

**INSTRUCTIONS FOR FILING REZONINGS, STREET/ALLEY
VACATINGS, AND TAX ABATEMENTS**

We hope this information will clarify the requirements for filing ordinances and resolutions with the City Clerk for City Council consideration. It normally takes a minimum of a month from filing to adoption, passage, or confirmation. We will be very glad to answer any specific questions you may have concerning the procedure or the format.

Charles P. Hanley
City Clerk

INSTRUCTIONS FOR FILING ORDINANCES FOR REZONING

Rezoning of property requires these items to be completed:

1. The application sheet obtained from Area Planning or from their website.
2. The rezoning ordinance itself, on 8 ½" x 11" paper.
 - a. Be sure to include redaction statement (listed below).
3. The petition on 8 ½" x 11" paper.
4. The site-plan on 8 ½" x 11" paper.
5. Photocopy of deed and affidavit of ownership on 8 ½" x 11" paper (both attached to original only).

Thirty-six copies plus the original are needed for each item, except #5. The original and the copies are to be stapled together in the order given above. If the petitioner wishes to retain a file stamped copy of the rezoning ordinance for their records, include an additional copy. For recording and archiving purposes, the rezoning ordinance and supporting documentation should not contain handwritten material (except the signature areas).

The rezoning ordinance and petition must contain the following statement and information: "This instrument prepared by (Name), (Address), (City, State ZIP)." This line is to be located at the bottom of the last page of the rezoning ordinance and the petition. In addition, the last page of the rezoning ordinance contains the signature area for the City Council, the Mayor, and the City Clerk. The format is located on the last page of this brochure.

The redaction statement is as follows:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

<Your Name>

The process for filing a rezoning ordinance begins with the Area Planning Office, located in the County Annex Building. Information on the legal description of the property and the zoning classification may be obtained through them. Area Planning will provide instructions for preparing a site plan and provide you with a copy of the Application Form. The rezoning ordinance and the petition must contain the legal description of the property. Please check legal descriptions closely; errors will result in delays.

The address of the property to be rezoned is listed below the legal description. Begin with the phrase "Commonly known as:" and then enter the legal address of the property. In addition, the city, state, and zip code need to be listed as well.

Please contact the City Clerk's Office during regular business hours in order to obtain a number for your rezoning ordinance. Rezoning ordinances are titled "Special Ordinance". A number is assigned to each special ordinance that appears before the City Council. The City Clerk's office issues these numbers and will be happy assign one to your rezoning ordinance. This number is placed on the Application Form, the rezoning ordinance, and the Petition on all copies as well as the original. This number is used in all references of the rezoning.

After the rezoning ordinance and copies have been prepared, they are brought to the City Clerk's Office for filing. The first step is to pay the filing fees with the City Controller on the second floor of City Hall. The fees total \$45.00 and can be paid by cash or check. The receipt is then brought to the City Clerk's Office together with the rezoning ordinance and copies.

Sunshine meetings of the City Council are usually the first Thursday of the month; regular meetings are usually the second Thursday. A rezoning ordinance is introduced as "new business" at a regular meeting. The rezoning ordinance is discussed at the following month's sunshine meeting and acted on during the

following regular meeting. The Area Planning Commission will discuss the rezoning ordinance at their regular meeting. This meeting is usually the first Wednesday of the month following the introduction of the rezoning ordinance as “new business”. To be introduced as “new business”, rezoning ordinances need to be filed with the City Clerk no later than the Friday prior to a regular meeting of the Council. Precise dates can be obtained from the City Clerk’s Office or may be obtain on the website. There are no additional charges for publication.

The petitioner or a representative is required to attend the City Council’s sunshine and regular meeting when the rezoning ordinance is to be discussed. In addition, the petitioner or a representative is required to attend the Area Planning meeting when the rezoning ordinance is to be discussed.

Once the rezoning ordinance has been passed by the City Council, it will be recorded at the Vigo County Recorder’s Office. This step is necessary for the change in the zoning classification that is detailed in the legal description of the property to be noted in any and all necessary government records. The fees for recording the rezoning ordinance are payable by the petitioner. A notice of the amount due will be sent to the petitioner by the City Clerk’s Office immediately following the passage of the rezoning ordinance. If the petitioner does not forward the necessary fees for recording the rezoning ordinance to the City Clerk’s Office, it will not be recorded.

INSTRUCTIONS FOR FILING ORDINANCES FOR VACATING OF ALLEY/STREET

Vacating of alleys/street requires these items to be completed:

1. The vacating ordinance itself, on 8 ½” x 11” paper.
 - a. Be sure to include the redaction statement (listed below).
2. The petition on 8 ½” x 11” paper.
3. The site-plan of the area to be vacated on 8 ½” x 11” paper.

Twelve copies plus the original are needed for each item. The original and the copies are to be stapled together in the order given above. If the petitioner wishes to retain a file stamped copy of the vacating ordinance for their records, include an additional copy. For recording and archiving purposes, the vacating ordinance and supporting documentation should not contain handwritten material (except the signature areas).

The vacating ordinance must contain the following statement and information: “This instrument prepared by (Name), (Address), (City, State ZIP).” This line is to be located at the bottom of the last page of the vacating ordinance. In addition, the last page of the vacating ordinance includes the signature area for the City Council, the Mayor, and the City Clerk. The format is located on the last page of this brochure.

The vacating ordinance must include the legal description of the area to be vacated. Please check legal descriptions closely; errors will result in delays.

