of this chapter. ~~if all of the following conditions are met:~~

~~(1) The annexed territory has no population;~~

~~(2) Ninety percent (90%) of the total assessed value of the land~~



for property tax purposes has one (1) owner.

(3) The annexation is required to fulfill an economic development incentive package and to retain an industry through various local incentives, including urban enterprise zone benefits.

(c) In an annexation:

(1) under section 4 of this chapter (including an annexation under section 4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter) or section 5.1 or this chapter; and

(2) for which a written fiscal plan is not adopted before March 30, 2026;

the annexation ordinance takes effect as set forth in section 7(b)(4) of this chapter.

SECTION 14. IC 36-4-3-7.2, AS AMENDED BY P.L.1-2025, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) This section applies to an annexation that satisfies all of the following:

(1) The annexation ordinance is adopted after December 31, 2020.

(2) The annexation is initiated by property owners under section 5.1 of this chapter in which all property owners within the annexation territory petition the municipality to be annexed.

(3) All or part of the annexation territory is within a fire protection district that was established after July 1, 1987.

(4) At least a majority of the members of the board of trustees of the fire protection district adopt a resolution consenting to the annexation.

(5) The portion of the annexation territory located within the fire protection district constitutes less than three percent (3%) of the total net assessed value (as determined by the county auditor) of the fire protection district on the date the annexation ordinance is adopted.

(b) Section ~~7(b)~~ 7(c) and ~~7(d)~~ 7(e) of this chapter apply to an annexation under this section.

(c) Section 7(a), ~~7(c)~~, ~~7(e)~~, 7(b), 7(d), and 7(f) of this chapter do not apply to an annexation under this section.

(d) After an annexation ordinance is adopted, the ordinance must be published in the manner prescribed by IC 5-3-1. In the absence of an appeal under section 15.5 of this chapter, the annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.

SECTION 15. IC 36-4-3-7.3, AS ADDED BY P.L.79-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 7.3. (a) This section applies to an annexation that satisfies all of the following:

- (1) The annexation ordinance is adopted on October 7, 2024.
- (2) The annexation territory does not exceed fifty (50) acres.
- (3) All or part of the annexation territory is within a fire protection district established after July 1, 1987.
- (4) The annexation territory consists of vacant land except for not more than one (1) residential property.

(b) Section ~~7(b)~~ **7(c)** and ~~7(d)~~ **7(e)** of this chapter apply to an annexation under this section.

(c) Section 7(a), ~~7(c)~~, ~~7(e)~~, **7(b)**, **7(d)**, and 7(f) of this chapter do not apply to an annexation under this section.

(d) After an annexation ordinance is adopted, the ordinance must be published in the manner prescribed by IC 5-3-1. In the absence of an appeal under section 15.5 of this chapter, the annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.

SECTION 16. IC 36-4-3-11, AS AMENDED BY P.L.206-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. Except as provided in section 5.1(i) of this chapter and subsections (e) and (f), whenever territory is annexed by a municipality under this chapter, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by:~~

- ~~(1) at least sixty-five percent (65%) of the owners of land in the annexed territory; or~~
- ~~(2) the owners of more than seventy-five percent (75%) in assessed valuation of the land in the annexed territory.~~

~~The remonstrance must be filed within ninety (90) days after the publication of the annexation ordinance under section 7 of this chapter; must be accompanied by a copy of that ordinance; and must state the reason why the annexation should not take place.~~

(b) ~~This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. On receipt of the remonstrance, the court shall determine whether the remonstrance has the necessary signatures. In determining the total number of landowners of the annexed territory and whether signers of the remonstrance are landowners, the names appearing on the tax duplicate for that territory constitute prima facie evidence of ownership. Only one (1) person having an interest in each single property, as evidenced~~



by the tax duplicate, is considered a landowner for purposes of this section.

(c) This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. If the court determines that the remonstrance is sufficient, the court shall fix a time, within sixty (60) days after the court's determination, for a hearing on the remonstrance. Notice of the proceedings, in the form of a summons, shall be served on the annexing municipality. The municipality is the defendant in the cause and shall appear and answer.

~~(d)~~ **(a)** This subsection section applies only to an annexation for which an annexation ordinance was adopted after June 30, 2015, under section 3, 4, or 5.2 of this chapter (excluding an annexation under section 4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter) for which a written fiscal plan is adopted before March 30, 2026.

(b) If the requirements of section 11.3(c) or ~~(after December 31, 2016)~~ section 11.4 of this chapter are met, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located:

- (1) the signed remonstrances filed with the county auditor;
- (2) the county auditor's certification under section 11.2(i) of this chapter;
- (3) the annexation ordinance; and
- (4) a statement of the reason why the annexation should not take place.

The remonstrance must be filed with the court not later than fifteen (15) business days after the date the county auditor files the certificate with the legislative body under section 11.2(i) of this chapter. After a remonstrance petition is filed with the court, any person who signed a remonstrance may file with the court a verified, written revocation of the person's opposition to the annexation.

~~(e) If an annexation is initiated by property owners under section 5.1 of this chapter and all property owners within the area to be annexed petition the municipality to be annexed, a remonstrance to the annexation may not be filed under this section.~~

(f) This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. This subsection applies if:

- ~~(1)~~ the territory to be annexed consists of not more than one hundred ~~(100)~~ parcels; and
- ~~(2)~~ eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality.

An annexation may be appealed by filing with the circuit or superior



1 court of a county in which the annexed territory is located a written
 2 remonstrance signed by at least seventy-five percent (75%) of the
 3 owners of land in the annexed territory as determined under subsection
 4 (b).

5 SECTION 17. IC 36-4-3-11.1, AS ADDED BY P.L.228-2015,
 6 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 11.1. (a) This section applies only to an
 8 annexation ordinance adopted after June 30, 2015: **under section 3, 4,**
 9 **or 5.2 of this chapter (excluding an annexation under section**
 10 **4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter) for which a written**
 11 **fiscal plan is adopted before March 30, 2026.**

12 (b) After a municipality adopts an annexation ordinance in
 13 accordance with all applicable notice and hearing requirements under
 14 this chapter, the annexation may not proceed unless the annexing
 15 municipality completes the procedures set forth in this section.

16 (c) The proper officers of the municipality must give notice of the
 17 applicability of the remonstrance process by providing notice by:

18 (1) publication in accordance with IC 5-3-1; and

19 (2) first class mail or certified mail with return receipt requested,
 20 or any other means of delivery that includes a return receipt;

21 to the circuit court clerk and to owners of real property described in
 22 section 2.2 of this chapter. Notice under this section must be published
 23 and mailed or delivered on the same date that notice of the adoption of
 24 the annexation ordinance is published under section 7 of this chapter.

