

Daleville OKs annexation; appeal seen

Opposition group
says plan flawed,
pledges to fight

BY KERI S. McGRATH
Staff Reporter

DALEVILLE — The 70 people crammed into Daleville's town hall stood stoically as the council passed a controversial annexation ordinance 4-1 Monday night.

Although the hall was quiet from within, muted roars from an additional 30 people assembled outside seeped through the door coloring the remainder of the meeting.

"That's OK; they can do what they want to, We're going to file a remonstrance," said Brad Gordon who owns two parcels of land within the 5,700 acres to be annexed. "(The Daleville Town Council) is just looking to take care of themselves."

The annexation could be finalized by the end of the year, unless 50 percent of the residents who live in the annexed area file a protest, or remonstrance. The annexation would effectively triple the size of this Delaware County town.

Opponents of the annexation say that the council is seeking additional tax monies and offering little in return.

"They say they are going to plow our roads in the winter," said Dennis Rodgers, owner of land within the area to be annexed. "I've lived there 10 years and I only had to miss one day of work because the streets were bad. The county is doing a fine job. We don't need Daleville."

The meeting began with dissension among the council when member Robert Stewart pointed out inaccuracies within the fiscal plan for the annexation.

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The fiscal plan's acceptance was the first point of order on the agenda. Immediately before voting, Stewart asked to discuss the plan.

"This plan, as it is, is really not worth voting on," Stewart said. "There are several errors in it."

The alleged errors Stewart cited dealt with issues such as method of pay for sanitary treatment, numbers dealing with population of Delaware County, and the Daleville Police Department.

The plan states, on page seven, that "it is projected that the current police department personnel structure can adequately provide law enforcement to the town as expanded."

Stewart, unsure of the figure, contacted the Indiana Law Enforcement Academy and asked them to review the situation.

The academy, according to Stewart, advised an additional three officers and two patrol cars be acquired to adequately protect Daleville after the annexation.

Stewart persisted with the criticism to which council member Michael Murphy responded, "You missed the last two meetings and now all of a sudden you come along and put your input in."

Stewart defended himself by pointing out that, because of arrangements made last year, he could not attend the

previous meetings.

Council member Joann McKinney accused Stewart of "wasting people's time" by bringing up the discrepancies immediately before the plan was to be voted on.

The plan was subsequently passed by the council 3-2 with McKinney and Stewart voting against it.

Denizens of the 428 properties to be annexed have formed a coalition to oppose the annexation and hired a Muncie attorney to represent them.

The coalition, called COAST (Citizens Opposed to the Annexation of Salem Township) have been conducting impromptu meetings in various locales and vow to stop the annexation.

"It's one of the best (annexation cases) I've worked on," said COAST attorney Bruce McLaren. "The fiscal plan was woefully inadequate and there were some other problems which I won't discuss right now. I'll save them for court."

McLaren said the group plans to file a remonstrance to appeal the annexation and is confident they will be successful.

"We probably have 50 percent of the residents standing right here," McLaren said, gesturing to the throng of people gathered in the dark outside of the town hall. "This is not going to be a problem."

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Daleville plan faces obstacles

Indiana's General Assembly is likely to consider changing laws pertaining to annexation that will take away some of the advantages that municipalities have on that issue.

The situation in Daleville, in which town officials want annexation and townfolk on outside farms do not, is what lawmakers had in mind in considering a new legislative proposal to stop annexation of a targeted area on a simple majority vote. But for property owners outside the Daleville limits, the legislation will not come up until early next year — which will be too late for those opposed to annexation plans in Daleville.

Daleville Town Council members are scheduled to vote on an annexation ordinance next week, and the only outlet opponents have is through a remonstrance process — which has a limited scope and puts the issue in the hands of a judge.

“The batting average isn't very good for the remonstrators,” said John Ryan, an executive assistant to Lt. Gov. Joe Kernan.

Daleville town officials have good reason for wanting annexation. As Phil Decker, the town's attorney, said Daleville will experience growth no matter what. Officials want to make sure the growth is planned well and that annexation doesn't occur on a piecemeal basis.

The \$75,000 the town would gain through annexation is not a motivating factor, according to Decker. The ability to plan growth in a potentially thriving community, 10 and 20 years down the road, is.

But those who are against annexation contend that while taxes will go up, quality services will not. Linking onto a sewage system would be one reason to support annexation, according to opponents, but town officials cannot make guarantees. Opponents also aren't convinced they will benefit significantly from other services, such as police protection, trash pickup and water service.

