

# Planning an Annexation? A Pre-annexation Checklist

By Patricia A. Doane, Neil Erwin Law, LLC

A. **Cost-Benefit Analysis.** If the costs to the municipality outweigh anticipated new revenue, are there other good reasons to annex, such as closing a gap in the municipal limits? The municipality has the option to annex or to de-annex property; it doesn't have to. Consider these expenses:



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- (1) Roads and bridges. Unless your municipality has an agreement for the Parish to maintain roads inside the city limits, your municipality will be responsible for maintaining any Parish roads or bridges you annex. One bad bridge could cost you more than you will ever recover.
- (2) Services. How will annexation affect police, fire, and ambulance services; trash collection; water, sewer, and electrical services?
- (3) Enforcement capability. A new annexation may mean education and enforcement in the new areas, for example, trash burning, firing of guns, livestock, and fireworks.

B. **Contiguity.** The annexation must be contiguous, so you must know your existing corporate limits; if you're not sure, some sources to check are the Census Bureau, the Clerk of Court's office, the Assessor, and the Secretary of State.

C. **Minimum Requirements.** You can't just adopt an Ordinance to expand your corporate limits. One small village simply moved their city limit signs and thought that did the job!

The three minimum requirements for an annexation by petition (La. R.S. 33:172) are the written signatures on a petition or letter of these people in the area to be annexed:

- (1) a majority of the registered voters
- (2) a majority of the resident property owners
- (3) 25% in value of the property of the resident property owners

D. **Who Counts?** All registered voters count toward the registered voter requirement, whether they own the property or are renters. The two requirements for resident property owners count only property where the owner actually lives on that property. Absentee owners do not count toward the threshold, if the annexation includes any properties with resident owners. If vacant land, different rules apply.

E. **Approval of Other Government Agencies.** Annexing any roads, rivers, or other public property? Get the written

approval of the owning agency before you start.

- (1) State/U.S. highways. To annex any part of a State-owned highway, you first must notify the Louisiana Department of Transportation and Development of the proposed annexation via certified mail at least 30 days before introducing the Ordinance. (Request LaDOTD's helpful manual.)
- (2) Parish Roads. Get a letter of no objection from the Parish, especially if you're annexing any Parish roads.

F. **Legal Procedures.** Specifics like pre-annexation and post-adoption advertising and notification requirements are important so work with your city attorney.



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## Annexation Part 2: Getting Petitions Signed

# Annexation by Petition for Private Property

If your municipality wants to annex private property, you'll almost always need petitions from the target area to achieve your goal. These will need to be signed by a majority of registered voters and resident property owners and 25% in value of the properties within the target area with resident property owners. Here's how to do it and be sure to consult with your municipal attorney. (Annexation Part 1 was in the December issue of the Louisiana Municipal Review).

• **Map it:** Prepare a map of the area you would like to annex. If you don't have map services or GIS, see if the Assessor has an online map or can print a paper map showing the parcels.

• **Spreadsheet it:** Get the Assessor's ownership and parcel information and the Registrar of Voters information for your annexation area. Download this in spreadsheet format, or convert a CSV download into a spreadsheet. These data will provide a wealth of information you'll need, including:

- o Homestead exemptions (to count your resident property owners)
- o Owner names and mailing addresses
- o Current taxes and special assessments, like fire districts or school districts
- o Registered voters and their addresses

• **Create the Petitions:** You can have more than one petition and each should have a description that encompasses the land of the signer. Include blank spaces for the signers to fill in addresses and phone numbers on the petition and add a checkbox for whether they live on the property and another checkbox for whether they are registered voters living on the property. If the petition is for one parcel, include the Assessor's parcel identification number and legal description on the petition.

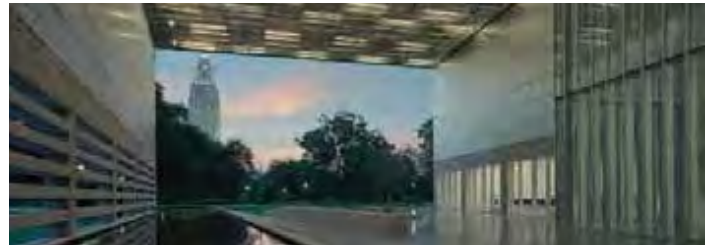
• **Get the Signatures:** Before knocking on doors or mailing a letter to property owners, prepare an information sheet for them. Use the spreadsheet data you got from the Assessor to calculate the difference in taxes for each property owner and if they are paying a special district fee, let them know when that will expire if they're annexed. Prepare an FAQ sheet itemizing the things that are different for town residents and the benefits of being in the town. Can you provide any services... water, sewer,

*Tip: If your annexation has the potential to change your population, ask the Registrar to print out the demographics of the whole municipality and of the Council District to which the annexed area will be attached. This used to be a requirement for the Department of Justice (DOJ) preclearance analysis. Although DOJ preclearance is no longer required, having the data is good for your own analysis and vital if the annexation is challenged for demographic reasons.*

garbage collection, zoning, police and fire protection? Will they be able to burn leaves and trash, shoot fireworks or guns, or keep farm animals or stables in town?