25 (d) The notice of the applicability of the remonstrance process under
 26 subsection (c) must state the following:

27 (1) Any owners of real property within the area proposed to be
 28 annexed who want to remonstrate against the proposed
 29 annexation must complete and file remonstrance petitions in
 30 compliance with this chapter. The notice must state:

31 (A) that remonstrance petitions must be filed not later than
 32 ninety (90) days after the date that notice of the adoption of the
 33 annexation ordinance was published under section 7 of this
 34 chapter; and

35 (B) the last date in accordance with clause (A) that
 36 remonstrance petitions must be filed with the county auditor
 37 to be valid.

38 (2) A remonstrance petition may be signed at the locations
 39 provided by the municipality under subsection (e). The notice
 40 must provide the following information regarding each location:

41 (A) The address of the location.

42 (B) The dates and hours during which a remonstrance petition



1 may be signed at the location.

2 (e) Beginning the day after publication of the notice under
3 subsection (c) and ending not later than ninety (90) days after
4 publication of the notice under subsection (c), the municipality shall
5 provide both of the following:

6 (1) At least one (1) location in the offices of the municipality
7 where a person may sign a remonstrance petition during regular
8 business hours.

9 (2) At least one (1) additional location that is available for at least
10 five (5) days, where a person may sign a remonstrance petition.

11 The location must meet the following requirements:

12 (A) The location must be in a public building:

13 (i) owned or leased by the state or a political subdivision,
14 including a public library, community center, or parks and
15 recreation building; and

16 (ii) located within the boundaries of the municipality or the
17 annexation territory.

18 (B) The location must be open according to the following:

19 (i) On a day that the location is open on a weekday, the
20 location must be open at a minimum from 5 p.m. to 9 p.m.

21 (ii) On a day that the location is open on a Saturday or
22 Sunday, the location must be open at least four (4) hours
23 during the period from 9 a.m. to 5 p.m.

24 (f) An additional location may not be open on a day that is a legal
25 holiday. At any location and during the hours that a remonstrance
26 petition may be signed, the municipality shall have a person present:

27 (1) to witness the signing of remonstrance petitions; and

28 (2) who shall swear and affirm before a notary public that the
29 person witnessed each person sign the remonstrance petition.

30 SECTION 18. IC 36-4-3-11.2, AS AMENDED BY P.L.206-2016,
31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 11.2. (a) This section applies only to an
33 annexation ordinance adopted after June 30, 2015. **under section 3, 4,
34 or 5.2 of this chapter (excluding an annexation under section
35 4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter) for which a written
36 fiscal plan is adopted before March 30, 2026.**

37 (b) A remonstrance petition may be filed by an owner of real
38 property that:

39 (1) is within the area to be annexed;

40 (2) was not exempt from property taxes under IC 6-1.1-10 or any
41 other state law for the immediately preceding year; and

42 (3) is not subject to a valid waiver of remonstrance.



(c) A remonstrance petition must comply with the following in order to be effective:

(1) Each signature on a remonstrance petition must be dated, and the date of the signature may not be earlier than the date on which the remonstrance forms may be issued by the county auditor under subsection (e)(7).

(2) Each person who signs a remonstrance petition must indicate the address of the real property owned by the person in the area to be annexed.

(3) A remonstrance petition must be verified in compliance with subsection (e).

(d) The state board of accounts shall design the remonstrance forms to be used solely in the remonstrance process described in this section. The state board of accounts shall provide the forms to the county auditor in an electronic format that permits the county auditor to copy or reproduce the forms using:

(1) the county auditor's own equipment; or

(2) a commercial copying service.

The annexing municipality shall reimburse the county auditor for the cost of reproducing the remonstrance forms.

(e) The county auditor's office shall issue remonstrance forms accompanied by instructions detailing all of the following requirements:

(1) The closing date for the remonstrance period.

(2) Only one (1) person having an interest in each single property as evidenced by the tax duplicate is considered an owner of property and may sign a remonstrance petition. A person is entitled to sign a petition only one (1) time in a remonstrance process, regardless of whether the person owns more than one (1) parcel of real property.

(3) An individual may not be:

(A) compensated for; or

(B) reimbursed for expenses incurred in; circulating a remonstrance petition and obtaining signatures.

(4) The remonstrance petition may be executed in several counterparts, the total of which constitutes the remonstrance petition. An affidavit of the person circulating a counterpart must be attached to the counterpart. The affidavit must state that each signature appearing on the counterpart was affixed in the person's presence and is the true and lawful signature of the signer. The affidavit must be notarized.

(5) A remonstrance petition that is not executed in counterparts



1 must be verified by the person signing the petition in the manner
2 prescribed by the state board of accounts and notarized.

3 (6) A remonstrance petition may be delivered to the county
4 auditor's office in person or by:

5 (A) certified mail, return receipt requested; or

6 (B) any other means of delivery that includes a return receipt.
7 The remonstrance petition must be postmarked not later than the
8 closing date for the remonstrance period.

9 (7) The county auditor's office may not issue a remonstrance
10 petition earlier than the day that notice is published under section
11 11.1 of this chapter. The county auditor's office shall certify the
12 date of issuance on each remonstrance petition. Any person may
13 pick up additional copies of the remonstrance petition to
14 distribute to other persons.

15 (8) A person who signs a remonstrance petition may withdraw the
16 person's signature from a remonstrance petition before a
17 remonstrance petition is filed with the county auditor by filing a
18 verified request to remove the person's name from the
19 remonstrance petition. Names may not be added to a
20 remonstrance petition after the remonstrance petition is filed with
21 the county auditor.

22 (f) The county auditor shall prepare and update weekly a list of the
23 persons who have signed a remonstrance petition. The list must include
24 a statement that the list includes all persons who have signed a
25 remonstrance petition as of a particular date, and does not represent a
26 list of persons certified by the county auditor as actual landowners in
27 the annexation territory using the auditor's current tax records under
28 subsection (i). The county auditor shall post the list in the office of the
29 county auditor. The list is a public record under IC 5-14-3.

30 (g) Not later than five (5) business days after receiving the
31 remonstrance petition, the county auditor shall submit a copy of the
32 remonstrance petition to the legislative body of the annexing
33 municipality.

34 (h) Not later than fifteen (15) business days after the legislative
35 body of the annexing municipality receives a copy of the remonstrance
36 petition from the county auditor, the annexing municipality shall
37 provide documentation to the county auditor regarding any valid waiver
38 of the right of remonstrance that exists on the property within the
39 annexation territory.