Daleville officials, indeed, may be able to force annexation onto residents outside the town. And as long as the remonstrance process favors municipalities, there's a good chance Daleville officials will win.

But life would be more pleasant for town officials if annexation were viewed as a positive situation for residents targeted. Either town officials aren't doing a good enough job selling the benefits of annexation, or residents outside the town limits aren't listening.

Daleville annexation likely dead

Council president ready to drop issue after hundreds sign petition of opposition

BY KEN de la BASTIDE
Staff Reporter

DALEVILLE — Although opponents of a planned annexation by the town of Daleville aren't claiming victory, members of the town council believe the proposal is dead.

In September the Daleville Town Council voted 3-2 to annex 5,715 acres to the north, east and south of the existing town limits. The move will triple the size of the town and double its roadways.

But Council President David Shellebarger said Sunday he's ready to drop the plans since opponents got 90 percent of the residents in the would-be annexed area to sign a petition

"Why waste a lot of money when you can't win? I'm not surprised by the number of signatures in opposition to it."

David Shellebarger,
Daleville council president

"Why waste a lot of money when you can't win?" said Shellebarger. "I'm not surprised by the number of signatures in opposition to it."

He said any future decisions to attempt another annexation would depend on the town council.

A remonstrance petition was filed in Delaware County Superior Court 4 by attorney Bruce McLaren, who represents 428 properties of the 850 property owners in the area, who formed a coalition, called COAST (Citizens Opposed to the Annexation of Salem Township).

McLaren said Sunday the remonstrance petition filed with the court contains signatures of 90 percent of the property owners in the area proposed for annexation.

"We will submit more signatures," he said. "Eventually we will have obtained the signatures of 91 or 92 percent of the property owners."

McLaren said once the Delaware County Auditor's office verifies the signatures of property owners the remonstrance will be turned over to the court.

He said the remonstrance required at least 51 percent of the property owners signatures to challenge the annexation in court.

Board member Joann McKinney said the town council has to determine what options are available.

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"The people have spoken," she said. "My opinion is that it's finished. I'm not really surprised by the number of people opposed to the annexation.

"I'm delighted people got involved in the democratic process," McKinney said. "It was not to see people involved and attending the meetings."

Property owner Brad Gordon, who owns two parcels of land, said he signed the petition and is opposed to the annexation.

"I've not heard anything good about it from anyone," he said. "We

were going to pay higher taxes for services we wouldn't have received for years."

While taxes will not rise for those living within the current Daleville town limits, those annexed properties face a tax increase of \$1.47 per \$100 of assessed valuation.

Theoretically, an individual owning a piece of property with a market value of \$60,000 would pay an additional \$294 in annual taxes.

According to court documents some of the 20 reasons listed in opposition to the remonstrance included a lack of a fiscal plan for police protection or street maintenance and no plan for street construction or lighting or sewage or water facilities.

Opponents said the town was attempting to annex the land to increase tax revenue. Town Attorney Phil Decker couldn't be reached for comment.

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People power wins in Daleville

The Daleville area provides a classic example of power of the people.

During the summer, the Town Council approved a plan to annex more than 5,700 acres into the town of Daleville — a plan that was met with heavy opposition at the time.

Recently it became apparent just how strong that opposition was. More than 90 percent of the 850 property owners were expected to file petitions indicating they were opposed to the annexation — a number that was too strong for the town council to fight.

“Why waste a lot of money when you can’t win?” asked David Shellebarger.

It’s possible that a judge could have ruled in favor of the Daleville powers, if they had wanted to push it that far. But town officials apparently have decided that annexation would not be a positive for the community without the support of the outlying property owners.

Town officials had sound reasons for wanting the annexation. Phil Decker, the town’s attorney, said that since Daleville is likely to experience growth in the coming years, it’s best to plan for growth over the next 10 and 20 years.

But officials were unable to convince property owners to change. Those opposed to annexation saw the prospects of taxes going up without improved services. The property owners did not see where they would be getting sewer service, better police protection, trash pickup or water service — all the fringe benefits that should come with annexation. And town officials did not provide an alternative that is better than the lifestyle property owners have enjoyed.

Some day, Daleville may be in a position of providing the variety of services to outlying areas, and some day property owners may want to be involved in planning for growth in the area. But if annexation comes about, it will be because the property owners in outlying areas want it, not because the political power brokers force it.