City of Elkhart

INSTRUCTIONS AND FILING PROCEDURE FOR ANNEXATIONS

The City of Elkhart Plan Commission and the City of Elkhart Common Council shall consider all applications for annexation. The Plan Commission conducts a public hearing at its regular meeting and makes a recommendation to the City Council. The City Council considers the Plan Commission recommendation and makes the final decision. Annexation petitions shall be filed by a property owner(s) or a property owner'(s) attorney. The following information is provided as a guide for filing petitions.

Full responsibility for handling and following through on a petition rests with the individual(s) filing the petition. The importance of verifying and submitting a correct legal description, as well as all other required information pertinent to the consideration of the annexation cannot be over-emphasized.

The Planning Department staff will gladly answer any questions you may have. Please note it is **not** the staff's function to prepare the petition. If you are unable or do not feel comfortable preparing your petition, we would strongly recommend that you consult or hire an attorney to prepare it for you.

A complete Annexation Petition (see page 2) must be filed with the Planning & Zoning Department located at the Permit Center at 229 S. Second Street, Elkhart, Indiana. **Petitions must be filed no later than the filing deadline dates as shown below** on the Plan Commission calendar, and with all required signatures in permanent ink.

2026 CITY OF ELKHART PLAN COMMISSION CALENDAR

File by Date	Meeting Date
Wednesday, November 26, 2025	Monday, January 5, 2026
Friday, December 26, 2026	Monday, February 2, 2026
Friday, January 30, 2026	Monday, March 2, 2026
Friday, February 27, 2026	Monday, April 6, 2026
Friday, March 27, 2026	Monday, May 4, 2026
Friday, April 24, 2026	Monday, June 1, 2026
Friday, May 29, 2026	Monday, July 6, 2026
Friday, June 26, 2026	Monday, August 3, 2026
Friday, July 31, 2026	**Tuesday, September 8, 2026**
Friday, August 28, 2026	Monday, October 5, 2026
Friday, September 25, 2026	Monday, November 2, 2026
Friday, October 30, 2026	Monday, December 7, 2026
Wednesday, November 25, 2026	Monday, January 4, 2027

All meetings are held at 1:45 p.m. in the Council Chambers, 2nd floor, City Municipal Building on the 1st Monday of each month unless indicated in **bold**.

APPLICANT CHECKLIST – ANNEXATION PETITION

A complete Annexation Petition must contain the following information:

1. _____ **An Annexation appeal letter patterned after the sample form on page 4** and including such data and/or information with a detailed explanation of the purpose of the annexation. Please include any pertinent data that will assist the Commission and Council in their decision.

2. _____ A completed **Petition form (see pages 5 & 6)** signed by the legal owner of record of the property that is the subject of the Petition. **The owner(s) of record at the time the petition is filed shall be considered the applicant and must sign the petition.** If the petition is filed by any person other than the legal owner or the owner's attorney, written authorization of the legal owner authorizing the person to act as the owner's agent for petition purposes must be filed with the petition. If the applicant is not an individual, the name(s) and title(s) of the person(s) who are authorized to execute legal documents for the applicant shall be supplied. Land Contract Purchasers or Renters cannot bring petitions without authorization from the owner of record.

3. _____ A full and accurate legal description of the property(s) for which the annexation is being requested. **The abbreviated version shown on a tax form is NOT an acceptable legal description.** A full legal description may be found on the recorded deed or possibly on a certified survey. If the legal description is in a Word or PDF format, please email it to Carla.Lipsey@coei.org.

4. _____ One (1) to scale drawing of the property, measuring 11" x 17" or smaller showing the dimensions of the property, buildings, yard setbacks, parking layouts, distances to adjoining buildings, and any other information that is pertinent to your petition. If drawing is larger than 11" x 17", 25 copies of the site plan must be provided. **Site Plans for all new commercial construction must be submitted to Public Works for Technical Review.**

5. _____ A copy of the deed of each property to be annexed to verify ownership.

6. _____ A document verifying the percentage of land contiguous to the existing City limits. This document must be verified by the Engineering Department. The Engineering Department needs a minimum of 48 hours to prepare the letter of certification which is required prior to filing the Annexation Petition.

7. _____ Current assessed valuation of land and improvements to be annexed.

8. _____ If property to be developed is currently vacant, what is the estimated assessed value after completion of the project?

9. _____ Any supplemental information you wish to provide to the Plan Commission and City Council.

10. _____ A filing fee in the amount listed in Section 29.12 of the Zoning Ordinance. The Permit Center accepts Visa, MC, and Discover credit cards, cash or a check made payable to the City of Elkhart.

Residential Annexation Fees:	
$100.00	Developed: 1 through 4 units
$300.00	Developed: 5 or more units
$200.00	Undeveloped: less than 5 acres
$500.00	Undeveloped: 5 or more acres

Business & Manufacturing Annexation Fees:	
$200.00	Developed: less than 5 acres
$500.00	Developed: 5 or more acres
$300.00	Undeveloped: less than 5 acres
$500.00	Undeveloped: 5 or more acres

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

ANNEXATION PROCEDURE

You or your designated representative must be present at both the Plan Commission meeting (refer to item #3 below) and the City Council meeting (2nd/3rd reading – refer to item #6 below) to make a presentation and answer any questions that may arise. The presentation must include sufficient evidence relating to the **information listed on the sample appeal letter on page 4** (as well as any other information you feel is pertinent to your petition) to persuade the Commission and Council to grant your request.

After you have completed your presentation, public comments are heard for or against your petition.