40 (i) Not later than fifteen (15) business days after receiving the
41 documentation regarding any valid waiver of the right of remonstrance
42 from the annexing municipality under subsection (h), if any, the county



auditor's office shall make a final determination of the number of owners of real property within the territory to be annexed:

- (1) who signed the remonstrance; and
- (2) whose property is not subject to a valid waiver of the right of remonstrance;

using the auditor's current tax records as provided in section 2.2 of this chapter. The county auditor shall file a certificate with the legislative body of the annexing municipality certifying the number of property owners not later than five (5) business days after making the determination.

SECTION 19. IC 36-4-3-11.3, AS ADDED BY P.L.228-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.3. (a) This section applies only to an annexation ordinance adopted after June 30, 2015, under section 3, 4, or 5.2 of this chapter (excluding an annexation under section 4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter) for which a written fiscal plan is adopted before March 30, 2026.

(b) An annexation ordinance is void if a written remonstrance petition is signed by one (1) of the following:

- (1) At least sixty-five percent (65%) of the owners of land in the annexed territory. An owner of land may not:

- (A) be counted in calculating the total number of owners of land in the annexation territory; or

- (B) have the owner's signature counted on a remonstrance; with regard to any single property that an owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

- (2) The owners of at least eighty percent (80%) in assessed valuation of the land in the annexed territory. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count the owner's signature on a remonstrance with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(c) The annexation may be appealed to the court under section 11 of this chapter, if a written remonstrance is signed by one (1) of the following:

- (1) At least fifty-one percent (51%) but less than sixty-five percent (65%) of the owners of land. An owner of land may not:



- 1 (A) be counted in calculating the total number of owners of
- 2 land in the annexation territory; or
- 3 (B) have the owner's signature counted on a remonstrance;
- 4 with regard to any single property that the owner has an interest
- 5 in that was exempt from property taxes under IC 6-1.1-10 or any
- 6 other state law for the immediately preceding year.
- 7 (2) The owners of at least sixty percent (60%) but less than eighty
- 8 percent (80%) in assessed valuation of land in the annexed
- 9 territory. Land that was exempt from property taxes under
- 10 IC 6-1.1-10 or any other state law for the immediately preceding
- 11 year may not be included in calculating the total assessed
- 12 valuation of the land in the annexation territory. The court may
- 13 not count an owner's signature on a remonstrance with regard to
- 14 any single property that the owner has an interest in that was
- 15 exempt from property taxes under IC 6-1.1-10 or any other state
- 16 law for the immediately preceding year.
- 17 SECTION 20. IC 36-4-3-11.4, AS AMENDED BY P.L.1-2025,
- 18 SECTION 237, IS AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE UPON PASSAGE]: Sec. 11.4. (a) This section applies
- 20 only to an annexation that meets all of the following requirements:
- 21 (1) The annexation ordinance is adopted ~~after December 31,~~
- 22 **2016; under section 3 or 4 of this chapter (excluding an**
- 23 **annexation under section 4(a)(2), 4(a)(3), 4(b), or 4(h) of this**
- 24 **chapter) for which a written fiscal plan is adopted before**
- 25 **March 30, 2026.**
- 26 (2) Notwithstanding the contiguity requirements of section 1.5 of
- 27 this chapter, at least one-tenth (1/10) of the aggregate external
- 28 boundaries of the territory sought to be annexed coincides with
- 29 the boundaries of:
- 30 (A) the municipality; and
- 31 (B) the site of an economic development project.
- 32 (b) As used in this section, "economic development project" means
- 33 any project developed by the municipality that meets all of the
- 34 following requirements:
- 35 (1) The annexing municipality determines that the project will:
- 36 (A) promote significant opportunities for the gainful
- 37 employment of its citizens;
- 38 (B) attract a major new business enterprise to the municipality;
- 39 or
- 40 (C) retain or expand a significant business enterprise within
- 41 the municipality.
- 42 (2) The project involves expenditures by the annexing



1 municipality for any of the following:

2 (A) Land acquisition, interests in land, site improvements,
3 infrastructure improvements, buildings, or structures.

4 (B) Rehabilitation, renovation, and enlargement of buildings
5 and structures.

6 (C) Machinery, equipment, furnishings, or facilities.

7 (D) Substance removal or remedial action.

8 (c) Notwithstanding section 11.3(b) of this chapter, even if a
9 remonstrance has enough signatures to satisfy the requirements of
10 section 11.3(b) of this chapter, the annexation ordinance is not void and
11 may be appealed to the court under section 11 of this chapter, if all of
12 the following requirements are met:

13 (1) The economic development project site needs the following
14 capital services that the municipality is lawfully able to provide:

15 (A) water;

16 (B) sewer;

17 (C) gas; or

18 (D) any combination of the capital services described in
19 clauses (A) through (C).

20 (2) The municipality finds that it is in the municipality's best
21 interest to annex the annexation territory in order to extend,
22 construct, or operate the capital services that are provided to the
23 economic development project site.

24 (3) Before the date the annexation ordinance is adopted, a
25 taxpayer whose business will occupy the economic development
26 project site has done at least one (1) of the following:

27 (A) Filed a statement of benefits under IC 6-1.1-12.1 with the
28 designating body for the annexing municipality for a deduction
29 or abatement.

30 (B) Entered into an agreement with the Indiana economic
31 development corporation for a credit under IC 6-3.1-13.

32 (d) If the economic development project:

33 (1) has not commenced within twelve (12) months after the date
34 the annexation ordinance is adopted; or

35 (2) is not completed within thirty-six (36) months after the date
36 the annexation ordinance is adopted;

37 the annexation territory is disannexed from the municipality and reverts
38 to the jurisdiction of the unit having jurisdiction before the annexation.
39 For purposes of this subsection, an economic development project is
40 considered to have commenced on the day that the physical erection,
41 installation, alteration, repair, or remodeling of a building or structure
42 commences on the site of the economic development project.



SECTION 21. IC 36-4-3-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) A landowner in an unincorporated area is not required to grant a municipality a waiver against remonstrance as a condition of connection to a sewer or water service if all of the following conditions apply:

(1) The landowner is required to connect to the sewer or water service because a person other than the landowner has polluted or contaminated the area.

(2) A person other than the landowner or the municipality has paid the cost of connection to the service.

(b) Notwithstanding any other law, a waiver against remonstrance is effective and binding on a landowner or a successor in title only with regard to an annexation for which a written fiscal plan was adopted before March 30, 2026. A signed remonstrance waiver may not be considered or counted as a valid signature on a petition in favor of annexation under section 5, 5.1, or 5.5 of this chapter.