• **Analyze the Results:** Use your spreadsheets and maps to calculate whether you've met the requirements for a majority of registered voters and resident property owners and 25% in value of the properties with resident property owners. Adjust your boundaries if necessary.

• **Prepare the Legal Description and Ordinance:** If more than one parcel is being annexed, have a professional compile the parcels and write a boundary description of the whole of the annexation, including approximate acreage. Add the legal description and map to the draft Annexation Ordinance.



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# Annexation by Petition: Required Certificates and Permissions

ANNEXATION PART 3 OF 4 (CONTINUED FROM DECEMBER 2018 AND MARCH 2019 ISSUE)

BY PATRICIA A. DOANE, NEIL ERWIN LAW, LLC

As outlined in Parts 1 and 2, having performed a pre-annexation cost-benefit analysis, having obtained signatures from property owners and registered voters, prepared a good map and legal description, and drafted an annexation ordinance for introduction, your municipality is now ready to obtain required certificates and permissions. Here's how:



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**Certificates Required by La. R.S. 33:172:**

Ask the Registrar of Voters and the Parish Assessor whether they require any special format for their certificates for annexations (*it may be easier for them if you prepare a certificate for their signature because you can drop in the legal description you used for the ordinance*), then attach copies of the signed petitions, the map, and your draft ordinance and map of the annexation. You will need the following certificates:

- **Registrar of Voters certificate** that the petitions contain signatures of a majority of the registered voters in the area to be annexed; and
- **Parish Assessor's certificate** should certify:
  1. that the petitions contain the signatures of the majority of the resident property owners. (Resident property owner means those who live on the property in question, and this is why being able to see home-stead exemption information will help you meet that requirement.)
  2. that the petitions contain the signatures of at least 25% in value of the resident property owners.
- **Municipal Zoning:** If your municipality has zoning, consider assigning the zoning within the annexation ordinance; ditto for future land use, if your municipality has a master plan. Advertise the annexation and the zoning and future land use changes to the strictest notice requirements, which for most municipalities is three (3) times at least 15 days prior to the public hearing by the Planning and Zoning Commission. Doing these things concurrently saves you at least one month of public hearings for amendment of the zoning and the master plan. If your municipality doesn't have zoning, you can skip to introduction of the ordinance by the Board of Aldermen.
- **Parish Zoning:** If the property is subject to parish zoning at the time of annexation the uses allowed by the municipal zoning cannot be less restrictive for two (2) years after the annexation, unless the Parish consents by resolution to the less restrictive zoning.
- **Parish Roads:** The municipality becomes the owner of the

portion of road and underlying land of any parish owned road included within the annexation. A little known provision in La. R.S. 33:224 splits the maintenance equally between the municipality and the parish in cases where the municipality annexes only the land adjacent to the parish road, even when the road itself is not included in the annexation.

- **State Roads:** You must have DOTD's written permission to annex any portion of their roads before adopting the ordinance. If you want to annex a noncontiguous property by annexing part of a state road as a corridor you must send notice to DOTD via certified mail at least 30 days before you can even introduce the ordinance. La. R.S. 33:180



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# Annexation by Petition: Adopt and Finalize

ANNEXATION PART 4 OF 4 (CONTINUED FROM DECEMBER 2018, MARCH AND APRIL 2019 ISSUES)

BY PATRICIA A. DOANE, NEIL ERWIN LAW, LLC

As outlined in Parts 1 through 3, having performed the preliminary review, prepared the legal description, the ordinance and map, and having obtained the required certificates and approvals, you are ready to proceed through legislative approval by your Board of Aldermen. Here are your final steps:



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**Ordinance Introduction by Board of Aldermen:** Add introduction of the Ordinance to the Board of Aldermen's agenda; generally a simple introduction, with no discussion at this stage.

**Pre-Hearing Advertisement:** At least ten days before the meeting at which the Board of Aldermen will vote on the Ordinance, advertise the public hearing in a newspaper with general circulation in the town, preferably in the official journal. (**La. R.S. 33:172.B**) Have the newspaper send you proof of publication and keep a copy of the newspaper in your files. If you are including a zoning and/or a master plan amendment within the annexation Ordinance, advertise the same way you would advertise zoning changes—usually 3 times before the public hearing.

