

FINAL REPORT

ANNEXATION POLICY AND PLAN

for

CITY OF SOUTH BEND, INDIANA

November 1992

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I. INTRODUCTION

A. THE ANNEXATION ISSUE

1. Historical Growth Trends

Since its incorporation in 1865, South Bend has followed growth trends typical of industrial cities throughout the Midwest. Up to 1960, the City's industrial growth was mirrored by exceptional population increases and expansion of the corporate limits thru annexation of many residential areas. In 1960 the decennial census showed what would prove to be a peak population of 132,445. By 1990, the City population had declined to 105,511, a total only slightly greater than the 1930 population of 104,193.

This population decline can be attributed to several events including the erosion of the City's heavy industrial manufacturing base and a slowdown in the annexation of residential areas. The most substantial reason for this population decline, however, can be attributed to a new growth trend of population gradually shifting from the City to unincorporated areas of St. Joseph County. The beginning of this trend can be seen in the 1950's during which time those areas of the County outside of South Bend and Mishawaka experienced a substantial 29.5% growth in population compared to a moderate 14.3% for South Bend. By the 1960's, this new growth trend of City population decreases, coupled with County population increases, was well established. Between 1960 and 1990, South Bend's population *decreased* over 20% while the remainder of the County, excluding Mishawaka, *increased* 36%. Population trends for the past three decades for South Bend and those areas of St. Joseph County, outside of South Bend and Mishawaka are:

	<u>1960's</u>	<u>1970's</u>	<u>1980's</u>
South Bend	-5.5%	-14.4%	-4.0%
St. Joseph County	+15.3%	+9.2%	+7.9%

Most of the County growth has occurred primarily in the so-called *collar* townships around South Bend and Mishawaka. These are Centre, Clay, German, Harris and Penn. During the 30 period ending in 1990, these *collar* townships experienced a population gain of 47,299, while Portage Township, which is mostly within the corporate limits of South Bend, lost 39,973 people. Even discounting Harris and Penn Townships, which for the most part are beyond the potential growth limits of South Bend, the remaining *collar* townships had a population increase of 25,483 or 98.7%.

2. Historical Annexation Trends

South Bend has a long history of annexation. The trend in annexation over the past 30 years, however, has changed resulting in more non-residential annexations and an overall slight decline in the number of annexations.

The 1960s saw continued expansion of the City limits, with the most number of annexations of any decade to date. These annexations primarily accommodated the new residential subdivisions that were being developed on the southern fringe of the City. One prominent expansion was the annexation of land on the northwest side, ultimately zoned industrial and representing Phases 3 and 4 of the Airport Industrial Park. Additionally, 744 acres of zoned residential land, surrounding what is now the St. Mary of the Assumption School on Locust Road in the southwest part of the City, was annexed.

Successful annexation of fringe areas continued through the 1970s and 1980s, but on a noticeably more modest scale. The majority of the land annexed during these years was zoned for industrial uses and included Michiana Regional Airport and the area encompassing the Airport 2010 project. These areas northwest of the City had long been targeted by the City for industrial expansion through the City's aggressive economic development programs.

Six annexations are of major importance in the discussion of the City's annexation history. These include four unsuccessful annexations and two annexations still in court. Their importance lies in the City's recognition and attempt, in the late 1960s to early 1970s, to *catch up* with the area's shifting demographics and remain as the region's primary growth center. Two of these annexations represent the largest annexations ever attempted since a 1911 ordinance *redefined* the City's boundaries to incorporate what was then called the Town of River Park.

The largest of these six attempted annexations was initiated in 1974 and had a land area of 7,289 acres (11.4 square miles) in German and Portage Townships, stretching from Auten and Brick Roads on the north, the Bypass on the west, and Grant Road on the south. This area encompassed the Michiana Regional Airport, most of the area currently being developed under the Airport 2010 project, the developing industrial subdivisions on the north side of New Cleveland Road, and the residential areas between the current City limits and the Bypass. This annexation was unsuccessful.

The second largest attempted annexation, and one that is still in court, is typically known as the Clay-German annexation, and extends in a rough "L" shape from the Michigan State Line to Hickory Road. This annexation consists of 3,452 acres (5.4 square miles) and was initiated in 1973. This area is

made up of the U.S. 31 commercial corridor and the developed residential areas for approximately one-half mile on either side. It also includes the residential areas on the north side of the Toll Road, such as Georgetown, Arlington, Castle Point Apartments, Carriage Hills, Swanson Highlands, Bowercrest and Toll View.

Of the four smaller annexations, three are located in the south part of the City and one is located in the northwest. Of the three located in the south, the unsuccessful Gilmer Park annexation represented the most built-up area, consisting of approximately 890 acres (1.4 square miles). The other large annexation that was rescinded was a 532-acre (0.9 square mile) parcel roughly bounded by Hickory Road, Battles Street, Ironwood Drive and Jackson Road. The remaining southern parcel is still in court. It is a 246-acre area bounded by the City limits, Linden Road and the US 20/31 Bypass. The fourth annexation consisted of 950 acres bounded by Hickory Road (extended), the Toll Road, Ironwood Drive and Ivy Road, and the City limits. Commonly known as the Maple Lane area, it is bisected by S.R. 23, a major arterial connecting the central city with the northeast suburbs. The National Center for Senior Living is a prominent project currently being developed in this area. This annexation was also unsuccessful.

The annexation attempts listed above represent approximately 21 square miles of land area that could have considerably added to the City's growth and ability to control development along its fringe areas. Much of the land area, especially represented by the Clay-German, Gilmer Park and Maple Lane annexation attempts, are highly urbanized fringe areas that are natural extensions of the City's street and development pattern. Successful annexation of these areas in earlier years would have positioned the City to better compete on the local level for the economic development opportunities that subsequently presented themselves, and to share in the rapid expansion of residential development in the suburban fringe areas.

3. General Issues

Despite the loss in population experienced over the past 30 years, the City is still faced with providing and maintaining urban services at acceptable levels. Both inflationary and mandated services push municipal operating expenditures up while migration of the population, relocation of the commercial base and a smaller industrial base erodes the City's tax base. A smaller number of City residents, therefore, must bear the costs of maintaining an increasingly higher level of services, reflective of the quality of life standards that the community has set for itself.

Although not meant to be an exhaustive listing, noted below are several trends that can be identified as having contributed to development beyond the City limits.

- The increasing mobility of the population has resulted in not only having the ability to seek jobs in other localities, but also having the ability to live in areas not serviced by public transportation;
- the liberal extension of sewer and water service beyond the City limits has allowed opportunities for high-density projects in the unincorporated areas, such as apartments and planned unit developments;
- the availability of large and numerous tracts of developable land beyond the City limits has provided the opportunity for housing additions able to accommodate the newer and larger contemporary homes;
- the general suitability of the underlying soils for private well and septic systems, and the liberal standards of the state law governing such systems, has contributed to the encouragement of development without the necessity of central sewer and water facilities;
- the development requirements of the County are generally considered less rigorous than those of South Bend. County developments are not required to install sidewalks, street lights, sewer and water lines or fire hydrants; and,
- there is no County-wide growth management plan. Such a plan would recognize the costs of haphazard land development and provide for timely improvements to the infrastructure required to support land development, such as improvement to the transportation network and the methodology to pay for it.

Up to and through the 1950s, working, living, shopping and entertainment pursuits used to occur within the defined limits of the City. It was essentially the exception to do any of those activities beyond those limits. Now, the opposite is true. It would not be unusual for an individual to work in South Bend, live in the unincorporated area of the County and shop within the City limits of Mishawaka.

Commercial and residential growth has been occurring along the City's periphery for years, with some properties being annexed and others not. A quick look at a City map shows a municipal boundary that appears to ramble and to be arbitrary in nature. This meandering boundary winds its way through the built environment often resulting in an inequity of taxation and service availability between neighboring properties having no clearly identifiable difference.

The growth on the City's fringe has produced a complex pattern of government by multiple jurisdictions. In many areas, there is no discernible difference between what is inside or outside the City. This urban mix of City and County jurisdictions creates confusing service delivery areas promoting administrative duplication and excessive costs among the various units of government such as:

- Confusion for proper jurisdictional response by police and fire;
- increased County and Township budgets (rise in tax levies) to pay for urban-type services, such as higher roadway maintenance, fire and service delivery systems and administrative costs;
- generally incompatible land use regulations providing similar neighboring properties with inconsistent development patterns; and,
- availability and use of City services and facilities paid for and maintained by City residents, but used by County residents.

Greater pressure and responsibility is being applied and experienced at both the County and Township level of government for the provision of urban-type services, or what would commonly be viewed as services traditionally provided by the City. Service levels are a reflection of tax rates and both can vary depending upon one's location within the urban area. In fact, a review of published tax rates shows that over the past five year period, the rates in the unincorporated portions of the *collar* townships have increased while the portion of these same townships located within the corporate limits have actually decreased. Annexation offers a taxing structure that can provide for a coordinated approach to infrastructure improvement and maintenance. A unified growth plan for the City and the proposed annexation areas will alleviate long-term development of redundant services and prevent contradictory land use development.

4. The Need for Annexation

Annexation is a systematic process that traditionally has been the primary means by which cities regulate their physical expansion. But the need and justification to annex is driven by far more than just a desire for additional land. Areas beyond the City limits have often developed as a legitimate response to the need for larger lot sizes or a more rural setting, or simply the availability of land. But they can also represent attempts to participate in the social, educational, cultural or commercial activities of South Bend without paying the taxes which support them. The issues associated with the need to consider annexation are discussed below. Whether the City annexes or not, the present issues and problems created by growth on the urban fringe will continue to affect the City in the future.

a. Additional Land

The City must expand into areas that are capable of sustaining commercial, industrial and residential development. This will provide the City with the opportunity to compete with other developable areas, not only county-wide, but also on a regional and ultimately on a national level. The recent relocation of the National Steel headquarters is a prime example of the City not being able to have readily available land within the City limits that would have provided a viable alternative for this company. Other opportunities will be available, and the City must be in a position to respond.

With the exception of the south side, the City has few areas within the City limits available and ready for new, contemporary residential development. This lack of developable land does not offer the opportunity for those wishing to locate, or even to relocate, within the City to construct a house of the same scale and quality as those being built in the County. By increasing the amount of available land, which has the full range of public services available, the City increases the opportunities for positive residential development.

b. Additional Property Taxes

The City must increase its property tax base. The additional taxes generated will contribute to the financing of the regional facilities built and maintained by City residents. Additional property taxes will also help to enhance and maintain the infrastructure that is required in order to promote efficient urban development.

c. Increased Population Base

An increased population base provides the potential for one of the most positive effects of annexation. The next decennial census is in the year 2000. An aggressive annexation program will help to stabilize, if not increase, the City's population growth. A population gain in the 2000 Census will reverse the population loss shown in the past three Censuses.

Population can also be a prime factor in the distribution of federal and state funds. Many of the grants that the City actively pursues, including several on an annual basis, rely on funding formulae based in part on total population. Community Development Block Grant and HOME funds are two of the largest. Similarly, distribution of certain state revenue is based in part on the City's population. Some of these revenue sources include the Cigarette Tax, Alcohol Gallonage Tax, Motor Vehicle Highway Account and the Special Highway User Account.

d. Administration of Surrounding Development

It is in the best interest of the City to have a voice in the development and governance of adjoining neighborhoods, since it is clear that they influence City issues, and vice-versa. To effectively manage urban growth, South Bend must regulate the extent and quality of development at the fringes to ensure compatibility of developments through public input and coordination of infrastructure development. It is far more efficient and logical to have administrative and service responsibilities of like development under one jurisdiction to ensure the consistent application of administrative rule and allow for the efficient provision of services.

e. Fiscal Equity

Everyone within the urbanized area, if not the entire County, benefits from a flourishing central city with its vital facilities and services. These facilities and services address a large part of the *quality of life* issues which have a direct and positive economic development impact on the City. Unfortunately, an unfair burden of subsidization falls on only a portion of those using the facilities and services. City residents pay a disproportionate share for facilities and services which benefit the entire community, such as the park system and the entertainment and convention facilities.

Of particular note are the use and availability of regional facilities, such as Stanley Coveleski Regional Stadium, Morris Civic Auditorium, the East Race and Potawatomi Park Zoo. Many of these facilities were built under the City's bonding authority. Although open to and enjoyed by all residents of St. Joseph County, only those residents who live within the City limits bear the burden of the tax levies and the yearly maintenance of these first-class facilities.

Large numbers of suburban residents utilize a significant portion of the City's resources and services on a daily basis. Those residents who commute into and work in the City use the City's streets, traffic control systems, sewer and water service, and various other public facilities. Non-city residents, while doing business in the City, also have available to them police, fire and medical response teams if required. Even those County residents who do not work within the City limits have available to them City park facilities such as tennis courts, picnic areas, ball diamonds and the City's progressive river walk system.

f. Environmental Safeguards

Long-term health and safety hazards relative to groundwater pollution and the protection of water supply are legitimate issues for the entire community. The recent situations centered around the Amoco Tank Farm in Granger and the hazardous waste site in the vicinity of S.R. 23 and Mayflower Road are graphic examples of the sensitivity of the area's groundwater cycle. Development that occurs without City utilities requires the use of septic systems and individual wells. Municipal and community-owned wellhead protection programs are already being considered, and the current proliferation of private septic systems and wells are going to be a concern in any successful program.

Private central water distribution systems are expensive to establish and maintain. South Bend's existing sewer and water systems can provide the opportunity for efficient central utility service, thereby providing a needed and readily available urban-type services.

g. Economic Homogeneity

Economic ties between South Bend and the fringe areas are strong. It is estimated that 12,000 people work in downtown South Bend. The central business district remains a strong influence in office development, continuing to attract a large percentage of the County's professional workforce. The Airport 2010 Plan provides South Bend with an alternative resource to compete for the placement of industry and jobs within the City limits.

h. Social Association

Because of their proximity to the City, residents of areas under consideration for annexation have strong social ties to South Bend and benefit from a variety of City services and amenities which are municipally financed. South Bend is the focus of the community's arts, entertainment and convention activities. Century Center, the East Race and current renovations to the Morris Civic Auditorium and Palais Royale provide the one-of-a-kind type of facilities that can be enjoyed by the entire population of St. Joseph County. City residents bear the *major* burden of renovation and maintenance costs that these facilities require, yet these facilities are all available to non-city residents without having to contribute a proportionate share of the cost.

5. The Advantage of Annexation

A City's ability to attract and retain business and residents is based in part on the City's ability to exert control over its environment. South Bend should periodically evaluate areas immediately adjacent to the City boundary where

the City has expanded in fact, if not in name. It is to the City's advantage to have a comprehensive annexation policy and to pursue that policy through a consistent program. The need to annex adjacent areas has been established in the previous section, and the resulting advantages are clear.

Implementation of an active annexation policy and plan will enable the City to:

- Incorporate the urbanized fringe areas with its similarity of land use, intensity and service delivery requirements, providing the City greater opportunity to direct and manage developments that are conducive to the City's goals of managing its immediate environment;
- make available the City's Barrett Law procedure as a possible additional means to finance needed or desired infrastructure improvements and to provide managed growth;
- facilitate planning for future growth by providing developable sites within the City, thereby establishing the means to compete on an equal basis with jurisdictions on the local, regional and national level;
- eliminate irregular, confusing and arbitrary City boundaries;
- be in a position to safeguard the health of surrounding residents in the face of increasing concerns on groundwater contamination;
- more efficiently direct and influence development along the Indiana Toll Road and the U.S. 20/31 Bypass corridors;
- more effectively direct and control development along the major transportation arteries leading into the City, such as S.R. 23, U.S. 33, S.R. 2, U.S. 31 and U.S. 20;
- increase revenues by expanding its property tax base;
- increase its population, thereby in part providing for greater funding allocations from federal grants and state revenue sources;
- more fairly distribute the tax burden among all residents for the maintenance of regional facilities enjoyed by all;
- remain a major center for local and regional economic development by following natural growth patterns in the fringe areas; and,

- grow and develop at a rate comparable with that of the area as a whole. The need and cost of all City services have increased at a faster rate than the growth necessary to support them. Aggressively annexing the fringe areas of the City will help equalize the tax burden of City residents and provide more equitable service delivery.

The City's present relationship with its surrounding environment has been concisely discussed above. No one issue is the driving force behind South Bend's need to pursue annexation, but they are all equally important in the development of the foundation of the annexation program.

The past 40 years have witnessed a tremendous upheaval in our society, creating the economic and social conditions which face the South Bend community. One of the few opportunities that the City has to keep up with what will invariably be even greater changes is to grasp control of its physical environment. Indiana annexation law, although somewhat cumbersome to deal with, is one of the few legislative tools currently available for South Bend to address the issues with which it will have to face in the coming decade and beyond.

In order for the City to develop in a planned and coordinated manner, the City should abandon its passive approach to annexation for an active policy of controlled growth and development with an aggressive City-initiated annexation program.

B. THE ANNEXATION STUDY PROCESS

Annexation is more than the physical incorporation of territory. It is a systematic and comprehensive planning process that, when successfully implemented, will enable the City to efficiently manage growth and development for the benefit of all citizens and businesses located in the South Bend urban area. Section I of this study provides insight into why annexation should be considered. Issues that the City must address as the metropolitan center of the urbanized area are identified and the need for undertaking annexation as a solution to these issues is formulated. The study process for developing the City's annexation policy and plan is also overviewed in Section I, along with the creation of a study area to be evaluated for potential annexation.

Addressing these issues will require a solid foundation of information that subsequently will be used for establishing the City's policy and plan for annexation. An essential requirement for this foundation is a thorough understanding of the legality of annexation. Section II of this study reviews the state annexation law, the annexation process, and the requirements that will be imposed upon the City for serving annexed territory.