SECTION 22. IC 36-4-3-11.6, AS ADDED BY P.L.228-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. (a) This section ~~applies to a remonstrance filed after June 30, 2015.~~ **applies only to an annexation for which a written fiscal plan is adopted before March 30, 2026.**

(b) If the court orders an annexation not to take place after a hearing under section 11 of this chapter, the remonstrators shall be reimbursed by the annexing municipality for any reasonable attorney's fees, including litigation expenses and appeal costs:

(1) that are incurred:

(A) after the date the annexation ordinance is adopted; and

(B) in remonstrating against the annexation; and

(2) not to exceed thirty-seven thousand five hundred dollars (\$37,500).

SECTION 23. IC 36-4-3-11.7, AS AMENDED BY P.L.257-2019, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.7. (a) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall, within a reasonable time after the recording of a deed to property located within the municipality, provide written notice to the property owner that a waiver of the right of remonstrance exists with respect to the property.

(b) A remonstrance waiver executed before July 1, 2003, is void.



1 This subsection does not invalidate an annexation that was effective on
2 or before July 1, 2019.

3 (c) A remonstrance waiver executed after June 30, 2003, and before
4 July 1, 2019, is subject to the following:

5 (1) The waiver is void unless the waiver was recorded:

6 (A) before January 1, 2020; and

7 (B) with the county recorder of the county where the property
8 subject to the waiver is located.

9 (2) A waiver that is not void under subdivision (1) expires not
10 later than fifteen (15) years after the date the waiver is executed.

11 This subsection does not invalidate an annexation that was effective on
12 or before July 1, 2019.

13 (d) A remonstrance waiver executed after June 30, 2019, is ~~subject~~
14 ~~to the following:~~ ~~(1) The waiver is void unless the waiver is~~ **must be**
15 ~~recorded (A) not later than thirty (30) business days after the date the~~
16 ~~waiver was executed and (B) with the county recorder of the county~~
17 ~~where the property subject to the waiver is located. (2) A waiver that~~
18 ~~is not void under subdivision (1) expires not later than fifteen (15)~~
19 ~~years after the date the waiver is executed.~~ This subsection does not
20 invalidate an annexation that was effective on or before July 1, 2019.

21 **(e) Notwithstanding any other law, a remonstrance waiver is**
22 **effective and binding on a landowner or a successor in title only**
23 **with regard to an annexation for which a written fiscal plan is**
24 **adopted before March 30, 2026. A signed remonstrance waiver**
25 **may not be considered or counted as a valid signature on a petition**
26 **in favor of annexation under section 5, 5.1, or 5.5 of this chapter.**

27 SECTION 24. IC 36-4-3-12, AS AMENDED BY P.L.104-2022,
28 SECTION 158, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE UPON PASSAGE]: Sec. 12. The circuit or superior court
30 shall:

31 (1) on the date fixed under:

32 **(A) section 11 of this chapter (in the case of an annexation**
33 **for which a written fiscal plan is adopted before March 30,**
34 **2026), hear and determine the remonstrance without a jury; or**

35 **(B) section 5.5 of this chapter (in the case of an annexation**
36 **for which a written fiscal plan is adopted after March 29,**
37 **2026), hear and determine the petition without a jury; and**

38 (2) without delay, enter judgment on the question of the
39 annexation according to the evidence that either party may
40 introduce.

41 SECTION 25. IC 36-4-3-13, AS AMENDED BY P.L.70-2022,
42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 13. (a) Except as provided in subsection (e), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

- (1) The requirements of either subsection (b) or (c).
- (2) The requirements of subsection (d).
- (3) The requirements of subsection (i) **(in the case of an annexation for which a written fiscal plan is adopted before March 30, 2026).**

(b) The requirements of this subsection are met if the evidence establishes the following:

- (1) That the territory sought to be annexed is contiguous to the municipality.
- (2) One (1) of the following:
 - (A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.
 - (B) Sixty percent (60%) of the territory is subdivided.
 - (C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes one (1) of the following:

- (1) That the territory sought to be annexed is:
 - (A) contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality; and
 - (B) needed and can be used by the municipality for its development in the reasonably near future.

(2) This subdivision applies only to an annexation for which ~~an annexation ordinance~~ **a written fiscal plan** is adopted ~~after December 31, 2016~~ **before March 30, 2026**. That the territory sought to be annexed involves an economic development project and the requirements of section 11.4 of this chapter are met.

(3) The territory is described in section 5.2 of this chapter.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

- (1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated



costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and storm water drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(6) ~~This subdivision applies to a fiscal plan prepared after June 30, 2015:~~ The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation.

(7) ~~This subdivision applies to a fiscal plan prepared after June 30, 2015:~~ The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation.

(8) ~~This subdivision applies to a fiscal plan prepared after June 30, 2015:~~ Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the



effective date of the annexation.

(9) ~~This subdivision applies to a fiscal plan prepared after June 30, 2015.~~ A list of all parcels of property in the annexation territory and the following information regarding each parcel:

(A) The name of the owner of the parcel.

(B) The parcel identification number.

(C) The most recent assessed value of the parcel.

(D) The existence of a known waiver of the right to remonstrate on the parcel. This clause applies only to a **written fiscal plan prepared after June 30, 2016: adopted before March 30, 2026.**

(e) At the hearing under section 12 of this chapter **with regard to an annexation for which a written fiscal plan is adopted before March 30, 2026**, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions that are applicable to the annexation exist in the territory proposed to be annexed:

(A) This clause applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land. The court may not consider:

(i) the personal finances; or

(ii) the business finances;

of a resident or owner of land. The personal and business financial records of the residents or owners of land, including state, federal, and local income tax returns, may not be subject to a subpoena or discovery proceedings.

(C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).

