



Municipal Annexation Overview

Delaware Office of State Planning Coordination

<http://www.stateplanning.delaware.gov/>

(302) 739-3090

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Municipal Annexation

- Annexation Overview and Issues
- Municipal Annexation Procedures
- Annexation tips and guidelines

Annexation: Municipal Perspective

- Manage growth based on available and planned resources
- Maximize utility and service investments
- Desire to grow by acquiring tax rateables
- Desire to control land use adjacent to town

Annexation: Developer's Perspective

- Town density is typically higher than county jurisdictions
- Towns may offer utilities and other services not available in county
 - Additional services (police, trash, street lights etc.) seen as marketable
- Town codes differ from county codes, may allow more urban development style
- Town review process can be shorter

Things to Consider. . .

- Are your codes up to date, capable of managing new development?
- Do you have staff/consultants with expertise to review development plans?
- Does your Town have standards for street and utility construction?
- Do you have administrative staff for permitting and code enforcement?
- Utility capacity: existing town vs. annexed territory?

Annexation Overview

- Certified Comprehensive Plan
 - Required to enable municipal annexation
 - Annexation plan must identify:
 - lands to be annexed
 - future land use
- Municipal Charter
 - Local procedures to be followed for annexations
- Plan of Services
 - Plan for public services and utilities for annexed lands
 - Required to be accepted by OSPC prior to annexation

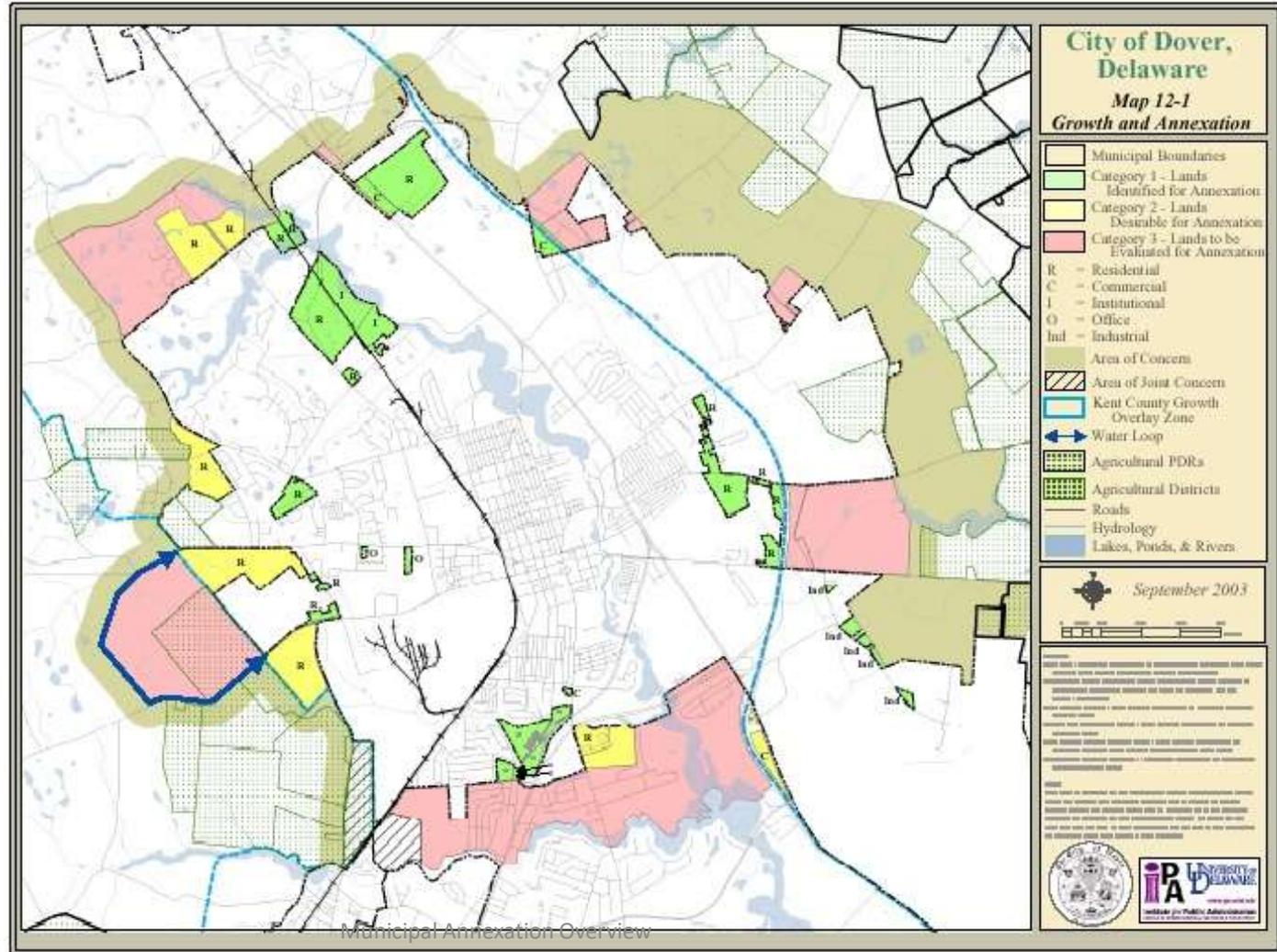
Planning Ahead: The Certified Comprehensive Plan