Section III reviews physical planning elements with respect to where growth has and may occur. Land use and zoning provide background information that can be used for developing the City's physical plan for growth through annexation. These two planning elements show where the urban area presently extends, and provides insight into where future urban expansion may occur. They show the location of undeveloped territory that could be developed in the future in order to meet the City's growth needs and, also, what presently developed territory may need to be annexed to attain the annexation goals. Additionally, these two planning elements can be a primary requirement for compliance with certain aspects of the State annexation law. Twenty years of expansion of the City's corporate boundary through annexation and major residential developments outside of the City are reviewed. Also addressed is the physical capability of land to support future urban growth.

South Bend will be required to extend certain municipal services to annexed territory. Section IV provides a brief review of these services on a departmental basis and identifies what involvement each department will have with respect to future annexation. The need for potential major capital and non-capital expenditures for certain services will also be identified along with the need for formulating coordinated, long-range plans for extending services to annexed territory.

Section V consolidates the informational foundation of the previous sections of the study and establishes the City's annexation policy. The annexation policy states the goal the City desires through annexation, formulates objectives that can be used to achieve these goals, and presents guidelines to be used for implementing annexation actions and for decision-making in the planning process.

The annexation plan, presented as Section VI, is the graphic presentation of the planned physical expansion of the City through annexation. It identifies both developed land having urbanized characteristics similar to the City, as well as undeveloped land where future growth is anticipated.

This study relies heavily upon the collection and analysis of planning data. The presentation of this data, along with the City's Annexation Plan, is made on several maps which are consolidated in a companion binder titled *Map Appendix*.

C. ANNEXATION STUDY AREA

Where should annexation occur? This is one of the ultimate objectives to be addressed by this study. In order to begin studying for future annexation, a defined spatial area was needed.

The *annexation study area* was established for planning purposes only. The boundary of the study area is not intended to represent the ultimate long-range limits of future annexation. As a study area, it was important not to place restric-

tions upon the spatial area to be considered for potential annexation. Accordingly, the study area includes all existing urbanized land adjacent, or in close proximity, to the City and adequate additional acreage to be studied for identifying where long-range growth may occur.

As shown on Map 1, the annexation study area generally extends from 1-1/2 to 2-1/2 miles beyond the present corporate limits. In some areas, the boundary extends up to 4-1/2 miles from the City. Overall, the study area encompasses approximately 73 square miles and includes territory located in Centre, Clay, German, Greene, Penn, Portage and Warren townships.

Several jurisdictional factors were also considered in establishing the study area boundaries. One is the formal governmental boundaries of the City of Mishawaka, Towns of Roseland and Indian Village and the State of Michigan.

Another factor is the informal boundary between South Bend and Mishawaka, both to the north and south of the present common corporate limit. To the north, the common corporate limit has generally been along Hickory Road. In order to provide adequate spatial area for the study, the boundary of the study area follows Hickory Road north to Brick Road. Near this point, the northernmost corporate limit of Mishawaka ends, and thus, the study area boundary was extended further east to Gumwood Road, which is also the eastern boundary of Clay Township. To the south, the informal boundary is less defined. In addition to the need for having an adequate spatial area for the study, the boundary for the study area was established based upon additional considerations for managing growth along major roadways such as Ireland Road and the U.S. 20 Bypass, as well as the need to consider in-fill annexation of territories that are gradually becoming surrounded by one or both of the adjacent cities.

A final note about the study area is the Elbel Golf Course. This property is owned by the City, but is not a part of the corporate limits. It is shown on Map 1 for reference purposes only.

II. CRITERIA FOR ANNEXATION

A. GENERAL

Chapter 3, Title 36 of the Indiana Code provides the statutory criteria for municipal annexations. Familiarity with this criteria is essential for developing the City's annexation policy and plan and, ultimately, for attaining the City's annexation goals. An annexation policy and plan that is consistent with the statutory criteria, including case law, will help the City to proceed smoothly through the annexation process.

Except for special use annexations, territory to be annexed must be contiguous to the corporate limits of South Bend. Such territory is considered to be contiguous if at least one-eighth (1/8), or 12.5%, of the aggregate external boundary of the territory to be annexed coincides with the corporate limits. A strip of land less than one hundred fifty (150) feet wide which connects South Bend to the territory proposed for annexation is not considered contiguous to either South Bend or the property proposed for annexation.

These criteria defining contiguous territory were added to the Code in 1981 in an effort to minimize selective *flag-pole* annexations whereby municipalities were using narrow strips of land, such as street right-of-ways, to annex remotely located territory. The Code was further amended to disallow the use of such *flag-pole* annexations as being part of the contiguous corporate limits for future annexations. In 1985, this section of the Code was again amended to permit annexations off of *flag-pole* annexations only if subsequent annexations off of the *flag-pole* territory had been approved prior to May 1, 1981. In 1977, South Bend annexed the Laurel Woods Apartments on Auten Road at Laurel Road. This annexation appears to be a *flag-pole* annexation in which no subsequent annexations prior to May 1, 1981 occurred which used this territory as part of the contiguous corporate limits. Therefore, this territory cannot be used as contiguous territory for future annexations.

Annexations may occur in one of three ways. The first is annexation by petition from property owners contiguous to the City. This is commonly referred to as a voluntary annexation. The second is the annexation of non-contiguous territory containing a special land use, as described by State Law. The third is annexation of contiguous territory by the City Council. This is commonly referred to as an involuntary annexation. Each of these three types of annexations are discussed in the following sections along with additional requirements specifically related to annexation by the City Council.

B. ANNEXATION BY PETITION

When residents in an area abutting South Bend desire annexation to the City, fifty-one percent (51%) of the property owners, or the owners of seventy-five percent (75%) of the total assessed value of the land within the area, may petition the City Council requesting a special ordinance for the purpose of annexing their territory. If the Council fails to pass such special ordinance within sixty (60) days from the date of the filing of the petition, the petitioners may file a duplicate copy in the Superior Court of St. Joseph County with reasons why annexation should, in justice, take place. The City becomes the defendant and must appear and answer in court.

The court shall order the proposed annexation to take place, notwithstanding the provisions of any other law of the State of Indiana, if the evidence establishes all of the following factors:

- a. Essential municipal services and facilities are not available to inhabitants of such territory;
- b. the City is physically and financially able to provide municipal services to the area sought to be annexed;
- c. the total resident population of the areas sought to be annexed is equal to at least three (3) persons for each acre of land included within its boundaries; and,
- d. at least one-eighth (1/8) of the aggregate external boundaries of the territory sought to be annexed is contiguous with the boundaries of South Bend.

C. SPECIAL USE ANNEXATION

The City Council may, by ordinance, annex territory that is not contiguous to the City and is occupied by a City-owned or operated airport (or landing field), sanitary landfill, golf course or hospital.

D. ANNEXATION BY COUNCIL

The City Council shall have the power, by ordinance, to declare and define the entire corporate boundaries of the City; or by separate ordinance, not purporting to define the entire boundaries of the City, annex contiguous territory by describing the territory.

The terms and conditions applicable to any such annexation may relate to any matter reasonable and fairly calculated to render such annexation just and reasonable both to the City and to the annexed territory, including, but not restricted to, such matters as:

- a. Postponing the effective date of such annexation;
- b. impounding in a special fund, in whole or in part, the municipal property taxes to be imposed upon the annexed territory after annexation shall take effect, in such amount and for such period of time not to exceed three (3) years, as the City Council may determine, and using the impounded taxes solely for the benefit of the annexed territory, its property owners and inhabitants, in the extension of municipal services and benefits and the making of municipal or public improvements in annexed territory; and,
- c. establishing equitable provisions for the future management and improvement of the annexed territory and for the rendering of needed services.

E. REMONSTRANCE

An annexation ordinance may be appealed by either a majority of the owners of land within the area to be annexed, or by the owners of more than seventy-five percent (75%) of the assessed valuation of the real estate within the area to be annexed. In order to appeal the ordinance, a copy of the ordinance and a written remonstrance stating why annexation should not take place must be filed in the Superior Court of St. Joseph County within sixty (60) days from final publication of the ordinance.

Upon receipt of the remonstrance by the Court, the judge shall determine whether it is a valid remonstrance and set a time for a hearing thereafter. The City would become the defendant and be required to appear. The judge of the Superior Court shall order the proposed annexation to take place if the evidence establishes all of the criteria for one of the options discussed below and the preparation of a written fiscal and policy plan. If the decision is against annexation, no further annexation proceedings on the part of the City may be undertaken for two years after judgment has been rendered for the area sought to be annexed.

1. Annexation Option 1

The aggregate external boundaries of the territory sought to be annexed are 1/8 contiguous to the boundaries of South Bend, and that either of the following exist:

- The resident population density of the territory is at least three (3) persons per acre; or

- 60% of the territory is subdivided; or
- the area is zoned for commercial, business or industrial uses.

2. Annexation Option 2

The territory must be 1/4 (25%) contiguous to the boundaries of South Bend, and the territory must be needed and can be used by South Bend for its development in the reasonably near future.

3. Fiscal and Policy Plan

Both options also require South Bend to adopt, by resolution, a written fiscal and policy plan. This plan must include all of the following:

- the cost estimate of planned services to be furnished to the territory;
- the method of financing the services;
- the plan for the organization and extension of services;
- the provision of non-capital services to be provided to the annexed territory within one (1) year after the effective date of annexation, and that they be provided in a manner that is equivalent in standard and scope to those non-capital services currently being provided to areas within South Bend of similar topography, patterns of land use, and population density;
- The provision of capital improvements to be provided to the annexed territory within three (3) years after the effective date of annexation, in the same manner as those improvements are provided to areas within South Bend that have similar topography, patterns of land use and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria; and,
- the plan for hiring the employees of other governmental entities whose jobs will be eliminated by the annexation, although the City is not required to hire any employees.

F. PAYMENT OF DEBTS

When South Bend annexes any territory from a township which is indebted or has outstanding unpaid bonds or other obligations at the time of annexation of such territory, then the City shall be liable for and pay as much of such indebted-

ness of the township, in proportion to the assessed valuation of the annexed territory to that of the entire township, as assessed for general taxation prior to the annexation.

South Bend shall pay such part of the proportion of the indebtedness of the township to the township trustee. If the indebtedness consists of outstanding unpaid bonds or notes, the City will make payment to the trustee at the time the principal or interest of the bonds or notes becomes due.

G. FAILURE TO IMPLEMENT FISCAL PLAN

Within one (1) year after the expiration of any of the following time periods, any person who pays taxes on property located within the annexed territory may file a complaint alleging injury resulting from the failure of the City to implement the plan. These time periods are:

- The one (1) year period for implementation of planned services of a non-capital nature; or,
- the three (3) year period for implementation of planned services of a capital improvement nature; or,
- the three (3) year period for implementation of a fiscal plan for providing services to an annexed territory.

The complaint must name the City as defendant and shall be filed with the Superior Court of St. Joseph County. The court shall hear the case within sixty (60) days without a jury. In order to be granted relief, the plaintiff must establish any of the following:

- That the City has willfully failed to implement the fiscal plan within the statutory time limit; or
- that the City has not provided police protection, fire protection, sanitary sewers and water for human consumption, unless one of these services is being provided by a separate taxing district or by a privately owned public utility; or
- the annexed territory is not receiving governmental and proprietary services similar in scope and standard as other similar areas of the City.

The court may impose one of the following decisions:

- Grant an injunction prohibiting the collection of taxes levied by the annexing city on the plaintiff's property located in the annexed area;

- award damages to the plaintiff not to exceed one and one-quarter (1-1/4) times the taxes collected by the City for the plaintiff's property located in the annexed area;
- order the annexed area or any portion thereof to be disannexed from the City;
- order the City to submit a revised fiscal plan for providing the services to the annexed area within time limits set up by the court; or
- grant any other appropriate relief.

If the court finds for the plaintiff, the City shall pay all court costs and attorney's fees.

III. URBAN GROWTH AND DEVELOPMENT

A. EXISTING LAND USE

Existing land uses were identified by four (4) classifications. These are residential, commercial/industrial, recreational/institutional and agriculture/undeveloped. Existing land uses were collected and mapped as precisely as possible, however, the land use mapping must be recognized as still being fairly general and intended for planning use only. Exact parcel-by-parcel land use identification will be required when a specific annexation is proposed. Existing land uses are shown on Map 2.

As previously noted, a remonstrance can be filed by property owners against an annexation initiated by the City Council. If the proposed annexation is desired by the City under the Option 1 type of annexation, one of the possible criteria that must be established is that the area have a resident population of at least three (3) persons per acre. Another possible criteria is that the area be at least sixty percent (60%) subdivided. The mapping of existing residential lands was performed in such a manner that the area classified as residential should meet either of these criteria. Small isolated clusters of residences or individual residential properties thus are not shown on Map 2. Conversely, new subdivisions that are not fully developed were mapped as residential land. At the time of a proposed annexation, the resident population and subdivided status will need to be checked for the specific territory being considered for annexation.

The greatest concentration of residential land is located to the northeast of the City, generally east of the St. Joseph River. This overall area should easily meet the population density or 60% subdivided requirements, although there are some large undeveloped parcels of land that, if included in an annexation, could reduce the overall population density or subdivided requirements. The older residential areas between the St. Joseph River and Juniper Road should easily satisfy the population density criteria.

The two general areas that have the next highest concentrations of residential land use are south of the City, between Locust Road and Miami Highway, and west of the City, between U.S. 20 and Grant Road/Crumstown Highway. These two areas, overall, will be very close to meeting either the density or the subdivided criteria and will need to be reviewed with respect to the actual boundary for any annexations proposed in the area.

The next areas of residential concentration are north of the City between Orange Road and the St. Joseph River, the area southwest of the City extending west of Locust Road generally between S.R. 23 and Kern Road, and the area extending east along Ireland Road. The boundaries for a proposed annexation in this area will need to be carefully drawn to satisfy the annexation criteria, if annexed under Option 1.

Three generalized portions of the study area probably will not meet the residential density requirements, although small sub-areas can be expected to meet the annexation criteria. The first such area is in the northwest, bordered on the south by U.S. 20 and on the east by U.S. 31. This area, however, is adjacent to the City's major industrial park area and should be considered for annexation under the criteria that the area is needed for development in the reasonably near future (Option 2). The second area is southwest between the Crumstown Highway and S.R. 23. The third area is south/southeast generally east of Miami Highway and south of Kern Road/U.S. 20 Bypass.

Commercial and industrial land uses are scattered throughout the study area with the principal concentration along major transportation routes. Such concentrations occur in the northern part of the County along U.S. 33, to the west along S.R. 2, and to the south along U.S. 31. The undeveloped areas along U.S. 20 Bypass south of the present corporate limits could be prime targets for future commercial and/or industrial development.

The largest area classified as institutional and recreational property consists of the primary campus areas of the University of Notre Dame, St. Mary's College and Holy Cross Junior College. Other areas mapped under this land use are St. Patrick's Farm County Park, Clay Township Park, Clay High School, Clay Middle School, Eggleston School, Darden School, Swanson School and three cemeteries. Although not mapped, township fire stations, Healthwin Hospital and other smaller institutional properties, such as churches, are located in the study area.

Agriculture and undeveloped property is the final land classification. The higher concentrations of this land use, most of which is agriculture, are generally located along the northwest, west and southeast perimeters of the study area and a large area southwest of the corporate limits, generally between Crumstown Highway and S.R. 23. Annexing this land will have to be performed in a manner similar to that of recreational or institutional land, unless the undeveloped land is zoned for commercial or industrial use or if it can be justified for annexation under Option 2.

B. ZONING

Zoning in the study area includes six (6) different classifications. These are Residential, Business, Commercial, Manufacturing, Office and Agricultural. Zoning districts are shown on Map 3.

Residential zoned land occurs throughout the study area. This includes land in existing development and undeveloped land. Annexation under Option 1 is the recommended procedure if the density or subdivision requirements can be met since a smaller contiguous boundary is required. Where the twenty-five percent contiguous boundary requirement can be justified, annexation by Option 2 may be used, particularly for acquiring land for future development.

Business, Commercial, Manufacturing and Office zonings are important since these zoning classifications are another means of satisfying the remonstrance criteria. These classifications generally coincide with their respective existing land use. There are, however, several larger territories that are zoned for one of these uses but are undeveloped. Determining service requirements will be the primary concern for considering such undeveloped territories.

The final zoning classification is Agriculture. Agricultural zoning can involve low lying areas of muck soils or other highly productive soils. Agriculturally zoned land in the study area is located along the west edge of the study area (Redwood and Pear Roads extended), southwest generally between Crumstown Highway and S.R. 23, south along Roosevelt Road and the extreme southeast corner of the study area. The campuses of the University of Notre Dame, St. Mary's College and Holy Cross Junior College are also zoned Agricultural.

C. CITY AND COUNTY GROWTH TRENDS

The trend of growth through past annexations can provide an insight for future growth of the City. Annexations that have occurred since 1970 are shown on Map 4.

These annexations generally are represented by two types of land use. Both residential and non-residential annexations have occurred at various locations around the perimeter of the City. Major growth areas include the predominantly residential annexations on the southeast side of the City and the non-residential annexations on the northwest side of the City. Both of these major annexations show that there is a demand for new development and that such development desires City services. These annexations show that municipal services can be used as a tool by the City to manage growth.

Recent growth in the County, or what would be the annexation study area, can be seen by reviewing the residential subdivisions that have occurred since 1968, as shown on Map 4. This includes major subdivisions, minor subdivisions (3 lots or less), and developments with multi-family units. These subdivisions show that there is a demand for residential growth. Some of this development may have occurred because of a desire for rural or suburban settings. On the other hand, some of this development may have occurred due to the lack of available land for development within the City.