**Public Hearing and adoption:** Present the Ordinance for final approval, along with any staff or Planning Commission reports. If the ordinance needed any amendments after having been introduced, follow your municipal attorney's instructions for considering the amendment. If the Ordinance is approved by the majority of the Board of Aldermen, by roll call vote, have the Mayor and Municipal Clerk sign at least two copies of the Ordinance as soon as feasible.

**Filing:** As soon as possible, record the signed Ordinance in the conveyance records of the Parish Clerk of Court Office and ask them to stamp the other signed copy so you can keep a stamped original in the municipal records showing recordation information. (**La. R.S. 33:178**)

**Required electronic submission:** Within 15 days of adoption of the Ordinance, **La. R.S. 33:178** requires that you send the Parish Registrar of Voters and the Louisiana Secretary of State (Elections Division) an electronic copy of the Ordinance and map. Email a copy of the recorded Ordinance and attach any surveys, detailed maps, and overview maps. Include an explanation of the annexation in your email and a brief description of existing or anticipated development, e.g., you anticipate only commercial development or there is a 50 unit single-family subdivision planned. This information helps the Registrar and the Elections Division anticipate potential voters affected by the annexation. You will need this information later for census reports, and if challenged, you'll need this as part of your submission to the Department of Justice.

**Post-adoption advertisement and 30-day challenge period:** Publish the Ordinance in its entirety in a newspaper having general circulation in your municipality, preferably your official journal, as required by La. R.S. 33:173. If no suit or appeal is filed within 30 days of publication, the annexation goes into effect, as provided by La. R.S. 33:174.A. Provide the newspaper with a Word or email text version of the ordinance so they don't have to retype the legal description, which can introduce errors. Save a copy of

SEE ANNEXATION PAGE 20

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the newspaper and your proof of publication.

**Notification and Coordination:** Send courtesy copies of the ordinance and map to other affected agencies, including public utilities, all emergency service providers, Department of Motor Vehicles, Sales Tax Office, District Office of LaDOTD, Parish government, and internal departments of the municipality. Coordinate with the Parish or the State, as appropriate, on road mainte-

nance changes and placement of corporate limits signs.

**Remember to consult your attorney throughout the annexation process:** In addition to normal pitfalls that may arise, there are different laws for specific situations, like annexation of publicly owned property, annexation of property that is 90% surrounded by the municipality, or annexation of vacant properties. Also be aware that several municipalities have their own individual statutes regulating annexations.

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productivity. American farms need reliable, real-time internet connectivity to oversee operations in the fields, manage finances, and respond to international market conditions. To match world food demand, innovative technologies such as precision agriculture can ensure American farms reach the necessary levels of productivity

Broadband and Next Generation Precision Agriculture are critical components for creating access to world-class resources, tools and economic opportunities for agribusinesses. USDA is committed to doing our part to clear the way for nationwide broadband connectivity that will transform rural communities as a key catalyst for prosperity and allow the next generation of precision agriculture technologies to thrive and expand.

USDA recently unveiled a groundbreaking report, A Case for Rural Broadband: Insights on Rural Broadband Infrastructure and Next Generation Precision Agriculture Technologies, which finds that deployment of both broadband e-Connectivity and Next Generation Precision Agriculture Technology throughout the U.S. could result in at least \$47 billion in national economic benefits every year.

The report also finds that if broadband infrastructure and digital technologies at scale were available at a level that meets estimated producer demand, the U.S. economy could realize benefits equivalent to nearly 18 percent of total agriculture production. Please download A Case For Rural Broadband for additional insights on the benefits of connected agriculture technologies.

Going forward, the U.S. Department of Agriculture (USDA) will be engaged in multiple facets of infrastructure and technology deployment, including financing rural capital investments and supporting agribusinesses who are exploring which Next Generation Precision Agriculture Technologies are best suited to improve their operations and serve their customers.

USDA Rural Development offers substantial financial assistance through loans, grants and loan/grant combinations with very attractive terms for modern broadband e-Connectivity in rural communities.

Today's agriculture industry is more diverse and more vibrant than ever. Through public-private partnerships

and innovative solutions, I look forward to working with rural communities and service providers to find transformative solutions to rural e-Connectivity infrastructure needs. USDA is committed to keeping pace with the needs of American agriculture to keep agribusinesses profitable and help create middle-class jobs across the state. To let us know how we can best serve your needs, please contact me at [carrie.castille@la.usda.gov](mailto:carrie.castille@la.usda.gov) or (318) 473-7921.



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