The redaction statement is as follows:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

<Your Name>

Please contact the City Clerk’s Office during regular business hours in order to obtain a number for your vacating ordinance. Vacating ordinances are titled “Special Ordinance”. A number is assigned to each special ordinance that appears before the City Council. The City Clerk’s office issues these numbers and will assign one to your vacating ordinance when you call the office. This number is placed on the vacating ordinance on all copies as well as the original. This number is used in all references of the vacating.

After the vacating ordinance and copies have been prepared, they are brought to the City Clerk’s Office for filing. The first step is to pay the filing fees with the City Controller on the second floor of City Hall. The fees total \$5.00 and can be paid by cash or check. The receipt is then brought to the City Clerk’s Office together with the vacating ordinance and copies.

Sunshine meetings of the City Council are usually the first Thursday of the month; regular meetings are usually the second Thursday. A vacating ordinance is introduced as “new business” at a regular meeting. The vacating ordinance is discussed at the following month’s sunshine meeting and acted on during the following regular meeting. To be introduced as “new business”, vacating ordinances need to be filed with the City Clerk no later than the Friday prior to a regular meeting of the Council. Precise dates can be obtained from the City Clerk’s Office or on the website. There are no additional charges for publication.

After the ordinance is introduced to the Council, a notice will be sent to any abutting property owners that are not listed as a petitioner. The petitioner or a representative is required to attend the City Council’s sunshine and regular meeting when the vacating ordinance is to be discussed.

Once the vacating ordinance has been passed by the City Council, it will be recorded at the Vigo County Recorder’s Office. This step is necessary for the change in the street/alley descriptions in the legal description of the city to be noted in any and all necessary government records. The fees for recording the vacating ordinance are payable by the petitioner. A notice of the amount due will be sent to the petitioner by

the City Clerk's Office immediately following the passage of the vacating ordinance. If the petitioner does not forward the necessary fees for recording the vacating ordinance to the City Clerk's Office, it will not be recorded.

INSTRUCTIONS FOR FILING TAX ABATEMENTS

Tax Abatement Ordinances require these items to be completed:

1. The tax abatement ordinance itself, on 8 ½” x 11” paper.
2. The final action statement on 8 ½” x 11” paper.
3. The petition on 8 ½” x 11” paper.
4. The Statement of Benefits form (state form SB-1/PP or SB-1/RE) on 8 ½” x 11” paper.
5. The application/scoring document (see website for copy of document) on 8 ½” x 11” paper.

Twelve copies plus the original are needed for each item. The original and the copies are to be stapled together in the order given above. If the petitioner wishes to retain a file stamped copy of the tax abatement ordinance for their records, include an additional copy.

The tax abatement ordinance must contain the following statement and information: “This instrument prepared by (Name), (Address), (City, State ZIP).” This line is to be located at the bottom of the last page of the tax abatement ordinance, the final action, and the petition. In addition, the last page of the tax abatement ordinance and the final action must include the signature area for the City Council, the Mayor, and the City Clerk. The format is located at the end of this document.

The tax abatement ordinance must include the legal description of the property. In addition, the final action statement must include the legal description. Please check legal descriptions closely; errors will result in delays.

Please contact the City Clerk’s Office during regular business hours in order to obtain a number for your tax abatement ordinance. Tax abatement ordinances are titled “Resolution”. A number is assigned to each resolution ordinance that appears before the City Council. The City Clerk’s office issues these numbers and will assign one to your tax abatement ordinance when you call the office. This number is placed on the tax abatement ordinance and the final action statement on all copies as well as the original. This number is used in all references of the tax abatement. This includes but not limited to the filing of compliance forms with the City Clerk’s Office (CF-1’s) each year after the tax abatement has been confirmed.

After the tax abatement ordinance and copies have been prepared, they are brought to the City Clerk’s Office for filing. Tax abatement ordinances need to be filed with the City Clerk no later than the Friday prior to a Sunshine meeting of the Council. Please see website for ordinance filing dates.

The next step in the process is to attend the two sunshine and two regular meetings of the City Council. Sunshine meetings are normally held the first Thursday of each month. Regular meetings are usually held the second Thursday of each month. Discussion and public comment concerning the proposed tax abatement is held during the two Sunshine meetings but no action may be taken by the City Council. A tax abatement ordinance is discussed and voted on for adoption by the City Council at the first regular meeting following the filing with the City Clerk’s Office. The tax abatement ordinance is discussed and voted on for confirmation at the following month’s regular meeting. Precise dates can be obtained from the City Clerk’s Office or on the website.

There are additional charges for publication of the tax abatement. The petitioner will be invoiced for the publication charges once the City Clerk’s Office receives an invoice for it.

Additionally, if the proposed tax abatement is located within a TIF area, the petitioner must contact Redevelopment for their approval of the tax abatement prior to the City Council acting upon it. Please contact Redevelopment directly for further instructions.

FORMAT OF THE SIGNATURE PORTION OF ORDINANCES AND RESOLUTIONS

Introduced by: _____
"Name of Sponsoring Councilman", Councilman

Passed in open council this _____ day of _____, 2010.

Neil Garrison, City Council President

ATTEST: _____ Charles P. Hanley, City Clerk

Presented by me to the Mayor this _____ day of _____, 2010.

Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2010.

Duke A. Bennett, Mayor

ATTEST: _____ Charles P. Hanley, City Clerk

(Use proper spacing to allow for signatures and dates)