D. POTENTIAL DEVELOPMENT AREAS

Past growth trends, generally represented by City annexations and new County subdivisions, can only continue if suitable undeveloped land is available. Map 5 provides insight into where growth may occur, first, by identifying where undeveloped land remains in the study area and, second, by identifying the soil capabilities to support the type, scale and intensity of developed land uses.

Three primary components of site development can be affected by a variety of soil characteristics. These are building foundations and basements, septic tank absorption fields and local roads and streets. Soil characteristics that can affect these site development components include water table, slope, stability, compressibility, flooding, permeability, shrink-swell potential and susceptibility to frost heave. Each of these soil characteristics can have a wide range of influence and severity and have different effects upon the three site development components. Specific assessments for each proposed development are required through the planning review process.

Three general soil capability groups are shown on Map 5. These soils groups for undeveloped land are not presented for the purpose of indicating where development needs or does not need city sanitary sewers, nor do they preclude that there are areas that will not have any potential development problems. The purpose of Map 5 is to show that potential growth areas are rapidly being consumed and to provide the *insight* into where major new growth may occur so that this analysis data can be used in developing the City's Annexation Policy and Plan.

The most restrictive soils group generally has such severe soil characteristics, especially high water tables and deep muck deposits, that these soils are unsuitable for development. These soils are found primarily in the southeast corner of the study area, extending southwest of the City between Crumstown Highway and S.R. 23 and along the west perimeter of the study area generally south of U.S. 20. Overall, these soils are considered to have major development limitations.

The second soils group has moderate development limitations. Some of the critical soil characteristics may be severe while others are minor, thus, having varying effects upon the three primary site development components. Detailed reviews through the site development planning process will be required to determine appropriate uses of the land. In many locations, the high costs for preparing the site may limit its potential for development. These soils are generally located in the south and northeast portions of the study area.

The third soils group is generally capable of supporting development with minimal additional site preparation costs. These soils, however, still need to be reviewed within the site development planning process. These soils generally have minor development limitations.

The combination of developed land and undeveloped land, with its varying potential development limitations, shows that new growth trends may occur in the future. Clay Township, a major past growth area, has very little remaining undeveloped land with about one-half of this land having potential moderate development limitations. Another past growth area in the south/southeast is also becoming limited for future growth. On the other hand, the area north and northwest of the City presents the possibility for substantial new development.

A final planning item shown on Map 5 is the boundary for the St. Joseph Valley Sole Source Aquifer. This aquifer was designated by the US EPA and, at this time, is only jurisdictionally applicable to federally funded actions. It does, however, reinforce impending local concerns about the quality of groundwater and the fragile relationship between a large number of residents in the study area.

Neighborhood Code Enforcement inspects for unsafe, hazardous and substandard housing, abandoned vehicles, noise violations, animal complaints and a variety of other housing, environmental and nuisance violations. Trash and debris violations are a year-round concern while high weeds are a concern in the summer and snow removal is a concern in the winter. Licensing and inspections for certain business uses, such as second-hand stores, open-air stands and automotive service centers, are also performed by this division, along with the review of zoning violations. The Department of Code Enforcement is a very visible city service with its inspectors having direct contact with residents and working closely with neighborhood groups.

The Bureau of Weight and Measures is responsible for the inspection of all devices used in commerce within the City. This includes the testing of commercial measures, gasoline pumps, taxi meters and all grocery store scales.

The Code Enforcement Clean-up Crew cleans properties of trash, weeds and other environmental code violations when the cited violator does not remove the violations from the property. This crew also maintains City-owned property and provides for snow removal from downtown crosswalks and sidewalks on bridges located in the City.

2. Annexation Responsibilities

Neighborhood Code Enforcement will be impacted when new territory is added to the City through annexation. Presently, there are minimal surplus service capabilities for the neighborhood code inspectors. When service capabilities begin to diminish, housing code inspections and neighborhood environmental concerns will be given precedence and other services provided by these inspectors, such as abandoned vehicles, noise and dog complaints will become second priority.

Recent annexations generally have few, if any, immediate code violation service demands. Thus, these annexations have had a minimal impact upon the service capabilities. Implementation of an annexation program will, however, create a demand for additional code enforcement services. Older, established neighborhoods will probably be annexed and some neighborhoods in the annexation study area may place a substantial service demand for neighborhood inspections and other code violation complaints.

A plan for providing neighborhood code enforcement services for annexed territory should be developed to keep up with City annexation efforts. This plan must consider the area distribution or assignment of code inspectors and criteria that would identify the need for additional code inspectors and office support staff. In addition to salary costs, each new inspector will need a vehicle.

Presently, each code inspector is assigned to a councilmanic district. This method of assignment may be an efficient method of satisfactorily providing the service and is an outstanding way to maintain public accountability for elected officials. This method of assignment may need to be modified with future City growth. The City's annexation program may focus on one or two priority areas. When annexed, this territory will be added to a councilmanic district. Thus, increased service demand for one or two code inspectors may occur and, furthermore, a possible reduction in service which focuses only upon the priority code violation may also be necessary. Should annexations take place at various locations around the entire corporate limits, then all inspectors could be faced with additional service demands and a possibility of reduced service for second priority services.

Various distribution or assignment methods can be considered when developing the plan for providing neighborhood code enforcement services for future City growth through annexation. One method would be to designate one or more *as-needed* code inspectors to respond to certain councilmanic districts when increased demands occur. These *as-needed* inspectors would allow the department to maintain the benefits of representing each councilmanic district as afforded by the present service method. Another method would be to establish new staff positions for certain lower priority types of violations or complaints. These inspectors could serve city-wide and thus allow the councilmanic district code inspectors to focus upon the priority neighborhood services. Another method would be to abandon the assignments by councilmanic district and establish all new districts. This method would allow for periodic boundary adjustments to satisfy new demands caused by annexation and, based upon the plan's guideline criteria, would be able to identify when new districts are needed along with additional staff. Any of these or other possible service methods should review past violations and complaints in specific areas of the City and consider land use, density and social/economic factors.

The Bureau of Weights and Measures should be impacted very little by annexation. Additional staff may be needed in the long term and will need to be identified when the need arises.

The Code Enforcement Clean-up Crew may also need to be expanded. This service appears to be directly linked to the effort of the code inspectors and can fluctuate, based upon the number of property owners that do not comply with clean-up citations. Multi-departmental services such as with the Park Department or Department of Public Works could be developed to offset the need for partial staff expansion or service demand fluctuations.

C. DEPARTMENT OF ADMINISTRATION AND FINANCE

1. Services Provided

The Department of Administration and Finance presently operates under six management divisions. These are Finance, Human Resources, Parking, Risk Management, Purchasing and Human Rights, all of which are under the direction of the City Controller.

2. Annexation Responsibilities

A primary component of an annexation by the City Council is the required fiscal plan. The fiscal plan should not only be analyzed for its immediate financial requirements of the annexation, but should also be evaluated for its possible impact upon the City's funding mechanism as related to other City needs and planned projects, including long-range budget impacts. A wide range of questions involving this department are raised. Will the funds for capital improvements needed to support the annexation deplete other funds

or funding sources to the point where other needed projects or programs can no longer be funded? What are options for the purchase or lease of needed equipment or vehicles? What effects will annexation have on the City tax rate and levy? How will debt payments to townships be handled? How can the use of tax impoundments, abatements, special assessments or other incentives be used in developing an annexation fiscal plan? What effects will there be upon medical insurance, vacation and sick pay, unemployment compensation and other fringe benefits if annexations require additional department staff?

These considerations indicate the need for a staff position in the Department of Administration and Finance, should the City proceed with a major annexation program. While this position does not presently exist, its functions could also have a positive impact for regular City budget matters. Whether or not this position is created, the fiscal plans for annexation as developed for input from the various City departments should be reviewed by the Controller's office for completeness and impact upon the total City fiscal resources. The Finance Division should be expected to provide advice and guidance to optimize the various funding sources available.

Barrett Law is a funding mechanism that could be used for constructing certain infrastructure improvements for annexation. The Barrett Law clerk could be expected to see increased work if this funding option is used for any annexations. The City presently has one full-time and one part-time Barrett Law clerks. Future use of Barrett Law funding for annexation could fully utilize these staff positions.

D. DEPARTMENT OF ECONOMIC DEVELOPMENT

1. Services Provided

The Department of Economic Development represents five city commissions and is organized into six basic divisions. These are Redevelopment, Economic Development/Business Development, Financial and Program Management, Bureau of Housing, Human Rights, and Planning and Neighborhood Development. Services are quite varied including new development or redevelopment for targeted areas, administering federal and state grants, housing action plans and financing, hearing human rights cases and neighborhood or social programs.

2. Annexation Responsibilities

This department has been actively involved in past annexation projects and should anticipate a greater involvement in future annexations. Previous City-initiated annexations for industrial development, such as the Airport Industrial Park and the 2010 Project, have involved this department through its Economic Development/Business Development Division, both with respect to the development planning as well as financing. The City's opportunity to utilize Community Development Block Grants and Tax Incremental Financing has brought about the essential involvement of this department.

The Division of Planning and Neighborhood Development has been assigned the responsibility to coordinate annexation planning. If a major annexation program is initiated by the City, this division will become more involved in the overall coordination and implementation of the City's annexation policy and plan.

In addition to this department's role for coordinating the City's annexation program and possible involvement in the planning for industrial development annexations, there will be a need for the department to review its other services that will be provided to the residents of newly annexed territory. This most likely will not create a major demand upon the department, however, a review mechanism for each individual annexation being proposed should be developed. There is no reason not to anticipate that there could be redevelopment, housing, financing or other needs that may arise as the result of new territory and citizens being annexed to the City.

E. DEPARTMENT OF PUBLIC WORKS

The Department of Public Works is organized into five divisions. These are Engineering, Environmental Services, Transportation, Water and Equipment Services. Unlike other departments, however, the services provided by this department are quite varied, with each division having several bureaus that can have potential specific involvements for annexation. Because of these considerations, each division is individually reviewed below.

1. Division of Engineering

a. Services Provided

The Bureau of Design and Administration is responsible for the administration of the City Engineer's office, engineering recordkeeping, including plans and specifications, plan review for new development, in-house design, interfacing with the public on engineering matters, and other similar tasks. This bureau is also responsible for developing consultant contracts for engineering design and the administration of those contracts through the bidding and award of a construction contract. Permits for work in public street right-of-way are processed through this bureau.

The Bureau of Public Construction is charged with the oversight of construction activities within the public right-of-way and City-owned buildings in South Bend. This work can include a new driveway being constructed, a utility working in the street, a major street rehabilitation project with extensive utility reconstruction or stormwater management structures. Bureau personnel may also participate in in-house design projects.

The Bureau of Traffic and Lighting is charged with the operation and maintenance of traffic signals within the City of South Bend and, by contract, for certain Indiana Department of Transportation (INDOT) signals within the City and certain County signals outside the corporate limits. This bureau is also responsible for traffic and street signs. Other responsibilities include signal timing, intersection signal and sign warrant analysis, traffic counting for both warrant analysis and design, and providing support for engineering design and construction inspection. Barricades and traffic control are provided for major events.

The Bureau of Communication is charged with the maintenance and repair of the radio communication system owned and operated by the City. Technical information is provided for the purchase of new equipment.

b. Annexation Responsibilities

Annexation can pose a heavy workload for the Bureau of Design and Administration. With sufficient advance planning and the timely development of improvement master plans, the impact of the annexation process should minimize the need for additional staffing. If an aggressive annexation program is implemented, the need for increased staffing will be greater. Contracting some of the services is an alternative that can be used to satisfy the demand for several smaller annexations or a single large annexation.

The Bureau of Design and Administration is funded through the regular City budget. Increased funds from newly annexed areas should provide proportionately larger funding for this bureau.

The staffing required for the Bureau of Public Construction can vary depending upon the actual workload. While a major portion of the workload is required for the oversight of City construction projects, a minimum staff level must be maintained to oversee work of private contract work and utility work. Funding for this bureau is generally provided from the City's general fund. This fund, however, may be reimbursed from different funds depending upon the project funding. These reimbursements may come from:

- Federal aid funds for roads and street;
- community development funds; or,
- tax incremental finance funds.

It is not anticipated that the staff size for the Bureau of Public Construction will be specifically affected by annexation. Present funding sources are a limiting factor in the expansion of the workload for this bureau. The preservation of a well-trained staff to handle average workloads is paramount for this bureau. Short-term fluctuations in the workload can best be handled by contracting with the private sector.

The Bureau of Traffic and Lighting can be expected to be impacted by annexation, particularly any annexation that requires new or adds existing signalized intersections to the City system. It should be anticipated that annexation will require additions to this staff and increase equipment requirements. This bureau is funded from the City's general fund. For specific projects, expenses for this bureau can be reimbursed from Federal Aid Funds for Highways, Community Development Fund and Tax Incremental Finance Funds. Annexation can be expected to result in a budget increase for this bureau.

The Bureau of Traffic and Lighting should be directed by a bureau head who is an engineer with traffic engineering training and experience. The field staff should be comprised of trained technicians. An analysis of this bureau's activities should identify actual time required for signal maintenance per signal location and for sign repair per intersection and unit length of street. Average annual time for other comparatively minor time-demanding tasks should be identified. This data can then be used to evaluate the specific staff requirements for new annexation areas. Every effort should be made to maximize budget reimbursement from supplemental funding sources.

The Bureau of Communications operates with a staff of six people. It is anticipated that there will be a minimum impact on this bureau by the annexation of areas being considered herein. Funding for this bureau is included in the City's regular budget and comes from the City's general fund. Funds from special tax budgets are generally not applicable to this bureau. Time-specific workloads that cannot be processed by the present staff would be more cost-effectively handled by contract services than by increasing staff size.

2. Division of Environmental Services

a. Services Provided

The Bureau of Wastewater is charged with the operation and maintenance of the South Bend Wastewater Treatment Plant (WWTP) and the liftstations in the wastewater collection system.

The Bureau of Sanitation is responsible for the maintenance of the wastewater collection system. This responsibility includes sewer cleaning and repair of breaks.

The Bureau of Solid Waste is responsible for the collection and disposal of trash refuse and other solid waste from residences and businesses throughout the City.

b. Annexation Responsibilities

The present WWTP facilities are considered adequate to handle the expected increase in demand that will occur with annexation. No increase in staff is anticipated for the Bureau of Wastewater. This bureau is supported by user fees. Capital expenditures may be financed by revenue bonds with bond payments being made from user fees. Specific projects may be funded from special funds including grants and low-interest loans.

Extensive development in the proposed annexation area could result in the need for an additional cleaning crew and related equipment for the Bureau of Sanitation. If sewers are properly designed and constructed, the repair of breaks should not be a problem for well over 20 years. Normal operation of the Bureau of Sanitation is included in the user fee-supported budget of the Bureau of Wastewater. As a master plan for the sanitary collection system is developed, it should be reviewed and evaluated for its impact upon the Bureau of Sanitation. During interim stages of development, reliance may best be placed upon private contractors for support. It should be recognized, however, that extensive development of an expanded sanitary sewer system within the proposed annexation area will require additional staff and equipment within this bureau.

The effects of annexation upon the Bureau of Solid Waste will be unique and, to a certain extent, cannot be fully identified at this time. Unlike other municipal services, the Bureau of Solid Waste competes with private business for this service. As the City begins to annex new territory, the residences and businesses in this territory will already be served by private haulers. The City will need to determine if it should offer solid waste hauling services to the annexed areas or if this service should remain with private haulers. If this service is not offered by the City, it could pose problems to some of the annexed individuals who will not be given the equal opportunity to use this City service as offered to other City residents and business. On the other hand, if this service is offered to annexed territory, it could pose operational problems because of few customers dispersed over a larger service area. These and other related issues will need to be resolved.

Compounding the situation regarding the extension of the Bureau of Solid Waste services to annexed territory are the numerous and potentially complicated issues that need to be resolved concerning implementation of the county-wide solid waste management plan. These issues not only will effect annexed territory, but may also have significant effects upon this bureau for its present city-wide service.

Sanitary sewer system expansion is the responsibility of the City Engineer' office. It is included here because of the relationship to the Bureau of Wastewater and the Bureau of Sanitation. Past annexation policy for involuntary annexations provided for the extension of sewers on a mile square grid. Costs were assessed on a unit area basis and collected as the area developed and sewer connections made. The *up-front* funding had to be provided by the City.

South Bend has used a modified Barrett Law procedure to make sanitary sewer extensions more attractive to developing areas. This program has provided a revolving fund to cover one-half of new sewer construction costs. This program was effective in extending such service into unsewered areas of the incorporated City. The remaining costs were assessed against the property served on the basis of the Barrett Law formula. This process has been used for comparatively small projects and requires supplemental funding of the City's share for larger projects. Under a Barrett Law funding procedure, the Contractor is paid in *Barrett Bonds* which are redeemed by the City from area-based assessments. Traditionally, the Contractor will sell the bonds, for example, to a financial institution. This bond sale provides the project financing plus the Contractor's overhead and profit. Because of the large discount on the face value of the bonds, this procedure has not been extensively used in recent years. The modified program used by the City has provided the initial construction costs with one-half of the cost recovered in a five-year period from area-based assessments.