- Growth and Annexation Plan
 - Developed through Comp Plan
 - Identifies parcels for annexation and **future land use** of those parcels
 - **Upon annexation, parcels are to be placed in a zoning district consistent with the future land use identified in the annexation plan as per Delaware Code.**
 - Reviewed by State, County and adjacent jurisdictions
 - Certified by the State as a part of the comp plan
- Things to Consider
 - Filling in enclaves
 - Areas that can be provided with municipal utilities and services
 - Capacity for growth: utility, service and administrative

Timing and Phasing Growth

- Annexation Plan – areas intended to be annexed within 5 years
- Long Range Annexation Area
 - Can be a longer term vision
 - Plan likely to be updated before annexation is contemplated
- Area of Concern
 - Area where development might impact your jurisdiction
 - Intergovernmental Coordination

Example Annexation Plan Map



The Municipal Charter

- Charter defines annexation powers and procedures
- Town powers vary considerably – know your charter!
 - Council Action, Town Referendum or Special Election
 - Request of owners vs. Town initiated
 - Majority rule vs. 100%
 - Annexation committees and annexation agreements
 - Final Discretionary Action - varies depending on procedures
- Local Government must follow procedures in the Charter to complete the annexation
- Local Government must coordinate Plan of Services submission with local procedures and timeframes

Plan of Services

- Required by Delaware Code Title 22, Section 101
- A description of how utilities and services will be provided to annexed territory
- Town must demonstrate annexation consistent with master utility and service plans
- Annexation should not adversely effect service to existing community
- Letters from other utility and service providers are required

Plan of Services application form is available on the OSPC website here:
<http://www.stateplanning.delaware.gov/lup/annexation.shtml>

Plan of Services

- Local Government responsible for completing Plan of Services application in coordination with other utility and service providers
- Must be submitted for review to the Office of State Planning Coordination **20 working days** before the local government's **final discretionary action*** on the annexation.
- OSPC must accept the Plan of Services as complete prior to annexation.

***Final Discretionary Action:** This is the “point of no return” in the local government’s decision making process for the annexation as defined by the charter. Some charters have very general procedures and the legislative body retains their decision making capacity (i.e. ability to vote yes or no on the annexation) until the final hearing. In other charters the legislative body’s final decision is at the beginning of the process, for example when they vote to hold a special election and they are then bound by the results of the special election. Know your charter and when your legislative body will make their final discretionary action.

Annexation Steps

- Developer / Owner Contact with Town
- Town evaluates Certified plan for compliance
- Town initiates annexation procedures as per Charter
- Town completes Plan of Services
 - Staff should start this ASAP

Annexation Steps

- Town notifies State Planning of annexation and submits Plan of Services
 - Notification and Plan of Services must be submitted **concurrently**
 - Should be submitted at least **20 working days** prior to **final discretionary action** of local legislative body

Annexation Steps

- State Review
 - OSPC will review the Plan of Services
 - If any additional information is needed the OSPC will contact the local government and attempt to resolve the issues within the 20 working day period.
 - Once the Plan of Services is complete the OSPC will send a letter accepting the Plan of Services

Annexation Steps

- Local Action
- Town to notify OSPC of the annexation
 - Send the official resolution to OSPC
 - Official municipal boundary file will be updated
- Town to notify County of Annexation
 - Annexation should be recorded at the county recorder of deeds
 - County will update tax maps
 - Follow the specific procedures in each county

Municipal Boundary Map

- Many town charters now define boundaries as a “map to be recorded in county recorder of deeds”
- Does your charter contain this language? If so, do you have a recorded map? If not, then a map of boundaries must be recorded.
- Best Practice: Re-record municipal boundary map each time there is an annexation

Tools to Manage Annexations

- Adequate Public Facilities Ordinance
- Annexation Agreements
- Cost Benefit Analysis

Annexation Tips and Guidelines

- Avoid creating enclaves!!
- Instead of single annexations, consider contacting owners in potential enclave areas to consider annexation at same time.
- Consider tools such as annexation agreements to manage growth



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If you have questions or comments, please contact your Circuit Rider Planner at the Office of State Planning Coordination, (302) 739-3090

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