(D) This clause applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. One (1) of the following opposes the annexation:

(i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be



- 1 annexed.
 2 Evidence of opposition may be expressed by any owner of land
 3 in the territory proposed to be annexed.
 4 (E) ~~This clause applies only to an annexation for which an~~
 5 ~~annexation ordinance is adopted after June 30, 2015.~~ One (1)
 6 of the following opposes the annexation:
 7 (i) At least fifty-one percent (51%) of the owners of land in
 8 the territory proposed to be annexed.
 9 (ii) The owners of more than sixty percent (60%) in assessed
 10 valuation of the land in the territory proposed to be annexed.
 11 The remonstrance petitions filed with the court under section
 12 11 of this chapter are evidence of the number of owners of
 13 land that oppose the annexation, minus any written revocations
 14 of remonstrances that are filed with the court under section 11
 15 of this chapter.
 16 (F) ~~This clause applies only to an annexation for which an~~
 17 ~~annexation ordinance is adopted before July 1, 2015.~~ This
 18 ~~clause applies only to an annexation in which eighty percent~~
 19 ~~(80%) of the boundary of the territory proposed to be annexed~~
 20 ~~is contiguous to the municipality and the territory consists of~~
 21 ~~not more than one hundred (100) parcels.~~ At least seventy-five
 22 percent (75%) of the owners of land in the territory proposed
 23 to be annexed oppose the annexation as determined under
 24 section ~~11(b)~~ of this chapter.
 25 (f) **This subsection applies only to an annexation for which a**
 26 **written fiscal plan is adopted before March 30, 2026.** The
 27 municipality under subsection (e)(2)(C) bears the burden of proving
 28 that the annexation is in the best interests of the owners of land in the
 29 territory proposed to be annexed. In determining this issue, the court
 30 may consider whether the municipality has extended sewer or water
 31 services to the entire territory to be annexed:
 32 (1) within the three (3) years preceding the date of the
 33 introduction of the annexation ordinance; or
 34 (2) under a contract in lieu of annexation entered into under
 35 ~~IC 36-4-3-21.~~ **section 21 of this chapter.**
 36 The court may not consider the provision of water services as a result
 37 of an order by the Indiana utility regulatory commission to constitute
 38 the provision of water services to the territory to be annexed.
 39 (g) The most recent:
 40 (1) federal decennial census;
 41 (2) federal special census;
 42 (3) special tabulation; or



(4) corrected population count;
shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

(h) ~~A municipality that prepares a fiscal plan after June 30, 2015, must comply with this subsection.~~ A municipality may not amend the fiscal plan after the date that:

(1) a remonstrance is filed with the court under section 11 of this chapter **(in the case of an annexation for which a written fiscal plan is adopted before March 30, 2026); or**

(2) a petition is filed with the court under section 5.5 of this chapter (in the case of an annexation for which a written fiscal plan is adopted after March 29, 2026);

unless amendment of the fiscal plan is consented to by ~~at least sixty-five percent (65%) of the persons who signed the remonstrance or the petition.~~

(i) The municipality must submit proof that the municipality has complied with:

(1) the outreach program requirements and notice requirements of section 1.7 of this chapter; and

(2) the requirements of section 11.1 of this chapter **(in the case of an annexation for which a written fiscal plan is adopted before March 30, 2026).**

SECTION 26. IC 36-4-3-15, AS AMENDED BY P.L.228-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The court's judgment under section 12 or 15.5 of this chapter must specify the annexation ordinance. ~~on which the remonstrance is based.~~ The clerk of the court shall deliver a certified copy of the final and unappealable judgment to the clerk of the municipality. The clerk of the municipality shall:

(1) record the judgment in the clerk's ordinance record; and

(2) make a cross-reference to the record of the judgment on the margin of the record of the annexation ordinance.

(b) If a final and unappealable judgment under section 12 or 15.5 of this chapter is adverse to annexation, the municipality may not make further attempts to annex the territory or any part of the territory during the four (4) years after the later of:

(1) the judgment of the circuit or superior court; or

(2) the date of the final disposition of all appeals to a higher court; unless the annexation is petitioned for under section 5 or 5.1 of this chapter.

(c) This subsection applies if a municipality repeals the annexation



ordinance:

(1) less than sixty-one (61) days after the publication of the ordinance under section 7(a) of this chapter; and

(2) before the hearing commences:

(A) on the remonstrance under section ~~11(c)~~ **11(b)** of this chapter **(in the case of an annexation for which a written fiscal plan is adopted before March 30, 2026); or**

(B) on the petition under section 12(1)(B) of this chapter (in the case of an annexation for which a written fiscal plan is adopted after March 29, 2026).

A municipality may not make further attempts to annex the territory or any part of the territory during the twelve (12) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(d) This subsection applies if a municipality repeals the annexation ordinance:

(1) at least sixty-one (61) days but not more than one hundred twenty (120) days after the publication of the ordinance under section 7(a) of this chapter; and

(2) before the hearing commences:

(A) on the remonstrance under section ~~11(c)~~ **11(b)** of this chapter **(in the case of an annexation for which a written fiscal plan is adopted before March 30, 2026); or**

(B) on the petition under section 12(1)(B) of this chapter (in the case of an annexation for which a written fiscal plan is adopted after March 29, 2026).

A municipality may not make further attempts to annex the territory or any part of the territory during the twenty-four (24) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(e) This subsection applies if a municipality repeals the annexation ordinance:

(1) either:

(A) at least one hundred twenty-one (121) days after publication of the ordinance under section 7(a) of this chapter but before the hearing commences:

(i) on the remonstrance under section ~~11(c)~~ **11(b)** of this chapter **(in the case of an annexation for which a written fiscal plan is adopted before March 30, 2026); or**

(ii) on the petition under section 12(1)(B) of this chapter



(in the case of an annexation for which a written fiscal plan is adopted after March 29, 2026); or

(B) after the hearing commences:

(i) on the remonstrance as set forth in section ~~11(c)~~ 11(b) of this chapter (in the case of an annexation for which a written fiscal plan is adopted before March 30, 2026); or

(ii) on the petition under section 12(1)(B) of this chapter (in the case of an annexation for which a written fiscal plan is adopted after March 29, 2026); and

(2) before the date of the judgment of the circuit or superior court as set forth in subsection (b).

A municipality may not make further attempts to annex the territory or any part of the territory during the forty-two (42) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(f) An annexation is effective when the clerk of the municipality complies with the filing requirement of section 22(a) of this chapter.

SECTION 27. IC 36-4-3-15.3, AS AMENDED BY P.L.156-2020, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.3. (a) As used in this section, "prohibition against annexation" means that a municipality may not make further attempts to annex certain territory or any part of that territory.

(b) As used in this section, "settlement agreement" means a written court approved settlement of a dispute involving annexation under this chapter between a municipality and remonstrators.

(c) Under a settlement agreement between the annexing municipality and either:

(1) seventy-five percent (75%) or more of all landowners participating in the remonstrance; or

(2) the owners of more than seventy-five percent (75%) in assessed valuation of the land owned by all landowners participating in the remonstrance;

the parties may mutually agree to a prohibition against annexation of all or part of the territory by the municipality for a period not to exceed twenty (20) years. The settlement agreement may address issues and bind the parties to matters relating to the provision by a municipality of planned services of a noncapital nature and services of a capital improvement nature (as described in section 13(d) of this chapter), in addition to a prohibition against annexation. The settlement agreement is binding upon the successors, heirs, and assigns of the parties to the



1 agreement. However, the settlement agreement may be amended or
 2 revised periodically on further agreement between the annexing
 3 municipality and landowners who meet the qualifications of
 4 subdivision (1) or (2).