A sanitary sewer master plan for the extension of sewers into the annexation area should be developed. Sewer service should be developed on the basis of a network on a mile-square grid. Liftstation locations should be established. Costs should be assigned to the service area on the basis of the Barrett Law formula or a similar formula. A decision should be made regarding the application of incentive funding. Incentive funding may be considered for either the total service area or for existing development with new development funding total costs. This latter aspect should receive a careful review by the City's legal department. Development within the mile-square grid should be the responsibility of the developers. A policy regarding incentive financing for these sub-areas needs to be developed and in place at the time of annexation.

For the purpose of identifying the future limits of urban growth and any priority annexation areas to be identified through this study, four sanitary sewer assessment categories were developed based upon the availability of any existing sewers located within, or which could be extended into, the annexation study area. The location of these four assessment categories are shown on Map 6.

The first and most favorable assessment category are those areas presently being served by sanitary sewer service. There are seven general areas presently being served. The largest area is northeast of the City and is commonly referred to as the Clay Utilities. It includes a section along U.S. 33 extending north from Cleveland Road to Darden Road and then east along Darden Road to Juniper Road. At this point, the sanitary sewer then extends east and northeast towards Hickory Road where parts of the Georgetown, Carriage Hills and Farmington Square subdivisions are sewered. Other smaller areas that are sewered are University of Notre Dame/St. Mary's College/Holy Cross Junior College, River Commons subdivision and Healthwin Hospital along the east side of the St. Joseph River south of Auten Road; north side of the Toll Road at Olive Road; south side of the U.S. 20/31 Bypass along U.S. 31; Douglas Road east of Ironwood Road; north side of S.R. 23 at Ironwood Road; and an area off of Mayflower Road just south of Western Avenue.

The second assessment category has trunk sewers nearby and would only require the extension of lateral sewers. There are few areas that meet this criteria. The two largest areas are University of Notre Dame/St. Mary's College/Holy Cross Junior College and an area south of Brick Road between the U.S. 31 Bypass and St. Joseph River. Other smaller areas are located in the vicinity of the Ireland Road/Ironwood Road, Mayflower Road/Sample Street and S.R. 23/Douglas Road intersections.

It should be pointed out that some unidentified, yet probably minor, extension to the Clay Utilities sanitary sewer could be performed. A detailed system analysis would be required to identify potential expansion or extension of this portion of the study area. Most of unsewered Clay Township will fall under assessment categories 3 or 4, as described below.

The third assessment category has trunk sanitary sewers but is in need of sub-trunks and laterals. There are two large areas that meet this criteria. The first extends west from the corporate limits to the western study area boundary generally located between Filmore Road/Early Road and Darden Road. This area has access to the I/N Tek and I/N Kote trunk sewers. The second major area is located south and southeast of the City, extending from just west of U.S. 31, eastward past Ironwood Road, and then north to Inwood Road. This area has access

to the Gilmer Extension of the Bowman Trunk and the Ironwood South Trunk. A final small area that meets this criteria is located along S.R. 23 on the north side of the U.S. 20/31 Bypass.

The final assessment category has no trunk sanitary sewers that can be easily accessed and thus will require major improvements for providing sanitary sewer service.

The City should review how sanitary sewers have been extended to unsewered areas in the past, particularly with respect to who initiated the extension and how the extension was funded. These past sewer extensions should be used to establish the City's policy for providing sanitary sewers to annexed territory.

3. Division of Transportation

a. Services Provided

The Bureau of Service and Building Maintenance is responsible for the maintenance of the two municipal service facility buildings.

The Bureau of Streets is responsible for the maintenance of the City's street and alley system which consists of approximately 449 miles of streets and 170 miles of alleys. This responsibility includes grading of unpaved alleys, patching, resurfacing, sweeping and snowplowing of paved streets and the maintenance of storm drainage inlets. Snowplowing of alleys may occur as priorities permit. Leaf collection is a large but time-limited activity.

b. Annexation Responsibilities

The staff for the Bureau of Services and Building Maintenance is small and is sized to perform the routine maintenance of these buildings. Funding for this bureau is included in the general budget of the City. Annexation could require additional storage space for this bureau.

Snowplowing requirements are a determining factor in establishing the basic staffing requirements for the Bureau of Streets. Any seasonal increase in staff required during the summer months can be resolved with the addition of temporary employees. The addition of significant street mileage can be expected to impact the Bureau of Streets' basic staff size and equipment needs, including trucks. Contractual services with the private sector can alleviate short-term workload peaks, however, this procedure is best adapted to routine maintenance items such as resurfacing rather than snow removal.

The Bureau of Streets derives its primary funding from user fees collected by the State and then distributed to the various local public agencies, in accordance with a published formula. This distribution is called the Motor Vehicle Highway (MVH) fund. MVH funds are used for funding of the local street department operations. Some Bureau of Streets funding may be included in the general budget of the City, however, this inclusion is usually specific funding for materials and not salaries. General obligation bonds can be used for funding, although this is not considered a normal funding source for Bureau of Streets operations.

Annexation can be expected to have a definite impact upon the Bureau of Streets. Most activities of this bureau can be reduced to an incidence-per-lane mile. Any annexation should be analyzed to determine the number of lane miles of streets that are included, as well as the condition of those streets. This information can be related to the lane mile vs. performance of the existing staff to develop the impact upon the basic staff size. Because of the formula method of distributing the MVH fund, income should increase in proportion to the length of streets added to the City street system. Use of private contractors as a supplement to City personnel may be desirable during interim periods. It should be recognized that the requirements for time-related work elements such as snowplowing, street sweeping and patching will result in increased equipment requirements. A pavement management program should be developed to provide a planning base, budgeting information and operational control.

4. Division of Water

a. Services Provided

The Bureau of Water (Water Department) is responsible for the planning and construction of the City's water collection and distribution system. This includes the development, operation and maintenance of well fields and pumping stations, water reservoirs, water treatment facilities and the installation of water mains and fire hydrants.

The Bureau of Services is responsible for the maintenance of the connections from the City water main to, but not in, the house or building. The Bureau is also responsible for installation and maintenance of meters.

The Customer Service Bureau deals with the customers from meter reading through billings, collections and complaint response.

b. Annexation Responsibilities

The Water Department (Distribution Bureau) has a master plan that covers the present incorporated City and certain adjacent areas. This master plan identifies a need for additional well capacity and identifies the network of the larger distribution mains. While the expansion of the distribution system is, to a large extent, based upon a mile-square grid pattern, this pattern may vary due to topographic and demand constraints. At the present time, the Water Department is in the process of adding ten wells to the system on a phased development plan. Depending upon the rate of increase in demand, the proposed annexation areas to the southeast and northeast could be the first areas to require increased supply capacity. Expansion to the west appears to pose a definite requirement for new wells.

The existing Bureau of Water master plan for the distribution system should be expanded to include the entire annexation area. Locations of needed well sites should be identified and the land purchased and necessary measures instituted to ensure wellhead protection. It may be desirable to add elevated storage to the system, particularly in the northeast portion of the study area. A decision should be made regarding this improvement and any needed site secured to guarantee availability. An in-depth analysis of capital improvement financing should be conducted to ensure that the distribution system is in place prior to development. A formula for connection fees should be established for each expansion project to ensure recovery of expenditures.

The Water Department does construct new mains. Depending upon the rate of development, this practice can continue. A time-limited increase in the main expansion program could be supported by contracting with the private sector. The addition of wells to the west of the present City limits will, at full development, result in the need for an additional maintenance person and related transportation and equipment. At some point, the expansion will result in the need for an additional two-person main-flushing crew with related transportation and equipment.

All Bureau of Water activities are user fee-funded. This bureau will continue to be supported in this manner. Because there is no requirement that potential users connect to the system, extensive capital improvements may pose funding problems. Experience indicates that new construction will probably utilize an existing water supply, while existing development with wells in place are not inclined to do so. Tax-incremental financing can be used where appropriate, however, it may be necessary to utilize General Obligation Bonds for much of this financing.

Capital improvements in the water distribution system can result in large expenditures for any large annexation area. Funding constraints may prevent the use of incentives in the form of reduced costs to the new users. For this reason, it is important that planning be completed at the earliest possible date so that actual funding options can be explored in a timely manner. For small projects, the City has constructed the main extension and established connection fees which were assessed against new users at the time connections were actually made. These projects occurred when an owner wanted water service but the line had to pass other property whose owner did not need or desire service at that time.

Municipal water service, including hydrants for fire protection, will be required within three years after territory is annexed. The costs for providing the capital improvements will be a major consideration for annexation. Construction costs for an average-sized water main is around \$150,000 to \$250,000 per mile, while laterals can range between \$150,000 to \$200,000 per mile.

Four assessment categories were established for water distribution service in the annexation study area. These were established to assist in identifying the possible limits of annexation and any priority areas. These are shown on Map 7.

The first assessment category is those areas having existing water service. The most extensive area having water service is northeast of the City, including the land adjacent to Darden Road extending east from the St. Joseph River to Juniper Road, along U.S. 33 south of Darden Road, parts of the Georgetown, Carriage Hills and Farmington Square subdivisions between Juniper Road and Hickory Road, and the River Commons subdivision along the east side of the St. Joseph River south of Auten Road. As previously noted, this area is commonly referred to as the Clay Utilities. Another area having existing water service is on the south side of the City bordered by U.S. 31, Jackson Road, Miami Highway and Johnson Road. An area along the north side of S.R. 23 at Ironwood Road also has water service. The majority of the University of Notre Dame/St. Mary's College/Holy Cross Junior College area has existing water service or can obtain service consistent with the following assessment category.

The second assessment category is those areas having access to mains and sub-mains, but will require the extension of laterals. Three areas on the north side of the city meet this criteria. The first is north of Cleveland Road and west of Lilac Road. Another is north of Darden Road along the east side of the St. Joseph River. The third area extends north of the corporate limits to the Toll Road between Ironwood Road and Hickory Road.

The third assessment category is those areas that have access to water mains but would require sub-mains and laterals in order to obtain water service. There are several areas that meet these criteria. The majority, and the largest areas, are on the south and southeast side of the City. These include an area generally bordered by Locust Road, U.S. 20/31 Bypass, Miami Highway and Kern Road; an area around the Ironwood Road/Kern Road intersection; and an area extending east of Ironwood Road bordered by Inwood Road and Jackson Road. Another large area in this assessment category is generally located between Cleveland Road and Brick Road to the west of Portage Avenue.

The final assessment category would require water mains, sub-mains and laterals. This category consumes the balance of the annexation study area.

For a period of years, annexation should have little impact on the staff of the Bureau of Services. New service connections should not pose maintenance problems. New meter installations can be accomplished by the present staff. Maintenance of service connections is funded by an insurance program that is a part of the monthly water charge. This program should provide adequate funding for any annexation program. The installation and repair of meters is funded through normal user charges.

Any expansion of the customer base will impact the Customer Services Bureau staff required to read meters. While intermediate phases will undoubtedly be absorbed by the present staff, large increases will require additional personnel. The present staff responsible for billings and collections can be expected to absorb a limited expansion of the present customer base. Large-scale development in the annexation area could require additional staff. This bureau is funded through user fees. No change in this funding mechanism appears necessary or desirable.

5. Division of Equipment Services

a. Services Provided

The Division of Equipment Services is responsible for the maintenance of the City-owned vehicles fleet, with the exception of the vehicles of the Division of Environmental Services.

b. Annexation Responsibilities

The staff size in the Division of Equipment Services is matched to the present workload. Records enable management to project staff requirements based upon the age and condition of the existing fleet with proper allowance for replacement. Funding for this division is a part of the regular City budget. Support for this budget can come from special

funding sources for the various divisions and bureaus based upon the chargeable hours actually spent working on specific portions of the vehicle fleet. Specific examples of possible fund transfers are the MVH fund of the Bureau of Streets and user fees for the Bureau of Water. Specially funded programs for the City should also be analyzed for their impact upon the City vehicle fleet, and proper consideration given to some portion of the funding being designated as reimbursement for this impact upon the vehicle fleet.

At such time as the annexation program results in an increase in the vehicle fleet for the Bureaus of Streets, Sanitation, Wastewater and the Fire and Police Departments, the Division of Equipment Services will be required to expand its staff. Based upon existing records, it will be possible to establish and control staff size, dependent upon the expansion of the vehicle fleet for the various bureaus. Various funding sources available to support this division should be investigated and the data made available for consideration in any annexation fiscal plan. Use of these funds for this purpose must, however, be compatible with the overall City budget priorities.

6. Stormwater Management

Stormwater management is becoming an increasingly greater area of responsibility for the Department of Public Works. The needs for a centralized organizational structure; planning, construction and maintenance activities; and, funding are some of the primary issues facing the City regarding stormwater management. Annexations will further compound these needs.

Presently, the various functions for stormwater management are being performed by different divisions and bureaus of the Department of Public Works. Planning and engineering designs are being performed in the Bureau of Design and Administration in the Division of Engineering. Maintenance of inlets and catch basins are performed by the Bureau of Streets in the Division of Transportation while the Bureau of Sanitation in the Division of Environmental Services cleans storm sewers. Because of pending US EPA requirements, the Bureau of Wastewater in the Division of Environmental Services may also become involved in stormwater management.

In the past, stormwater was routinely discharged into a combined storm/sanitary sewer system. Over the past 20 years, major efforts have been performed by the City to separate these two systems enabling the City to reduce combined sewer overflows at the Wastewater Treatment Plant

F. POLICE DEPARTMENT

1. Services Provided

The national motto of the law enforcement profession, "*To Serve and Protect*" states the essential purpose of the South Bend Police Department. Functional objectives of the Department are the prevention of crime, deterrence of crime, apprehension of offenders, recovery and return of property, movement of traffic and public service. These objectives are provided through three divisions.

The Uniform Division consists of the patrol section and traffic section. The patrol section is divided into three (3) details constructed of geographic areas as well as call-demand proportion beats. Presently, the City has 15 beats with each beat further divided by reporting districts. The patrol details are the most visible division of the Police Department having primary responsibilities for preventing crime and maintaining order within the City. The patrol details are supported by the City's K-9 units. The NEST (Neighborhood Enforcement Strike Team) unit provides timely and visible response to complaints in neighborhoods throughout the City. The recent restructuring of the department has added many of the former traffic functions and responsibilities to the patrol section including the enforcement of laws related to the movement of vehicles and pedestrians, parking laws and accident investigations. The traffic section focuses upon services associated with the youth of the community and special patrol districts. Safetyville, SUDS (Stop Underage Drinking and Sales) and DARE (Drug Abuse Resistance Education) provide for youth education. Special bike and foot patrols for the downtown area, East Race and West Washington Street area are provided through the traffic section along with other services including hit-and-run investigations, liaison with Civil Defense, Haz/Mat liaison with the Fire Department, coordinating the crossing guard services, arson investigations and assisting at special events.

The Investigation Division consists of the Investigative Section, Juvenile Aid Bureau (JAB) and Special Operations Section (SOS). The primary function of the Investigative Section is to coordinate the previous investigations of the Uniform Division in order to further determine the illegality of acts and to determine the identification of alleged suspects. JAB monitors, investigates and coordinates crimes involving juveniles. Each high school district is assigned a JAB officer. SOS is comprised of a drug unit and intelligence unit. This section has recently been expanded to a Metro SOS incorporating officers from the St. Joseph County and Mishawaka Police departments.

The Services Division provides a wide range of administrative and support services directly for both the Uniform Division and Investigation Division, and for the Police Department's overall public service. These services include records data, photo lab, fingerprint classification and processing, burglar alarm coordination, communications center, public relations, crimestoppers, public information, training, computer services and motor pool.

2. Annexation Responsibilities

The basic unit of the Uniform Division is the patrol beat. Presently, the patrol beat requires 4.5 uniform officers. The creation of a beat considers a variety of factors including overall geographic size, type of land use, street layouts and traffic, population and social/economic factors. The beat itself can be comprised of several reporting districts, which are the basic evaluation units that cumulatively build to create a beat.

The department has used a systematic evaluation methodology for determining the personnel needs for previous annexations. Using the criteria noted above, the department can estimate proportional time commitments for patrol and other incidents involving the beat officer and the service needs of the Investigative Division and support services. From these estimates, a cost to provide police services for an annexation can be determined. This methodology should be continued for future annexations and, because of the possibility for larger-scale annexations, should be expanded to cover all of the services provided by the department.

The methodology used by the Police Department also considers long-range service needs created by annexation. The ebb and flow between deficit and surplus service capabilities can be managed and the deviation from the standard level of service can be minimized by periodic adjustments of the beat boundaries, adding supplemental beat patrols, and the creation of new beats when necessary. In 1992, the Police Department will add beat 16 in the southeast part of the City and Beat 20 in the northwest part of the City. These areas, presently being patrolled by Beat 15 and Beat 22, respectively, are presently causing some deficit service capabilities upon their present beats. Though the department has been able to minimize these deficits by adding supplemental patrols, the new beats will reduce the deficit service demand being placed upon the present beat and allow that beat to return to its standard level of service. The new beats, on the other hand, will have some surplus capabilities which can assist adjacent beats and which will permit future annexations to take place without having a negative impact upon the Police Department. This long-range planning, of course, will need to be continued and must be based upon an established service methodology.

G. FIRE DEPARTMENT

1. Services Provided

The South Bend Fire Department has 212 full-time firefighters for fire protection services. The department has three divisions. Fire suppression and emergency response services are provided from 11 fire stations located throughout the City, as shown on Map 8. Station No. 1 also serves as the administrative center for the fire prevention, services and emergency medical services divisions.

The department has 29 active and reserve fire suppression and emergency response vehicles. These consist of 8 pumpers, 4 mini pumpers, 4 quint aerials, 1 rescue, 4 medic units, 1 neonatal unit, 2 boats and trailers, 3 battalion chief cars and 1 light-duty truck. The department also has 14 cars, trucks and vans used by the chief, assistant chiefs, inspectors, investigators and maintenance personnel.