You may be allowed to respond to any comments or answer any questions which may arise concerning your petition; this is at the discretion of the Commission Chairman or Council Chairman.

1. A petition for Annexation is submitted to the Plan Commission via the Planning & Zoning Department, located at the Permit Center. **Petitions must be filed no later than the filing deadline dates according to the current Plan Commission calendar (see page 1)**.
2. Case preparations are made for Public Hearing by Planning Department staff.
   - Legal advertisement is prepared and sent to The Elkhart Truth for publication 10 days prior to Plan Commission meeting.
   - Reminder letter is sent to petitioner and/or property owner(s).
   - Planning Department staff prepares Staff Report.
   - Informational letter explaining the annexation sent to all affected property owners.
   - Planning Department staff notifies all departments of the proposed Annexation and seeks input for the Fiscal Plan.
   - The required Fiscal Plan is prepared by an outside consultant. This can take up to 30-60 days.
3. Plan Commission meeting/public hearing is held and staff reads recommendation to Plan Commission. Plan Commission votes on proposal and then sends their recommendation (do pass or do not pass) to the public hearing and final decision of the City Council. You must attend this meeting.
4. At the following City Council meeting (not the same day) the proposed annexation ordinance is introduced (without City Council action) and a Resolution adopting the Fiscal Plan is proposed and approved/denied by the City Council.
5. At least 60 days after the introduction of the proposed Annexation Ordinance publication date the City Council holds a public hearing regarding the proposed Annexation Ordinance. This is the first reading and no City Council action is taken. You do not need to attend this meeting.
6. At least 30 days after the public hearing the City Council hears the proposed Annexation Ordinance on second and third reading and may vote to approve or deny the Annexation Ordinance. **You must attend this meeting in order to make a presentation to the Council or no action will be taken.** It is your responsibility to check with the Council Secretary at 574.294.5471 ext. 1053 to verify the date and time that this meeting will take place. No personal notification is given for Council public hearings.
7. If the City Council adopts the proposed Annexation Ordinance, the Annexation becomes effective either 30 days (100% voluntary) or 90 days (all other annexations) after its passage if no remonstrance is received during the mandatory 90-day waiting period.

Please refer to the Plan Commission calendar (see page 1) for filing deadlines and the meeting location, time and dates. Please refer to the City Council calendar (see page 7) for the meeting location, time and dates.

THIS IS NOT A FILL-IN FORM.
It is a sample form to be used as a guide when preparing your appeal letter to the Plan Commission and Council

DATE:

TO: Honorable Members of the Plan Commission and City Council
City of Elkhart, Indiana

RE: Annexation

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, *(insert property owner(s) name(s),* am the owner of the following described real estate located within the City of Elkhart, _____ Township, Elkhart County, State of Indiana, to-wit:

   Attach the accurate legal description and common address - a tax key number is not a legal description.

2. The above described real estate presently has a zoning classification of _____ _____ District under the Elkhart County Zoning Ordinance.
3. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner: *(Explain)*.
4. Petitioner desires to annex and rezone said real estate to _____ District under the City of Elkhart Zoning Ordinance for that purpose.
5. Petitioner has presented evidence to the City Engineer that the property to be annexed is _____ percent contiguous to the City limits and therefore eligible for annexation.
6. Petitioner believes the annexation will be mutually beneficial because _____

WHEREFORE, Petitioner prays and respectfully requests a hearing on this annexation request and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance annexing the above described parcel of land located in the City of Elkhart.

Signature of Property Owner: _____

Printed Name: _____

Second Property Owner: _____

Printed Name: _____

Contact Person: _____

Name: _____

Address: _____

Phone Number where you can be reached: _____

Email: _____

EXAMPLE

PETITION #: _____ **FILING FEE: $**_____

PETITION to the PLAN COMMISSION

PETITION TYPE: ANNEXATION

This action requires final approval from the Common Council

Property Owner(s): _____

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: _____

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: _____

Zoning: _____

Present Use: _____ Proposed Use: _____

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): _____

SIGNATURE(S): _____ DATE: _____

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

_____ One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.

_____ A completed Petition form signed by the legal owner of record (or approved representative).

_____ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.

_____ A full and accurate legal description of the property.

_____ One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.

_____ Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION

I, _____, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my annexation petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at _____ Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the _____ day of _____, 20_____.

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

_____

Printed: _____

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared _____, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this _____ day of _____, 20_____.

_____

Printed: _____

My Commission Expires:

_____

Notary Public in and for the State of Indiana
Resident of _____ County, Indiana

2026 CITY OF ELKHART COUNCIL MEETINGS CALENDAR

Meeting Dates

Monday, January 5, 2026	Monday, July 6, 2026
Monday, January 12, 2026	Monday, July 20, 2026
Monday, February 2, 2026	Monday, August 3, 2026
Monday, February 9, 2026	Monday, August 17, 2026
Monday, March 2, 2026	**Monday, September 14, 2026**
Monday, March 16, 2026	Monday, September 21, 2026
Monday, April 6, 2026	Monday, October 5, 2026
Monday, April 20, 2026	Monday, October 19, 2026
Monday, May 4, 2026	Monday, November 2, 2026
Monday, May 18, 2026	Monday, November 16, 2026
Monday, June 1, 2026	Monday, December 7, 2026
Monday, June 15, 2026	Monday, December 21, 2026

All meetings are held at 6:00 p.m. in the Council Chambers, 2nd floor, City Municipal Building on the 1st and 3rd Mondays of each month unless indicated in **bold**.