5 **(d) A settlement agreement executed after March 29, 2026, is**
 6 **void.**

7 SECTION 28. IC 36-4-3-16 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. **(a) This**
 9 **section does not apply to an annexation under section 4(a)(2),**
 10 **4(a)(3), 4(b), 4(h), or 4.1 of this chapter.**

11 **(b) This section applies only to an annexation under section 5.1**
 12 **or 5.2 of this chapter, if a written fiscal plan is adopted before**
 13 **March 30, 2026.**

14 ~~(a)~~ **(c)** Within one (1) year after the expiration of:

- 15 (1) the one (1) year period for implementation of planned services
- 16 of a noncapital nature under section 13(d)(4) of this chapter; or
- 17 (2) the three (3) year period for the implementation of planned
- 18 services of a capital improvement nature under section 13(d)(5)
- 19 of this chapter;

20 any person who pays taxes on property located within the annexed
 21 territory may file a complaint alleging injury resulting from the failure
 22 of the municipality to implement the plan. The complaint must name
 23 the municipality as defendant and shall be filed with the circuit or
 24 superior court of the county in which the annexed territory is located.

25 ~~(b)~~ **(d)** The court shall hear the case within sixty (60) days without
 26 a jury. In order to be granted relief, the plaintiff must establish one (1)
 27 of the following:

- 28 (1) That the municipality has without justification failed to
- 29 implement the plan required by section 13 of this chapter within
- 30 the specific time limit for implementation after annexation.
- 31 (2) That the municipality has not provided police protection, fire
- 32 protection, sanitary sewers, and water for human consumption
- 33 within the specific time limit for implementation, unless one (1)
- 34 of these services is being provided by a separate taxing district or
- 35 by a privately owned public utility.
- 36 (3) That the annexed territory is not receiving governmental and
- 37 proprietary services substantially equivalent in standard and scope
- 38 to the services provided by the municipality to other areas of the
- 39 municipality, regardless of topography, patterns of land use, and
- 40 population density similar to the annexed territory.

41 ~~(c)~~ **(e)** The court may:

- 42 (1) grant an injunction prohibiting the collection of taxes levied



by the municipality on the plaintiff's property located in the annexed territory;

(2) award damages to the plaintiff not to exceed one and one-fourth (1 1/4) times the taxes collected by the municipality for the plaintiff's property located in the annexed territory;

(3) order the annexed territory or any part of it to be disannexed from the municipality;

(4) order the municipality to submit a revised fiscal plan for providing the services to the annexed territory within time limits set up by the court; or

(5) grant any other appropriate relief.

~~(d)~~ **(f)** A change of venue from the county is not permitted for an action brought under this section.

~~(e)~~ **(g)** If the court finds for the plaintiff, the defendant shall pay all court costs and reasonable attorney's fees as approved by the court.

~~(f)~~ **(h)** The provisions of this chapter that apply to territory disannexed by other procedures apply to territory disannexed under this section.

SECTION 29. IC 36-4-3-22, AS AMENDED BY P.L.38-2021, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) The clerk of the municipality shall file:

(1) each annexation ordinance:

(A) against which:

~~(A)~~ **(i)** a remonstrance **(in the case of an annexation for which a written fiscal plan is adopted before March 30, 2026);** or

(ii) an appeal **under section 15.5 of this chapter;**

has not been filed during the period permitted under this chapter; or

(B) against which a remonstrance was filed without a sufficient number of signatures to meet the requirements of section 11.3(c) of this chapter, in the case of an annexation for which ~~an annexation ordinance was a written fiscal plan is adopted after June 30, 2015;~~ **before March 30, 2026;** or

(2) the certified copy of a final and unappealable judgment ordering an annexation to take place;

with the county auditor, circuit court clerk, and board of registration (if a board of registration exists) of each county in which the annexed territory is located, the office of the secretary of state, and the office of census data established by IC 2-5-1.1-12.2. The clerk of the municipality shall record each annexation ordinance adopted under this chapter in the office of the county recorder of each county in which the



annexed territory is located.

(b) The ordinance or judgment must be filed and recorded no later than ninety (90) days after:

(1) the expiration of the period permitted for:

(A) a remonstrance **(in the case of an annexation for which a written fiscal plan is adopted before March 30, 2026); or**

(B) an appeal under section 15.5 of this chapter;

(2) the delivery of a certified order under section 15 of this chapter; or

(3) the date the county auditor files the written certification with the legislative body under section 11.2 of this chapter, in the case of an annexation:

(A) described in subsection (a)(1)(B); **and**

(B) for which a written fiscal plan is adopted before March 30, 2026.

(c) Failure to record the annexation ordinance as provided in subsection (a) does not invalidate the ordinance.

(d) The county auditor shall forward a copy of any annexation ordinance filed under this section to the following:

(1) The county highway department of each county in which the lots or lands affected are located.

(2) The county surveyor of each county in which the lots or lands affected are located.

(3) Each plan commission, if any, that lost or gained jurisdiction over the annexed territory.

(4) The sheriff of each county in which the lots or lands affected are located.

(5) The township trustee of each township that lost or gained jurisdiction over the annexed territory.

(6) The office of the secretary of state.

(7) The office of census data established by IC 2-5-1.1-12.2.

(8) The department of local government finance, not later than August 1, in the manner described by the department.

(e) The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the annexation ordinance or may charge the clerk a fee for photoreproduction of the ordinance. The county auditor shall notify the office of the secretary of state and the office of census data established by IC 2-5-1.1-12.2 of the date that the annexation ordinance is effective under this chapter.

(f) The county auditor or county surveyor shall, upon determining that an annexation ordinance has become effective under this chapter, indicate the annexation upon the property taxation records maintained



1 in the office of the auditor or the office of the county surveyor.

2 SECTION 30. IC 36-4-7-7, AS AMENDED BY P.L.104-2022,
3 SECTION 162, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The fiscal officer shall
5 present the report of budget estimates to the city legislative body under
6 IC 6-1.1-17. After reviewing the report, the legislative body shall
7 prepare an ordinance fixing the rate of taxation for the ensuing budget
8 year and an ordinance making appropriations for the estimated
9 department budgets and other city purposes during the ensuing budget
10 year. The legislative body, in the appropriation ordinance, may reduce
11 any estimated item from the figure submitted in the report of the fiscal
12 officer, but it may increase an item only if the executive recommends
13 an increase. The legislative body shall promptly act on the
14 appropriation ordinance.