The Operations Division provides 24-hour services from the 11 fire stations for all structural and trash fire suppressions, fuel and flammable liquid washdowns, emergency medical services and emergency rescues including water rescue. The Division also includes the Haz/Mat Response Team and maintains in-house training.

The Fire Prevention Division includes the Arson Investigation Squad that investigates all fires of a suspicious nature and all major disasters. Inspectors of the Fire Prevention Bureau enforce all City and State fire codes. This division also provides public education services for fire and safety issues.

The Services Division is responsible for the maintenance and emergency repairs of all department vehicles. The Emergency Medical Services (EMS) Division coordinates training of all firefighters in EMS matters and is the liaison with local hospitals.

2. Annexation Responsibilities

Township fire departments presently provide fire protection services for the annexation study area. The fire station locations for Centre, Clay (2 stations), German (2 stations), Portage and Warren Townships are shown on Map 8. The Greene and Penn Township fire stations are located outside of the study area, as is Warren Township Station No. 2.

The South Bend Fire Department will be required to provide fire protection services to annexed territory. These services will need to be provided in a comparable manner as presently provided throughout the City. Fire suppression services undoubtedly will be the primary fire protection concern for property owners and residents in the annexed territory. It should not be overlooked, however, that other fire protection and safety services, including arson investigations, code inspections and public education, will need to be extended to the annexed territory and that these services are important for the overall welfare and benefit of the citizenry.

What constitutes comparable fire suppression services? It is obvious that new, fully equipped and staffed fire stations will probably be needed to provide fire suppression services if a major expansion of the corporate limits does occur through annexation. Where such fire stations should be located is linked directly to the specific annexation area and, thus, cannot be identified at this time. The criteria for locating and equipping these future stations, however, can be established by determining what constitutes comparable fire suppression service.

The best available tool for determining comparable fire suppression service is the Public Protection Classification that is established by Insurance Services Office (ISO) and used as an element to develop fire insurance rates for individual properties. To be eligible for the ISO rating, a fire department must meet certain basic requirements for organization, firefighters, training, alarm notification and apparatus housing. Eligible fire departments are rated on a relative classification scale from 1 to 10, with 10 being the lowest Public Protection Classification. A fire department that does not have at least one piece of apparatus with a pump capacity of 50 gpm at 150 psi, and at least a 300-gallon water reservoir, is automatically rated Class 10.

If a fire department satisfies the above minimum pump capacity and water reservoir criteria, additional evaluation is performed for three elements. These three elements and their respective evaluation factors are 1) how fire alarms are received and handled, including telephone service, operators and dispatch circuit factors; 2) fire departments, including engine company, reserve pumper, pump capacity, ladder service, reserve ladder and service truck, distribution, company personnel and company training factors; and, 3) water supply, including supply system, hydrants and inspection and condition of hydrant factors. A wide range of additional criteria ranging from immediate playback devices for emergency calls to the quantity, type and size of ladders for evaluating the rating factors are also used.

A fire department that satisfied the minimum pump capacity and water reservoir criteria, but does not meet other basic criteria involving records and equipment, is automatically rated Class 9. Generally, this rating is due to the absence of fire hydrants within 1,000 feet of built-up area.

the areas to the southeast and northwest which extend up to three miles from the nearest fire station, and a small area in the northeast, as shown on Map 8. Also shown on this map is the territory within the annexation study area that is 1-1/2 miles or less from the nearest fire station. It should be noted that this territory located within a response district is shown by direct distance and that actual evaluation by the fire suppression rating schedule would be done by travel routes. Thus, barriers such as railroads, the St. Joseph River and the U.S. 20/31 Bypass can alter the actual limits of the 1-1/2 mile response district.

The construction of a new fire station and equipping this station will be a major capital expenditure. The location of new fire stations will have to be closely coordinated with the overall plan for annexation. New stations must not only fulfill the service requirements for a standard response district, but also must be built at optimum locations so that the stations are not underutilized. A present example of an underutilized station is Station No. 10. This station was built under the assumption that considerable new development would occur on the south/southwest side of the City. This has not happened and thus this station is underutilized to a certain extent. When new fire stations are to be built, they must be located at sites that will also serve other future priority annexation areas.

Another major capital expenditure will be water supply. If water supply is not provided by water mains and hydrants for annexed territory, this could have a significant effect upon the Public Protection Classification for the overall City.

When annexation occurs, fire protection services will need to be provided within one (1) year of passage of the annexation ordinance. Map 8 shows that there are very few areas within the annexation study area that have water mains and hydrants, including territory within 1-1/2 miles of a fire station. A one (1)-year period may not be long enough to plan, design and construct the needed water supply system for annexed territory. If this should occur, the City should review alternate service means, such as the purchase of a tanker truck for water supply or contracting the services to the township fire department for all or part of the initial three years of annexation.

The fire protection benefits for property owners in annexed territory will include the arson investigation, code inspection and public education services along with fire suppression and emergency services that will be provided by the South Bend Fire Department. A direct benefit may occur in the form of lower property insurance.

The Public Protection Classifications are but only one of several elements used for determining fire insurance rates for individual properties. Others include construction, occupancy, processing hazards, exposure and private fire protection systems. In addition to these fire-related factors, other factors are also used to determine the overall property insurance rate.

Insurance companies in the South Bend area generally consider fire suppression classifications 1 thru 8 as being of comparable service when determining the insurance factor for residential property insurance. Residential properties located in Clay Township and those parts of Centre and German Townships that are within the Class 6 rating will see little or no reductions in property insurance premiums when annexed and placed under the service of the South Bend Fire Department. Residential properties in Greene, Portage and Warren townships, and those parts of Centre and German townships that are rated Class 9, will receive a more substantial insurance premium benefit if annexed.

The overall property insurance benefits for industrial and commercial businesses will be slightly greater, yet comparable to the residential properties. Again, areas presently served by Class 9 or 10 fire departments will see a more substantial benefit.

H. DEPARTMENT OF PARKS AND RECREATION

1. Services Provided

This department, to a certain extent, operates as two separate departments which provide different services and represent differing taxing entities, yet are related to each other through their use of shared facilities. The Board of Park Commissioners and its administrative staff headed by the Park Superintendent, is responsible for the operation, maintenance, capital improvements and park development within the City. The Public Recreation Commission and its administrative staff headed by the Recreation Director, is responsible for establishing and operating year-round recreational programs for children, youth and adults within the limits of the South Bend School Corporation, both within and outside the City.

The Park Department manages 71 public parks, playgrounds and other park properties totaling over 1,300 acres. This includes two city cemeteries and properties leased from the School Corporation, St. Joseph County, University of Notre Dame and Izaak Walton League. Additionally, the department maintains 40 traffic islands consisting of cul-de-sac islands, intersection islands and street centers.

3. Policy - It shall be the policy of the City of South Bend to periodically review its Annexation Plan and the procedures for its implementation.

Goal - There should be a periodic review of the land contiguous to the City to determine its appropriateness for annexation.

Objective - The City should annex land that through time becomes contiguous to the City and that meets the annexation policies of the city. The City should also continually review its procedures for the annexation of territory to accommodate changes in state or local annexation law.

D. GUIDELINES FOR IMPLEMENTATION OF THE ANNEXATION POLICY

1. The following *priority* guidelines are to be used in the implementation of the City's Annexation Policy on those areas most appropriate for annexation by the City and that meet the following conditions:
 - Contiguous territory zoned for residential, commercial, business or industrial uses;
 - contiguous territory which is 60% subdivided;
 - contiguous territory in which the population density is at least three (3) persons per acre;
 - contiguous territory that is needed and can be used by the City for its development in the reasonably near future;
 - contiguous territory of which the owners of the territory seek voluntary annexation, if such contiguous territory advances the Annexation Plan and policies of the City;
 - non-contiguous territory which advances the policies of the Annexation Plan and the City, as provided by State law.
2. The following *general* guidelines are to be used in the implementation of the City's Annexation Policy on those areas most appropriate for annexation by the City and that meet the following conditions:
 - Annexations should be within the Study Area, as periodically reviewed and amended to further the policies of the City;
 - all annexations shall be evaluated to ensure consistency with the general policies of the City and the specific policies of this Plan;

- all annexations are to be of sufficient size for adequate planning and extension of City services and utilities;
- contiguous territory in which the public health or environmental quality are threatened should be considered for annexation;
- annexation should promote the development of regularly shaped corporate limits;
- no annexation should result in unincorporated islands;
- extension of City services and utilities beyond the City limits should not occur unless it furthers the annexation policies of the City and the appropriate *waivers of remonstrance* are obtained from all recipients of the service or utility;
- extension of City services and utilities should be coordinated and used by the City to further the City's annexation goals;
- all annexations must be in compliance with the criteria of the State annexation law.

VI. ANNEXATION PLAN

A. PLANNING ANALYSIS

As previously mentioned in this study, annexation is a planning process involving a variety of traditional planning elements such as being comprehensive in nature and systematic in application. It is designed to implement certain policies and a physical plan. The annexation policies, goals and objectives were presented in the previous section of this study. This section presents the physical plan for the City's growth through annexation.

In order to identify territory for future growth of the City by annexation, the major planning criteria previously developed in the study was consolidated for a final planning analysis. Two planning perspectives were formulated. The first is a development or physical planning perspective generally involving opportunistic conditions related to existing land use and major municipal services. The second is a strategic planning perspective incorporating certain guidelines of the annexation policy. Both of these planning analyses focus upon the need for initiating annexation and thus, attempt to establish positions where positive benefit/cost situations can occur and where the City can advance toward certain locations in order to establish and maintain management control over existing and new development areas.

1. Development Planning

All City departments will require fiscal expenditures for providing their services to newly annexed territory. The major City expenditures will be the capital costs for sanitary sewers, water mains and fire protection. Some locations within the study area are either (1) presently being served by sewer and water, (2) can easily be served by sewer and water with minor low-cost extension projects, or (3) are within the minimum 1-1/2 mile service area of a City fire station. Taking advantage of these beneficial service situations should be a priority consideration for annexation.

Because annexation has a cost, it therefore is desirable to identify where possible benefits in the form of income-generating revenues can occur. All annexed territories will provide benefits in the long term, however, short-term benefits will enable the City to recapture initial annexation costs at a faster return and, thus, provide the impetus to continue the advancement of an annexation program. Existing industrial and commercial businesses will provide this cost return. Areas containing major concentrations or individual large scale industrial or commercial businesses should be a priority consideration for annexation.

Map 10 presents development planning analysis with regard to the three capital-intensive City services and areas with existing industrial and commercial businesses. Any area satisfying the criteria for at least two of the three City services is shown on the map, such as having sanitary sewers and being within a fire protection area. Few locations outside the City have all three services available. Areas with only one City service were not mapped.

The mapping of these City services and industrial/commercial land uses begins to identify key areas to be considered for annexation. Four clusters of these key areas begin to take shape on the north edge of the City beginning at the Cleveland Road/Brick Road area and extending clockwise thru German and Clay Townships to the S.R. 23/Maple Lane area. A fifth area is located south of the City in the vicinity of U.S. 31 just south of the U.S. 20 Bypass.

2. Strategic Planning

Map 11 identifies some strategic planning elements. These include interchanges along the U.S. 20/31 Bypass; major and minor arterials at the City's perimeter; and major traffic-generating areas such as the Airport Industrial Park/2010 Development Area, Scottsdale Mall commercial area and Grape Road commercial/business corridor. Past major growth areas are noted, along with a potential new development area north and northwest of the City. Finally, territory that is presently or becoming isolated by City growth is identified in order to have a better definition of the corporate limits.

B. THE ANNEXATION STUDY

The annexation plan is a melding of the annexation policies and implementing guidelines with the development planning and strategic planning analysis elements to create a graphic representation of the City's proposed physical growth through annexation. The annexation policy provides goals and objectives regarding *how* the City should grow. The annexation plan, on the other hand, suggests *where* such growth should be considered.

The City's annexation policy will be the lead element for annexation. The annexation plan will essentially function as a support element for the annexation policy. In order to enhance this importance of the annexation policy, the annexation plan has been developed with the following key factors:

- The annexation plan is not intended to have definitive or ultimate limits for the growth of the City except where coinciding with certain jurisdictional and planning boundaries.

- The annexation plan is a long-range plan, however, no specific time frame or calendar based reference is proposed, thus allowing for periodic future updates of the plan to meet changing conditions and needs.
- The annexation plan, in general, does not designate particular annexation target areas and does not establish a sequencing or a planned pattern for implementing annexations.

1. Description of Annexation Area

The annexation plan is attached as Map 12. Annexation is proposed in all geographic areas to the north, west and south of the City. A general summary of the basic geographic areas proposed for annexation along with their assets to the City in terms of development and strategic planning analysis factors are briefly described.

Except for certain jurisdictional boundaries, such as the Michigan State Line and local corporate boundaries, the boundaries or ultimate growth limits for the annexation areas described below and as shown on Map 12 are to be considered non-definitive or approximate. Minor variations from these boundaries may be considered within the annexation policy and implementing guidelines.

a. Northeast

This area represents the balance of unincorporated Clay Township located within the annexation study area. This area has major residential, commercial and institutional developments. It includes three identified development planning areas that are either being served by certain municipal services and/or have commercial land uses (see map 10). Annexation of this area will enable the City to manage development along four primary arterials important to the overall urban area--U.S. 33, S.R. 23, Cleveland Road and Ironwood Road. This area has been a major growth area in the past and has the potential to provide for future infill development and additional growth of the urban area. Portions of this area may also require redevelopment activities in the future. Overall, the northeast area is very homogeneous with the urban character of the City.

b. North

Generally defined, this area extends north to the State Line between the St. Joseph River and U.S. 31 Bypass. This portion of German Township contains a large development area presently receiving municipal services (see Map 10).

This area has had a moderate amount of past residential growth and industrial development, which has been annexed by the City. The north area is anticipated to become one of two areas for substantial new residential and additional industrial development in the future.

c. Northwest

The northwest annexation area includes part of Warren Township and a small portion of German Township. It extends west from the U.S. 31 Bypass being bordered on the north by the State Line, on the west by Redwood Road (extended south) and on the south by U.S. 20. This area is anticipated to be a major residential and industrial growth area in the future. Annexation of this northwest area will enable the City to manage new development around the Toll Road/U.S. 31 Bypass and U.S. 20/U.S. 31 Bypass interchanges along with the U.S. 20 corridor.

d. West

This annexation area extends west towards Pine Road and is bordered on the north by U.S. 20 and on the south by Crumstown Highway. This area, containing portions of German and Portage Townships, has a medium density mix of residential development with some commercial and industrial developments which will continue to see growth in the future. Portions of this area may also require redevelopment activities in the future. S.R. 2 represents the major arterial entering the City from the west. Edison Road and Crumstown Highway are also important minor arterials. Managing future development around the U.S. 20/U.S. 31 Bypass interchange at S.R. 2 (Western Avenue) is an important objective for this annexation area.

e. Southwest

Growth to the southwest will be limited and generally confined to the extension of the corporate limits toward the U.S. 20/U.S. 31 Bypass between Mayflower Road and S.R. 23. Additional industrial growth is possible in this portion of Portage Township. Mayflower Road and S.R. 23, along with their respective interchanges at the U.S. 20/U.S. 31 Bypass, are important arterials to the City.

f. Southeast

The southeast area extends from Locust Road on the west to the east study area limits which is approximately 1.5 miles east of Ironwood Drive. The south limits of this area generally follows Roosevelt Road. This annexation area includes land in Centre and Penn Townships and has a large developed area south along and near U.S. 31 which is presently receiving municipal services and/or has commercial/industrial land uses (see Map 10). Managing development in the area around the U.S. 31/U.S. 20 Bypass interchange and Ironwood Road/U.S. 20 Bypass interchange are important to the City as well as along U.S. 31, Ironwood Road and Ireland Road. Considerable residential and moderate commercial development has occurred in this area in the past and is expected to continue in the future. The elimination of confusing, meandering corporate limits in this area is a primary need for annexation.

2. Priority Annexations

The annexation plan is considered long-range, yet it does not have a fixed time frame. There are, however, certain areas that should be given a priority consideration for annexation. These areas include parcels of land that are presently completely surrounded by the City. Several so-called *islands* are located throughout the City as identified below and as shown on Map 12.

Another type of priority annexation consideration are *peninsulas* or areas that are surrounded by more than 50% but less than 100% by the present corporate limits. These peninsulas also contribute to the jurisdictional confusion and efficiency for the delivery of needed municipal services. Some of the major peninsulas are described below.

Islands and peninsulas should be given a priority consideration for annexation. The timing for their annexation, however, should not distract from nor be considered a prerequisite for the City when proceeding with other annexations and the overall implementation of the City's annexation policy and plan.

a. Islands

Six (6) unincorporated islands are presently located within the corporate limits of the City. These are generally described below and shown on Map 12.

- Lilac Acres Subdivision located adjacent to the north side of Cleveland Road and west side of Lilac Road, two (2) lots adjacent to the east side of Lilac Road just north of Cleveland Road and

Riverside Park Subdivision (unrecorded) along the north side of Cleveland Road just east of Lilac Road.

- One (1) lot located in Creekwood Villas Subdivision just north of Hepler Street between Crestwood Boulevard and Hickory Road.
- One (1) lot adjacent to the south side of Inwood Road just east of Ironwood Road.
- One (1) lot just east of Ironwood Road between Inwood Road and Ireland Road.
- One (1) lot near the south end of Sampson Street just north of Ireland Road.
- One (1) lot just east of Ironwood Road south of Jackson Road.

b. Peninsulas

Peninsulas of unincorporated land bordered by more than 50% but less than 100% of the corporate limits are located throughout the City. These peninsulas contribute greatly to the confusing corporate limits and the efficiency of providing certain municipal services.

Peninsulas can consist of individual lots or larger clusters of unincorporated parcels. Two large peninsulas include the Ardmore Area generally bordered by Lincolnway West on the north, Grandview Avenue on the east and Conrail on the south and the area previously attempted for annexation north of the U.S. 20/31 Bypass and east of Linden Road. Several smaller sized peninsulas are located near the Ireland Road/Ironwood Road intersection; just west of Miami Highway between Jackson Road and Johnson Road; and, between New Cleveland Road and Brick Road to the west of Portage Avenue. The entire southwest annexation area previously described could also be viewed as a peninsula.

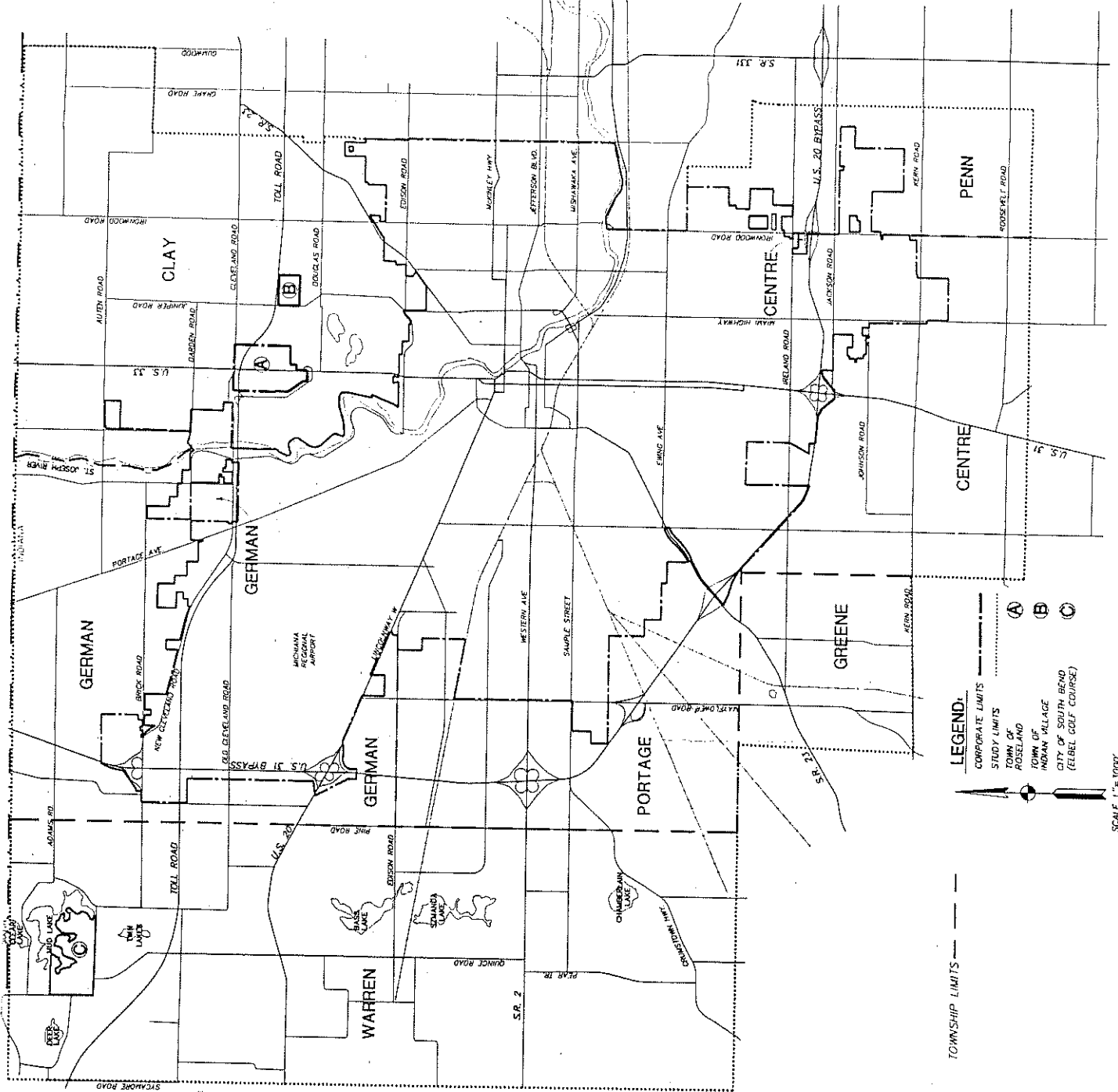
Like the unincorporated islands, peninsulas should be considered for priority annexation. Their timing for annexation, however, should not distract from other annexations.

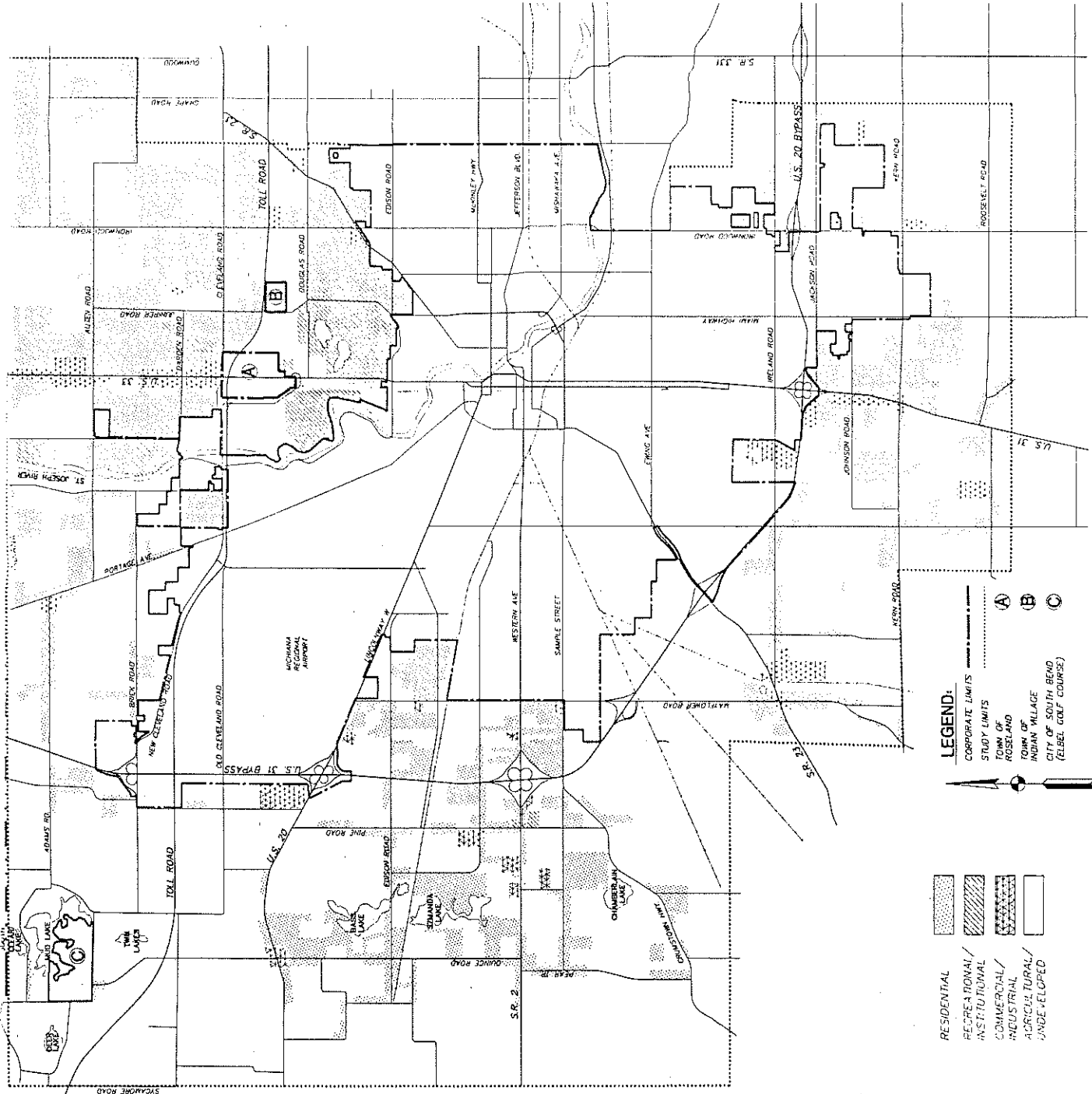
SOUTH BEND ANNEXATION STUDY
ANNEXATION STUDY AREA

DATE ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS

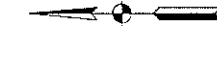
NO.	DATE	DESCRIPTION
1	11/15/88	PRELIMINARY
2	01/28/89	FINAL

DATE
NO.

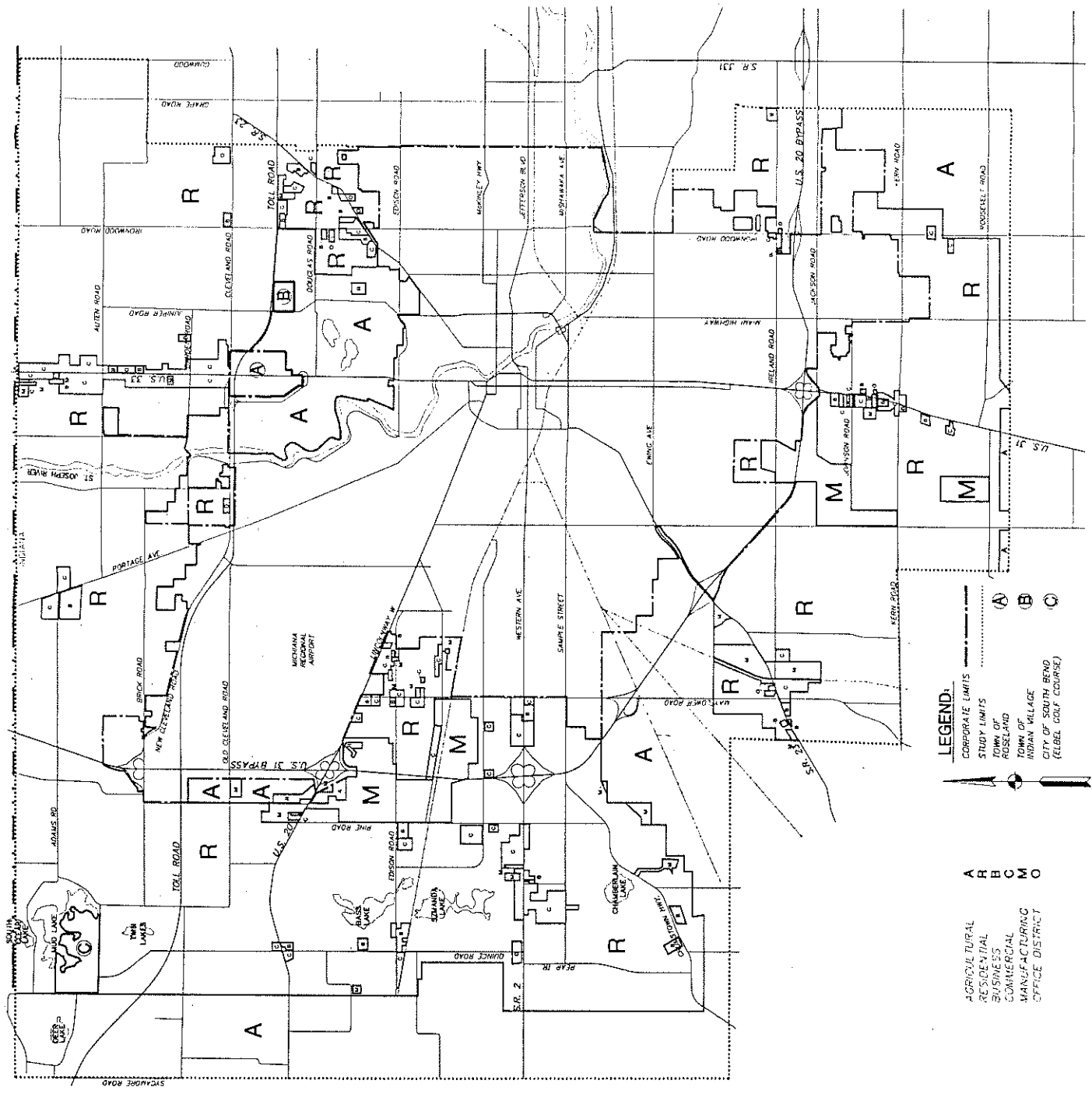




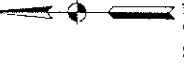
LEGEND:
 CORPORATE LIMITS
 STUDY LIMITS
 TOWN OF ROSELAND
 TOWN OF INDIAN VILLAGE
 CITY OF SOUTH BEND (EGBEL GOLF COURSE)



SCALE 1"=3000'



LEGEND:
 CORPORATE LIMITS
 STUDY LIMITS
 TOWN OF ROSELAND
 TOWN OF INDIAN VILLAGE
 CITY OF SOUTH BEND (ELBEL GOLF COURSE)

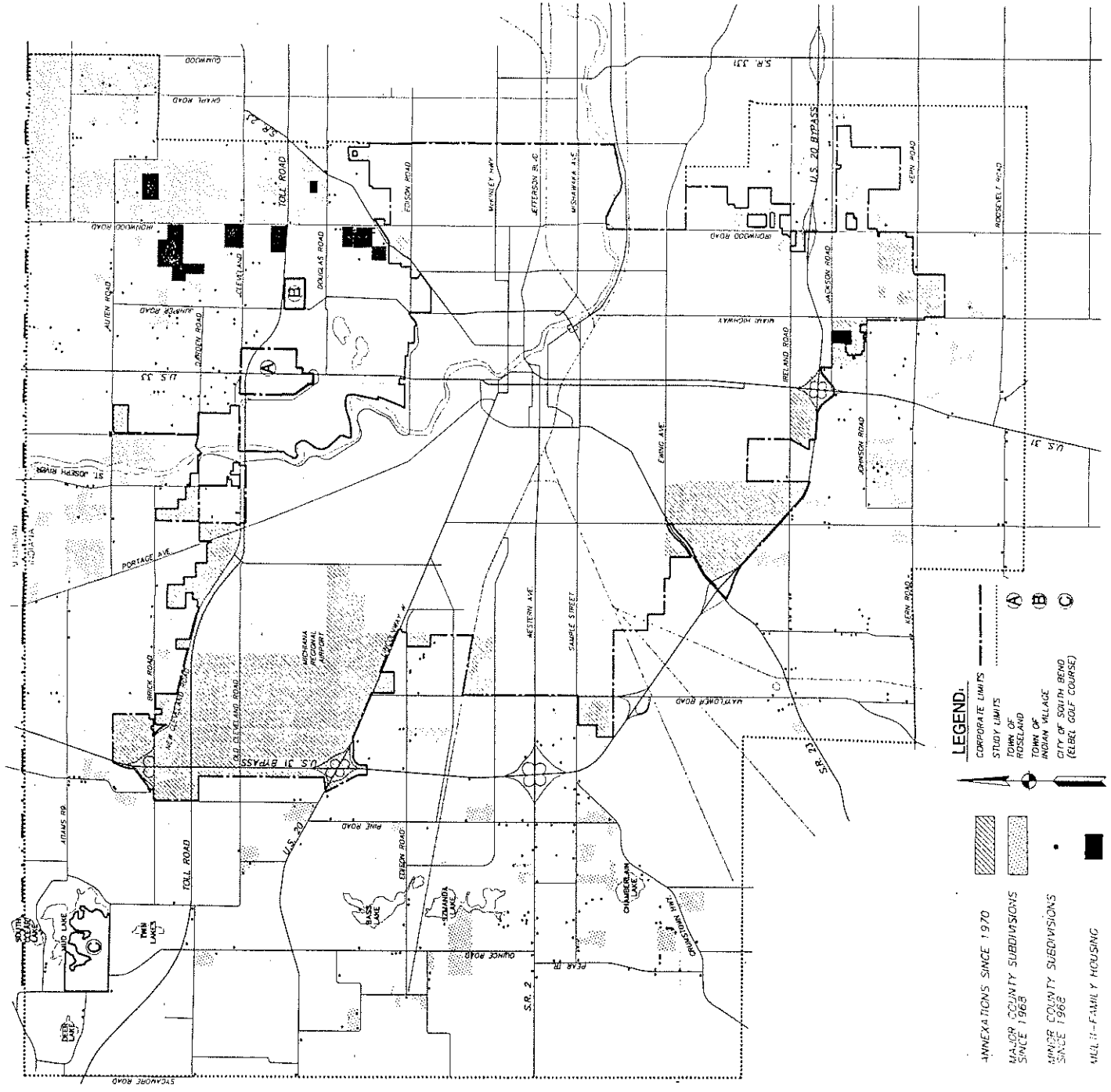


A B C M R
 AGRICULTURAL
 RESIDENTIAL
 BUSINESS
 COMMERCIAL
 MANUFACTURING
 OFFICE DISTRICT

SCALE 1"=1000'