15 (b) In preparing the ordinances described in subsection (a) the
16 legislative body shall make an allowance for the cost of fire protection
17 to annexed territory described in ~~IC 36-4-3-7(c)~~; **IC 36-4-3-7(d)**, for
18 the year fire protection is first offered to that territory.

19 SECTION 31. IC 36-9-22-2, AS AMENDED BY P.L.156-2020,
20 SECTION 148, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The power of the
22 municipal works board to fix the terms of a contract under this section
23 applies to contracts for the installation of sewage works that have not
24 been finally approved or accepted for full maintenance and operation
25 by the municipality on July 1, 1979.

26 (b) The works board of a municipality may contract with owners of
27 real property for the construction of sewage works within the
28 municipality or within four (4) miles outside its corporate boundaries
29 in order to provide service for the area in which the real property of the
30 owners is located. The contract must provide, for a period of not to
31 exceed fifteen (15) years, for the payment to the owners and their
32 assigns by any owner of real property who:

- 33 (1) did not contribute to the original cost of the sewage works;
- 34 and
- 35 (2) subsequently taps into, uses, or deposits sewage or storm
- 36 waters in the sewage works or any lateral sewers connected to
- 37 them;

38 of a fair pro rata share of the cost of the construction of the sewage
39 works, subject to the rules of the board and notwithstanding any other
40 law relating to the functions of local governmental entities. However,
41 the contract does not apply to any owner of real property who is not a
42 party to the contract unless the contract or (after June 30, 2013) a



signed memorandum of the contract has been recorded in the office of the recorder of the county in which the real property of the owner is located before the owner taps into or connects to the sewers and facilities. The board may provide that the fair pro rata share of the cost of construction includes interest at a rate not exceeding the amount of interest allowed on judgments, and the interest shall be computed from the date the sewage works are approved until the date payment is made to the municipality.

(c) The contract must include, as part of the consideration running to the municipality, the release of the right of:

(1) the parties to the contract; and

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

to remonstrate against pending or future annexations by the municipality of the area served by the sewage works. Any person tapping into or connecting to the sewage works contracted for is considered to waive the person's rights to remonstrate against the annexation of the area served by the sewage works. **This subsection expires March 30, 2026.**

(d) Notwithstanding subsection (c), the works board of a municipality may waive the provisions of subsection (c) in the contract if:

(1) the works board considers a waiver of subsection (c) to be in the best interests of the municipality; or

(2) the contract involves connection to the sewage works under IC 36-9-22.5.

This subsection expires March 30, 2026.

(e) This subsection does not affect any rights or liabilities accrued, or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, **and before March 30, 2026**, if the release of the right to remonstrate is not void under subsection (i), (j), ~~or~~ (k), **or (l)**, the release is binding on a successor in title to a party to the contract only if the successor in title:

(1) has actual notice of the release; or

(2) has constructive notice of the release because the contract, or a signed memorandum of the contract stating the release, has been recorded in the chain of title of the property.

(f) Subsection (c) does not apply to a landowner if all of the following conditions apply:

(1) The landowner is required to connect to the sewage works because a person other than the landowner has polluted or



1 contaminated the area.

2 (2) The costs of extension of or connection to the sewage works
3 are paid by a person other than the landowner or the municipality.

4 **This subsection expires March 30, 2026.**

5 (g) Subsection (c) does not apply to a landowner who taps into,
6 connects to, or is required to tap into or connect to the sewage works
7 of a municipality only because the municipality provides wholesale
8 sewage service (as defined in IC 8-1-2-61.7) to another municipality
9 that provides sewage service to the landowner. **This subsection**
10 **expires March 30, 2026.**

11 (h) This subsection applies to any deed recorded after June 30,
12 2015, **and before March 30, 2026.** This subsection applies only to
13 property that is subject to a remonstrance waiver. A municipality shall
14 provide written notice to any successor in title to property within a
15 reasonable time after the deed is recorded, that a waiver of the right of
16 remonstrance exists with respect to the property.

17 (i) A remonstrance waiver executed on or before July 1, 2003, is
18 void. This subsection does not invalidate an annexation that was
19 effective on or before July 1, 2019.

20 (j) A remonstrance waiver executed after June 30, 2003, and not
21 later than June 30, 2019, is subject to the following:

22 (1) The waiver is void unless the waiver was recorded:

23 (A) before January 1, 2020; and

24 (B) with the county recorder of the county where the property
25 subject to the waiver is located.

26 (2) A waiver that is not void under subdivision (1) **or subsection**
27 **(I),** expires not later than fifteen (15) years after the date the
28 waiver is executed.

29 This subsection does not invalidate an annexation that was effective on
30 or before July 1, 2019.

31 (k) A remonstrance waiver executed after June 30, 2019, ~~is subject~~
32 ~~to the following: (1) The waiver is void unless the waiver is~~ **must be**
33 ~~recorded (A) not later than thirty (30) business days after the date the~~
34 ~~waiver was executed and (B) with the county recorder of the county~~
35 ~~where the property subject to the waiver is located. (2) A waiver that~~
36 ~~is not void under subdivision (1) expires not later than fifteen (15)~~
37 ~~years after the date the waiver is executed.~~ This subsection does not
38 invalidate an annexation that was effective on or before July 1, 2019.

39 **(I) Notwithstanding any other law, a waiver of the right of**
40 **remonstrance is valid and binding on a landowner or a successor**
41 **in title only with regard to an annexation for which the written**
42 **fiscal plan was adopted before March 30, 2026.**



SECTION 32. IC 36-9-25-14, AS AMENDED BY P.L.156-2020,
SECTION 149, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 14. (a) As to each municipality
to which this chapter applies:

(1) all the territory included within the corporate boundaries of
the municipality; and

(2) any territory, town, addition, platted subdivision, or unplatted
land lying outside the corporate boundaries of the municipality
that has been taken into the district in accordance with a prior
statute, the sewage or drainage of which discharges into or
through the sewage system of the municipality;

constitutes a special taxing district for the purpose of providing for the
sanitary disposal of the sewage of the district in a manner that protects
the public health and prevents the undue pollution of watercourses of
the district.

(b) Upon request by:

(1) a resolution adopted by the legislative body of another
municipality in the same county; or

(2) a petition of the majority of the resident freeholders in a
platted subdivision or of the owners of unplatted land outside the
boundaries of a municipality, if the platted subdivision or
unplatted land is in the same county;

the board may adopt a resolution incorporating all or any part of the
area of the municipality, platted subdivision, or unplatted land into the
district.