DATE	NO.	REV.	BY

SOUTH BEND ANNEXATION STUDY
 MAJOR GROWTH AREAS



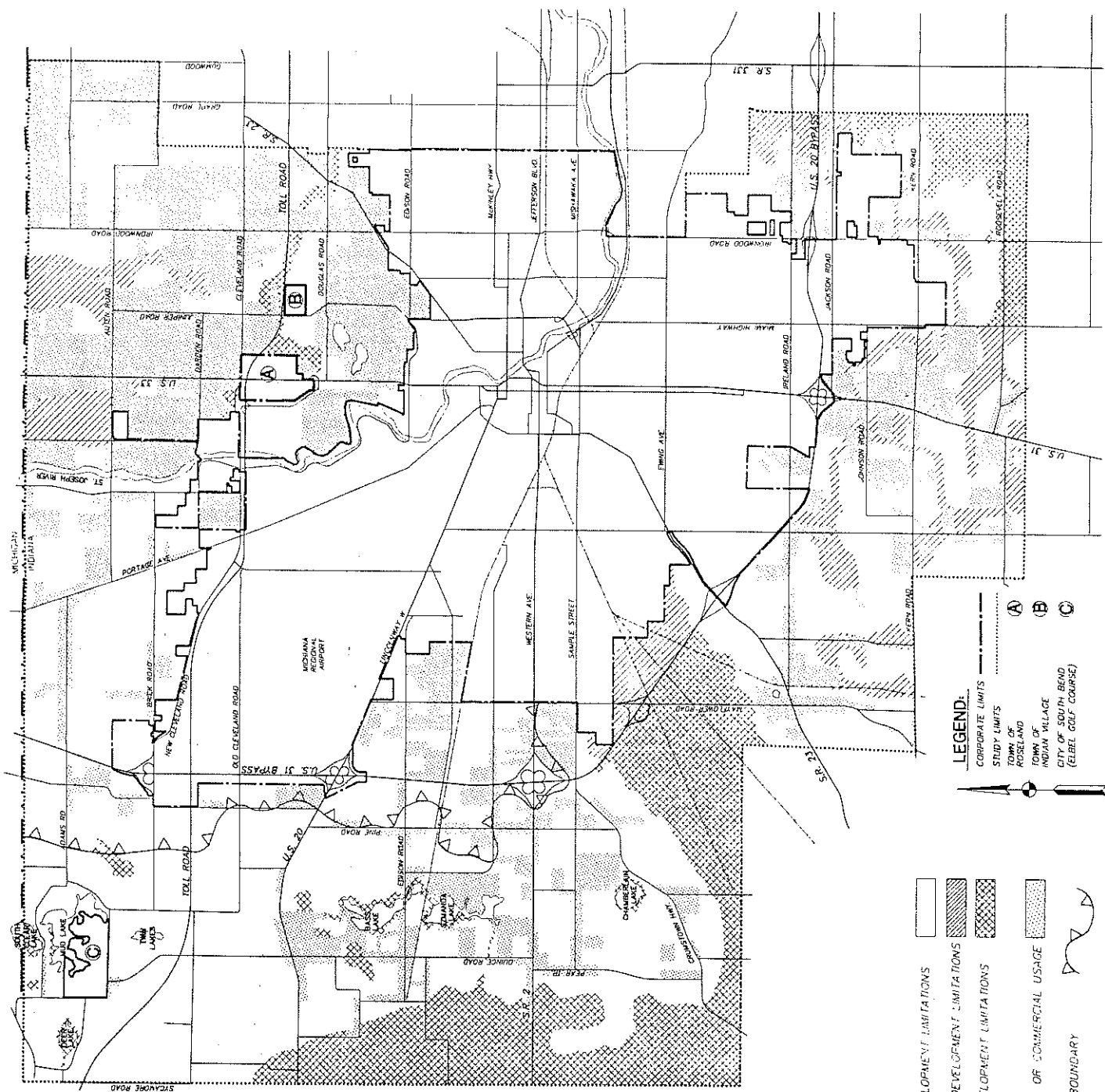
SCALE 1"=1000'

POTENTIAL DEVELOPMENT AREAS
SOUTH BEND ANNEXATION STUDY

MAP NO 5

City of South Bend
ENGINEERS ARCHITECTS PLANNERS

7.5'	15'	30'	60'	120'	240'	480'	960'	1920'
1:12,000	1:6,000	1:3,000	1:1,500	1:750	1:375	1:187.5	1:93.75	1:46.875

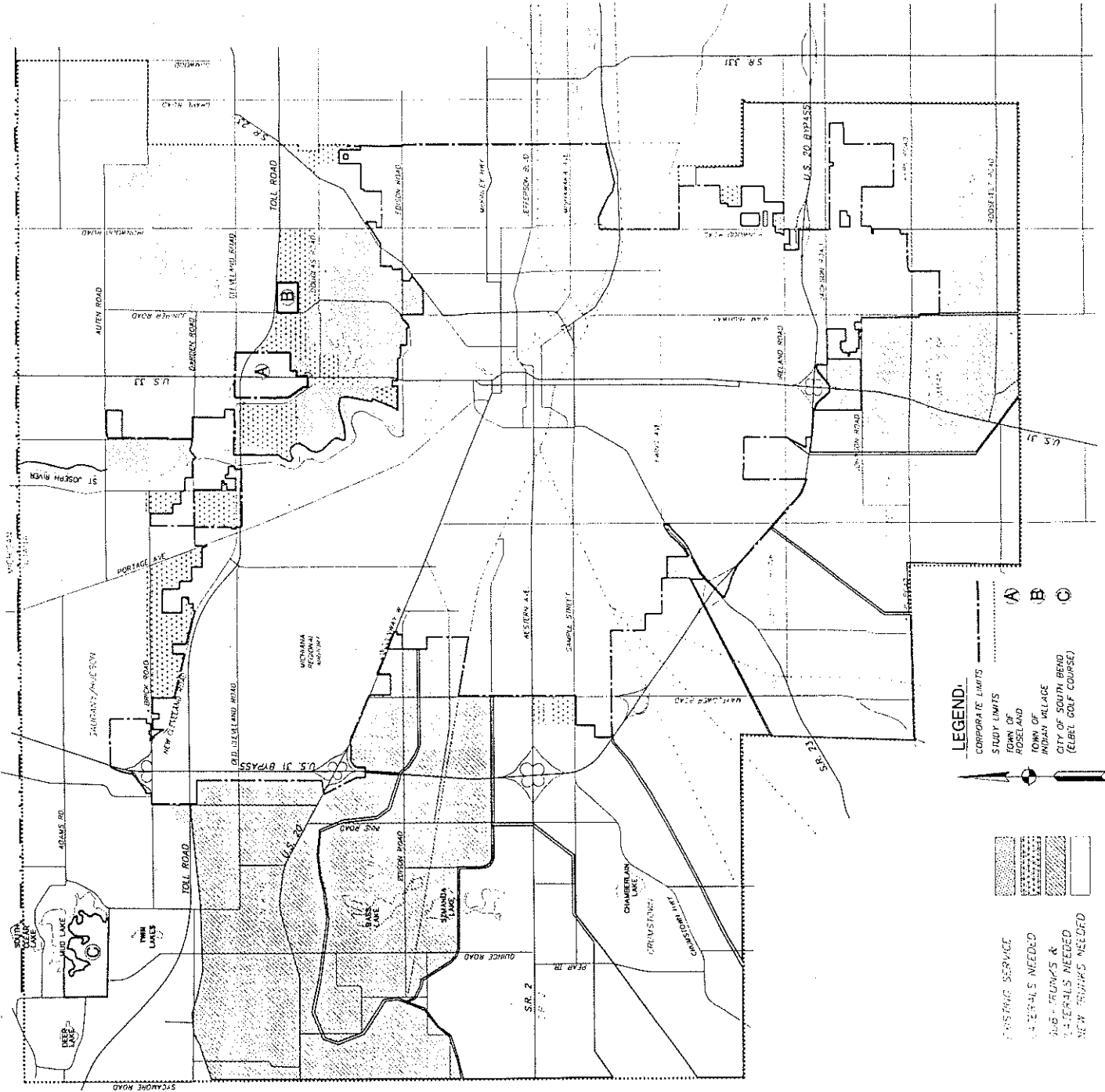


LEGEND:
 --- CORPORATE LIMITS
 - - - STUDY LIMITS
 (A) TOWN OF ROSSELAND
 (B) TOWN OF INDIAN VILLAGE
 (C) CITY OF SOUTH BEND (ELBEL GOLF COURSE)

- UNDEVELOPED LAND
- VINOP DEVELOPMENT LIMITATIONS
- MODERATE DEVELOPMENT LIMITATIONS
- MAJOR DEVELOPMENT LIMITATIONS
- DEVELOPED LAND
- RESIDENTIAL, INDUSTRIAL OR COMMERCIAL USAGE
- SOLE SOURCE AQUIFER BOUNDARY

SCALE 1"=1000'

ENGINEERS ARCHITECTS PLANNERS
G.P.F. (GAY, PETERSON & FLETCHER)



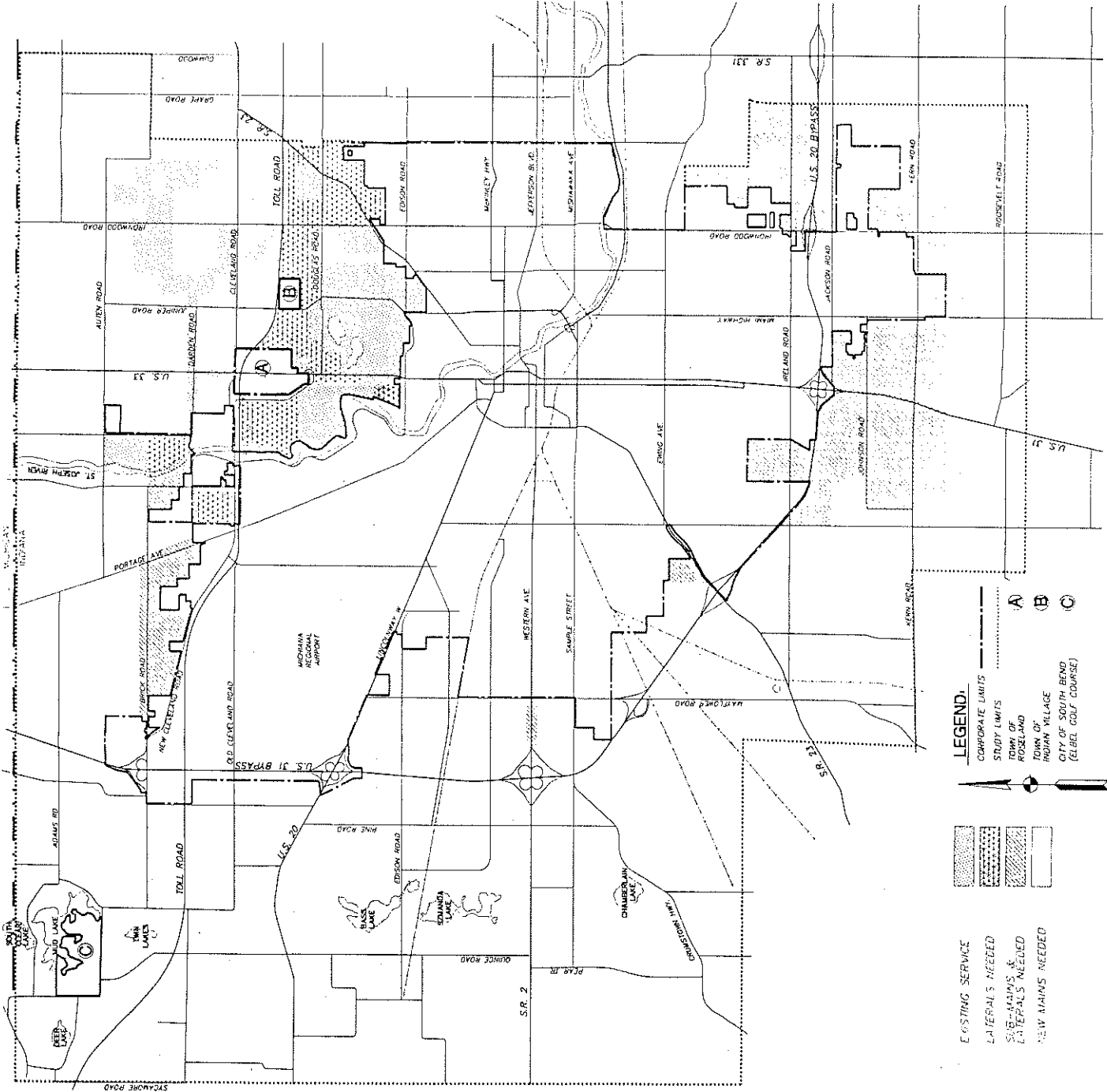
LEGEND.

- CORPORATE LIMITS
- STUDY LIMITS
- TOWN OF ROSELAND
- TOWN OF ANDRAN VILLAGE
- CITY OF SOUTH BEND (ELBEL GOLF COURSE)

(A) (B) (C)


SEWER SERVICE

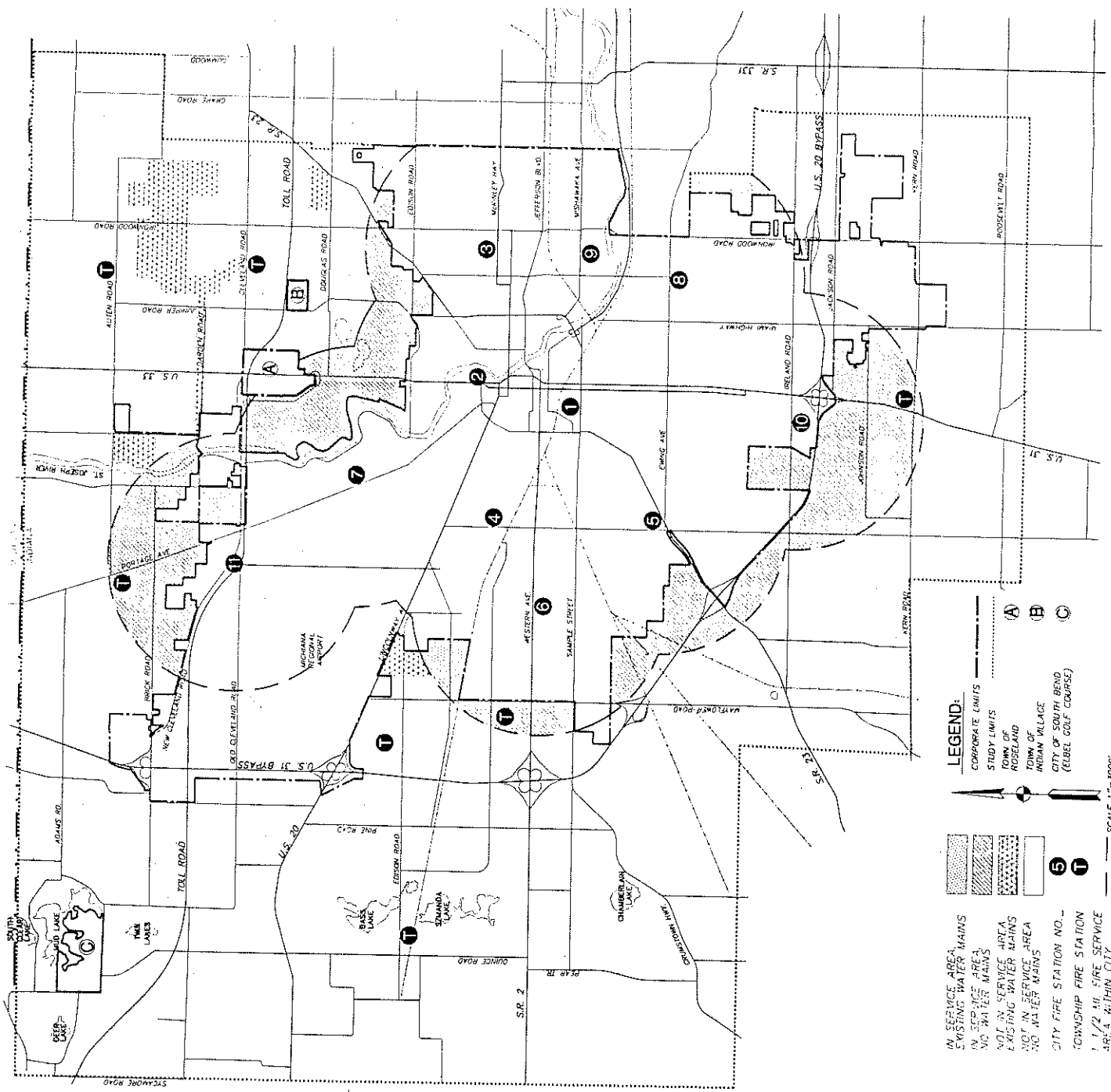
- EXISTING SERVICE
- NEEDS TO BE ADDED
- NEEDS TO BE REMOVED
- NEEDS TO BE RECONSTRUCTED
- NEEDS TO BE REPLACED
- NEEDS TO BE MAINTAINED



LEGEND:

- CROSS-HATCHED: EXISTING SERVICE
- DIAGONAL LINES: LATERALS NEEDED
- HORIZONTAL LINES: SUB-MAINS & LATERALS NEEDED
- VERTICAL LINES: NEW MAINS NEEDED
- SOLID LINE: CORPORATE LIMITS
- DOTTED LINE: STUDY LIMITS
- THICK DOTTED LINE: TOWN OF ROSHARON
- THIN DOTTED LINE: TOWN OF INDIAN VILLAGE
- THIN SOLID LINE: CITY OF SOUTH BEND (GOLF COURSE)


 SCALE 1" = 3000'