(c) A request under subsection (b) must be signed and certified as
correct by the secretary of the legislative body, resident freeholders, or
landowners. The original shall be preserved in the records of the board.
The resolution of the board incorporating an area in the district must be
in writing and must contain an accurate description of the area
incorporated into the district. A certified copy of the resolution, signed
by the president and secretary of the board, together with a map
showing the boundaries of the district and the location of additional
areas, shall be delivered to the auditor of the county within which the
district is located. It shall be properly indexed and kept in the
permanent records of the offices of the auditor.

(d) In addition, upon request by ten (10) or more interested resident
freeholders in a platted or unplatted territory, the board may define the
limits of an area within the county and including the property of the
freeholders that is to be considered for inclusion into the district.
Notice of the defining of the area by the board, and notice of the
location and limits of the area, shall be given by publication in



1 accordance with IC 5-3-1. Upon request by a majority of the resident
 2 freeholders of the area, the area may be incorporated into the district in
 3 the manner provided in this section. The resolution of the board
 4 incorporating the area into the district and a map of the area shall be
 5 made and filed in the same manner.

6 (e) In addition, a person owning or occupying real property outside
 7 the district may enter into a sewer service agreement with the board for
 8 connection to the sewage works of the district. If the agreement
 9 provides for connection at a later time, the date or the event upon
 10 which the service commences shall be stated in the agreement. The
 11 agreement may impose any conditions for connection that the board
 12 determines. The agreement must also provide the amount of service
 13 charge to be charged for connection if the persons are not covered
 14 under section 11 of this chapter, with the amount to be fixed by the
 15 board in its discretion and without a hearing.

16 (f) All sewer service agreements made under subsection (e) or (after
 17 June 30, 2013) a signed memorandum of the sewer service agreement
 18 shall be recorded in the office of the recorder of the county where the
 19 property is located. The agreements run with the property described
 20 and are binding upon the persons owning or occupying the property,
 21 their personal representatives, heirs, devisees, grantees, successors, and
 22 assigns. Each agreement that is recorded, or each agreement of which
 23 a signed memorandum is recorded, and that provides for the property
 24 being served to be placed on the tax rolls shall be certified by the board
 25 to the auditor of the county where the property is located. The
 26 certification must state the date the property is to be placed on the tax
 27 rolls, and upon receipt of the certification together with a copy of the
 28 agreement, the auditor shall immediately place the property certified
 29 upon the rolls of property subject to the levy and collection of taxes for
 30 the district. An agreement may provide for the collection of a service
 31 charge for the period services are rendered before the levy and
 32 collection of the tax.

33 (g) Except as provided in subsections (j) and (l), sewer service
 34 agreements made under subsection (e) must contain a waiver provision
 35 that persons (other than municipalities) who own or occupy property
 36 agree for themselves, their executors, administrators, heirs, devisees,
 37 grantees, successors, and assigns that they will:

- 38 (1) neither object to nor file a remonstrance against the proposed
- 39 annexation of the property by a municipality within the
- 40 boundaries of the district;
- 41 (2) not appeal from an order or a judgment annexing the property
- 42 to a municipality; and



(3) not file a complaint or an action against annexation proceedings.

This subsection expires March 30, 2026.

(h) This subsection does not affect any rights or liabilities accrued or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, **and before March 30, 2026**, a waiver of the right to remonstrate under subsection (g) (**before its expiration**) that is not void under subsection (m), (n), ~~or~~ (o), **or (p)** is binding as to an executor, administrator, heir, devisee, grantee, successor, or assign of a party to a sewer service agreement under subsection (g) (**before its expiration**) only if the executor, administrator, heir, devisee, grantee, successor, or assign:

(1) has actual notice of the waiver; or

(2) has constructive notice of the waiver because the sewer service agreement or a signed memorandum of the sewer service agreement stating the waiver has been recorded in the chain of title of the property.

(i) This section does not affect any sewer service agreements entered into before March 13, 1953. However, this section applies to a remonstrance waiver regardless of when the waiver was executed.

(j) Subsection (g) does not apply to a landowner if all of the following conditions apply:

(1) The landowner is required to connect to a sewer service because a person other than the landowner has polluted or contaminated the area.

(2) The costs of extension of service or connection to the sewer service are paid by a person other than the landowner or the municipality.

This subsection expires March 30, 2026.

(k) This subsection applies to any deed recorded after June 30, 2015, **and before March 30, 2026**. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall provide written notice to any successor in title to property within a reasonable time after the deed is recorded, that a waiver of the right of remonstrance has been granted with respect to the property.

(l) The board may waive the waiver provision described in subsection (g) in a sewer service agreement made under subsection (e) if the sewer service agreement involves a connection to the district's sewage works under IC 36-9-22.5. **This subsection expires March 30, 2026.**



1 (m) A remonstrance waiver executed before July 1, 2003, is void.
 2 This subsection does not invalidate an annexation that was effective on
 3 or before July 1, 2019.

4 (n) A remonstrance waiver executed after June 30, 2003, and before
 5 July 1, 2019, is subject to the following:

6 (1) The waiver is void unless the waiver was recorded:

7 (A) before January 1, 2020; and

8 (B) with the county recorder of the county where the property
 9 subject to the waiver is located.

10 (2) A waiver that is not void under subdivision (1) **or subsection**

11 **(p)** expires not later than fifteen (15) years after the date the
 12 waiver is executed.

13 This subsection does not invalidate an annexation that was effective on
 14 or before July 1, 2019.

15 (o) A remonstrance waiver executed after June 30, 2019, ~~is subject~~
 16 ~~to the following:~~ ~~(1) The waiver is void unless the waiver is~~ **must be**
 17 recorded ~~(A) not later than thirty (30) business days after the date the~~
 18 waiver was executed ~~and (B) with the county recorder of the county~~
 19 where the property subject to the waiver is located. ~~(2) A waiver that~~
 20 ~~is not void under subdivision (1) expires not later than fifteen (15)~~
 21 ~~years after the date the waiver is executed:~~ This subsection does not
 22 invalidate an annexation that was effective on or before July 1, 2019.

23 **(p) Notwithstanding any other law, a waiver of the right of**
 24 **remonstrance is valid and binding on a landowner or a successor**
 25 **in title only with regard to an annexation for which the written**
 26 **fiscal plan was adopted before March 30, 2026.**

27 SECTION 33. An emergency is declared for this act.