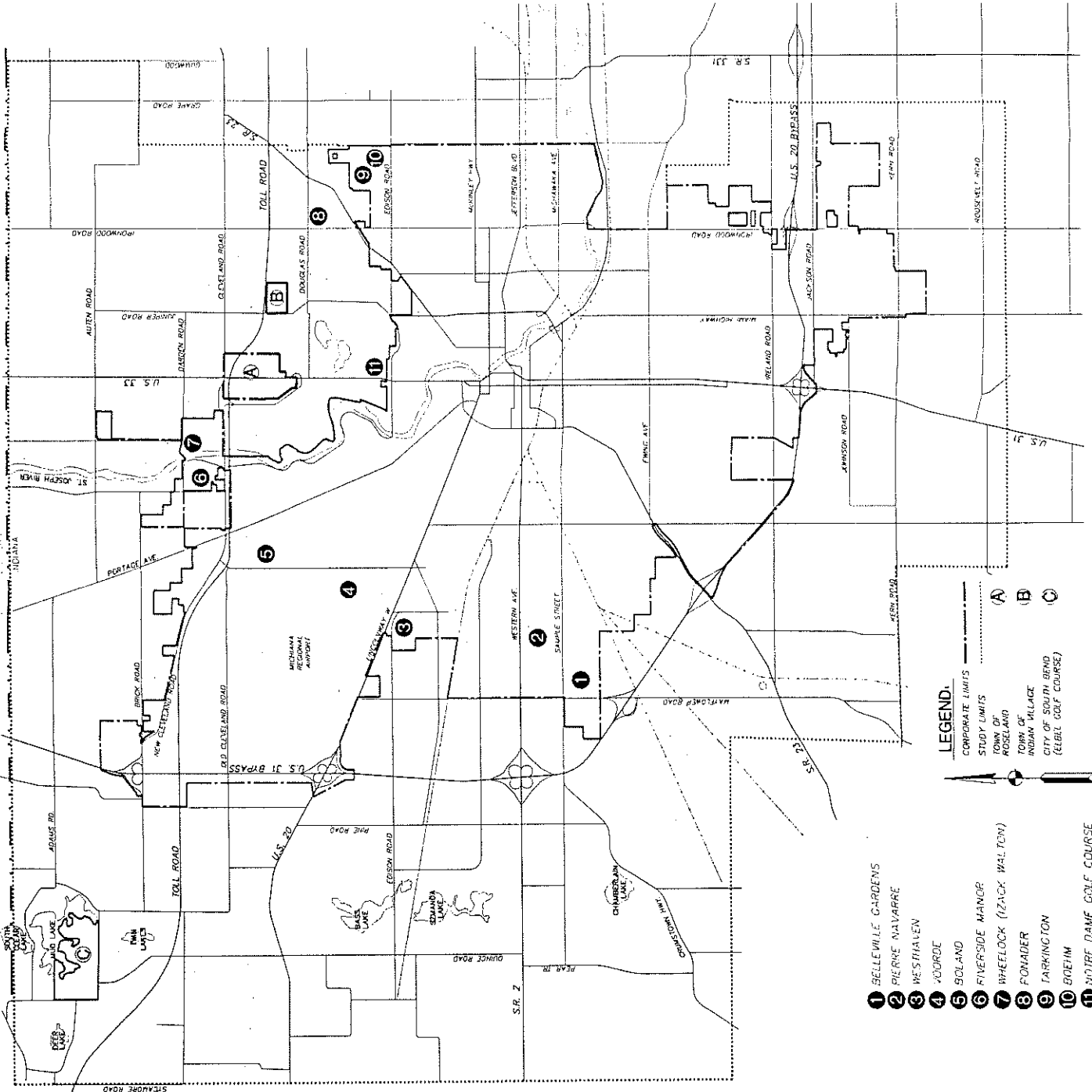
LEGEND:

- IN SERVICE AREA
- EXISTING WATER MAINS
- NO SERVICE AREA
- NO WATER MAINS
- NOT IN SERVICE AREA
- EXISTING WATER MAINS
- NOT IN SERVICE AREA
- NO WATER MAINS

CITY FIRE STATION NO. 1
 TOWNSHIP FIRE STATION
 1/2 MI. FIRE SERVICE AREA WITHIN CITY

CORPORATE LIMITS
 STUDY LIMITS
 TOWN OF ROSELAND
 TOWN OF INDIAN PALACE
 CITY OF SOUTH BEND (ELBEL GOLF COURSE)


SCALE 1"=3000'



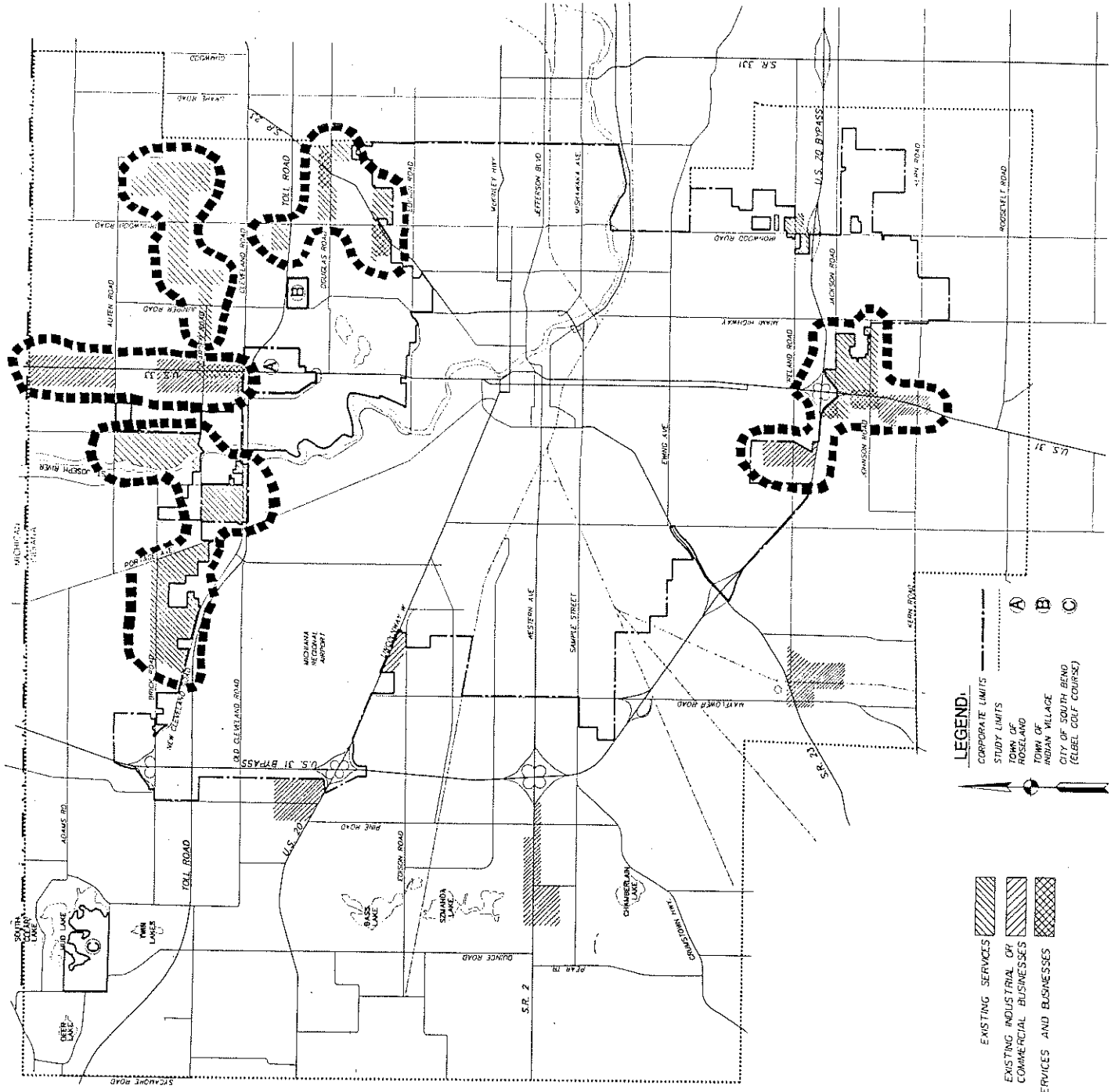
- 1 BELLEWILLE GARDENS
- 2 PIERRE NAVARRÉ
- 3 WESTHAVEN
- 4 JOORDE
- 5 BOLLAND
- 6 RIVERSIDE MANOR
- 7 WHEELOCK (LACK WALTON)
- 8 FONADER
- 9 PARKINGTON
- 10 GOEHM
- 11 NOIRE DAME GOLF COURSE

LEGEND.

- CORPORATE LIMITS
- - - STUDY LIMITS
- (A) TOWN OF ROSELAND
- (B) TOWN OF INDIAN WELLS
- (C) CITY OF SOUTH BEND (ELBEL GOLF COURSE)


 SCALE 1"=3000'

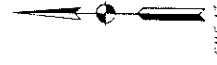
ENGINEERS ARCHITECTS PLANNERS
CONSULTANTS



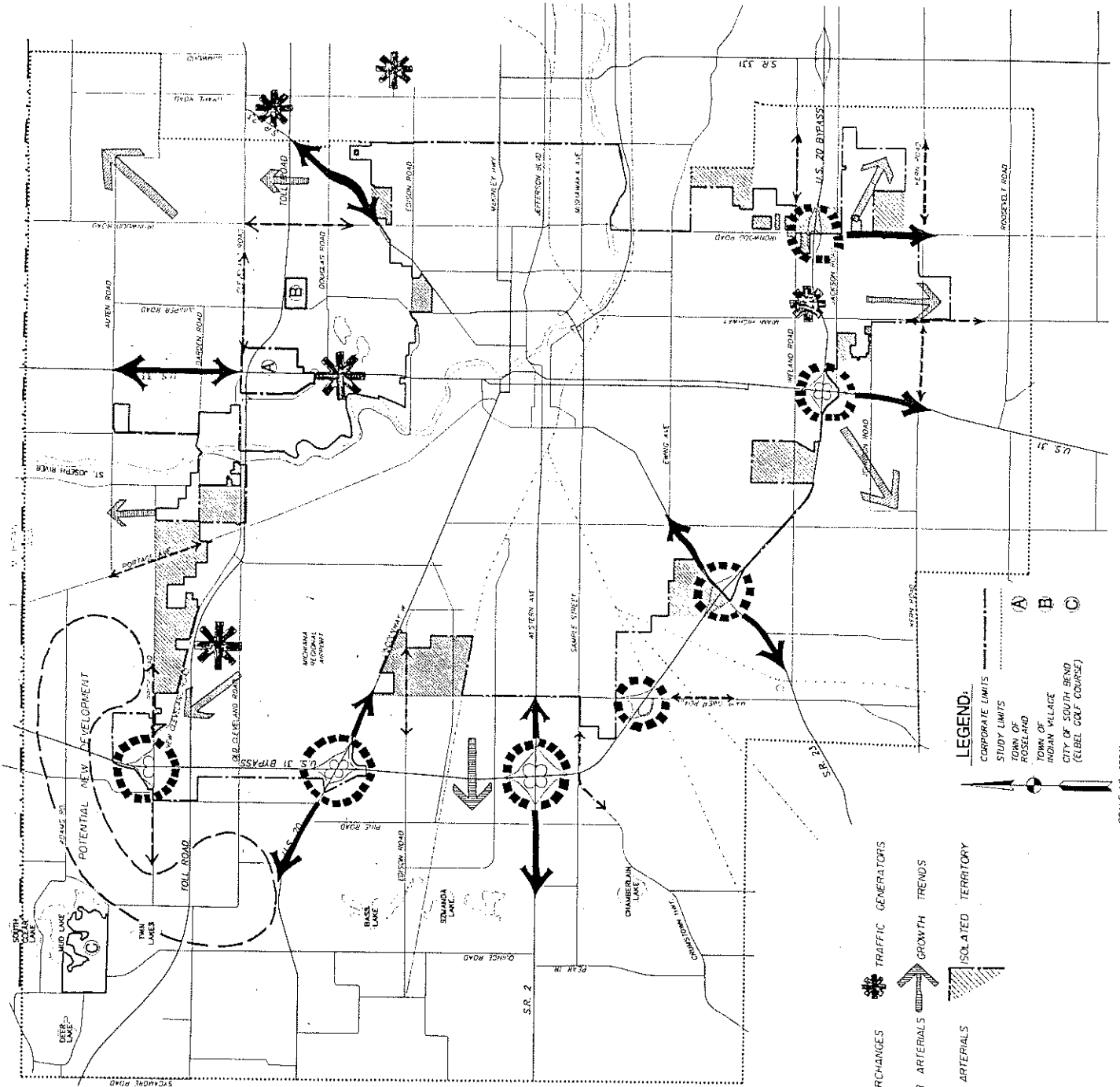
LEGEND

- CORPORATE LIMITS
- STUDY LIMITS
- TOWN OF ROSELAND
- TOWN OF INDIAN VILLAGE
- CITY OF SOUTH BEND (ELBEL GOLF COURSE)

- EXISTING SERVICES
- EXISTING INDUSTRIAL OR COMMERCIAL BUSINESSES
- EXISTING SERVICES AND BUSINESSES



SCALE 1" = 1000'



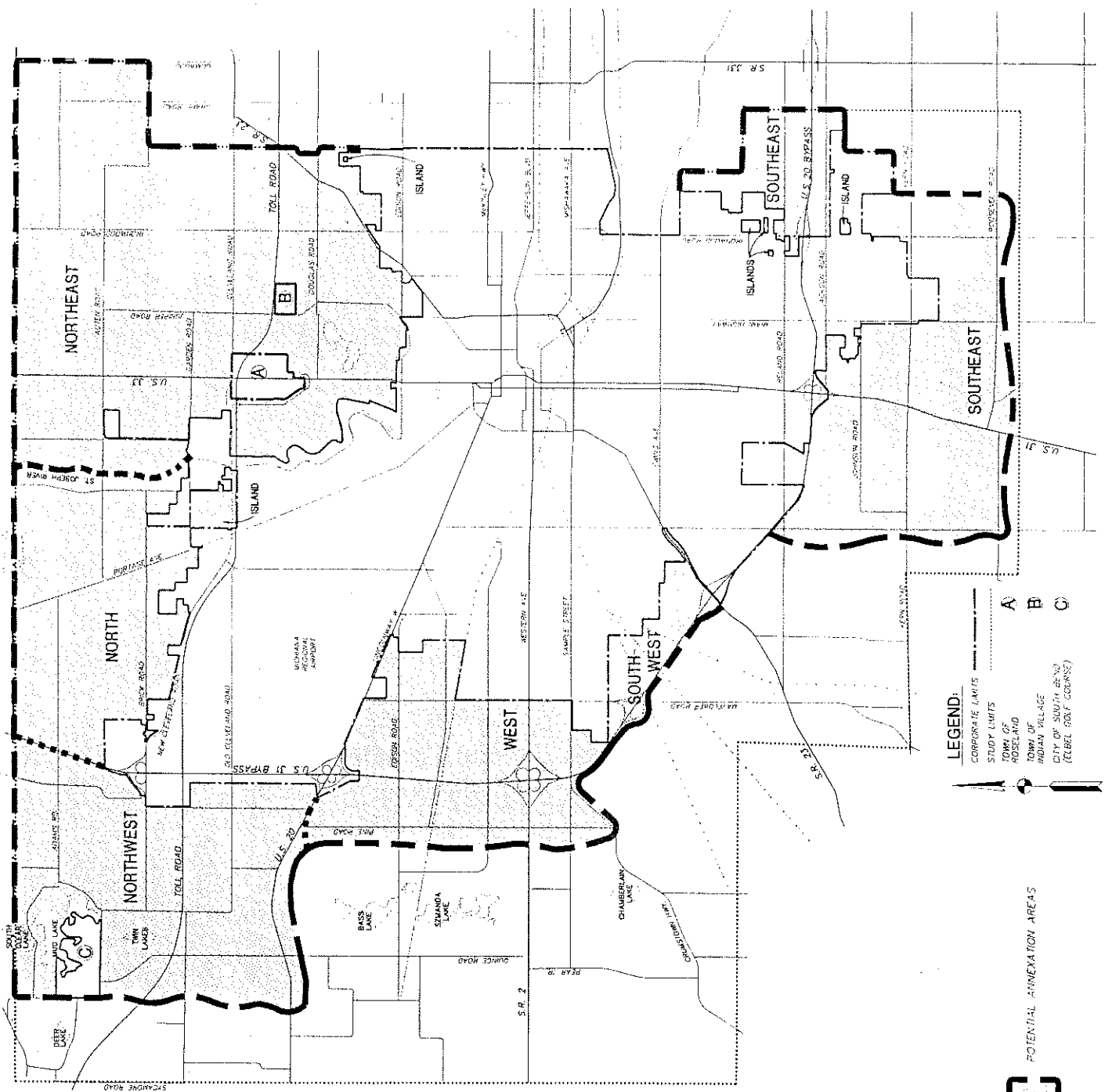
LEGEND:

- CORPORATE LIMITS
- STUDY LIMITS
- TOWN OF ROSSELAND
- TOWN OF INDIAN VILLAGE
- CITY OF SOUTH BEND (GELBEL GOLF COURSE)

A, B, C

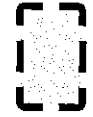
- ★ TRAFFIC GENERATORS
- INTERCHANGES
- ⇄ MAJOR ARTERIALS
- ⇄ GROWTH TRENDS
- ⇄ MINOR ARTERIALS
- ▨ ISOLATED TERRITORY

SCALE 1" = 1 MILE



LEGEND:

- CORPORATE LIMITS
- STUDY LIMITS
- TOWN OF ROSELAND
- TOWN OF INDIAN VILLAGE
- CITY OF SOUTH BEND (LABEL GOLF COURSE)



POTENTIAL ANNEXATION AREAS

SCALE 1" = 1 MILE