

IC 36-9-6.5

Chapter 6.5. Metropolitan Thoroughfare District of Marion County

IC 36-9-6.5-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to section 2 of this chapter by P.L.220-1986 does not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if this act had not been enacted.

As added by P.L.220-2011, SEC.682.

IC 36-9-6.5-1

Application of chapter

Sec. 1. This chapter applies to each county having a consolidated city.

As added by Acts 1982, P.L.77, SEC.12.

IC 36-9-6.5-2

Definitions

Sec. 2. As used in this chapter:

"Board" refers to the board of transportation of the consolidated city, subject to IC 36-3-4-23.

"Department" refers to the department of transportation of the consolidated city, subject to IC 36-3-4-23.

"Operation" includes control and engineering of traffic, traffic safety, road lighting, road access, utility locations, cuts in roads, vehicular parking and stopping, improvements of traffic movement, uses of the rights-of-way for roads, and mass transportation routes.

"Reconstruction" includes resurfacing, widening, and rebuilding.
As added by Acts 1982, P.L.77, SEC.12. Amended by P.L.220-1986, SEC.31.

IC 36-9-6.5-3

Special taxing district

Sec. 3. The metropolitan thoroughfare district created by IC 36-3-1-6 constitutes a special taxing district for the purposes of programming, planning, designing, constructing, reconstructing, and operating thoroughfares within the district.

As added by Acts 1982, P.L.77, SEC.12.

IC 36-9-6.5-4

Adoption of resolution of necessity and purpose

Sec. 4. Whenever the board determines that it is necessary for the general welfare of the persons residing within the district and that it will be of public utility and benefit to the property in the district to

undertake and carry out any project of construction, reconstruction, or operation upon thoroughfares within the district, it shall adopt a resolution of the necessity of the project and the purpose of the department to proceed with it. The board, as a part of the resolution, shall adopt the plans and specifications proposed for the entire project, and shall determine the estimated cost of all work and all acquisitions necessary to carry out the project.

As added by Acts 1982, P.L.77, SEC.12.

IC 36-9-6.5-5

Filing and notice of resolution

Sec. 5. The resolution, plans and estimates, and all other matters included with the resolution shall be filed and opened to inspection by the public at the office of the department. The department shall give notice of:

- (1) the adoption and general purport of the resolution;
- (2) the fact that the resolution, and included material, have been prepared and are on file in the office of the department and can be inspected;
- (3) that the board will on a date named receive and hear objections from any person interested in or who will be affected by the resolution.

The notice shall be published in accordance with IC 5-3-1.

As added by Acts 1982, P.L.77, SEC.12.

IC 36-9-6.5-6

Hearing and approval of project

Sec. 6. At or before the time fixed for the hearing designated in the notice published under section 5 of this chapter, any person interested in or who will be affected by the proposed project may file with the department a written remonstrance against the proposed project, in whole or in part. At the hearing, which may be adjourned from time to time, the board:

- (1) shall hear all persons who are interested in the proceedings;
- (2) shall finally determine whether or not the proposed project, in whole or in any part, is necessary for the general welfare of the persons residing within the district and will be of public utility and benefit to the property in the district; and
- (3) may confirm, modify, or rescind the resolution.

The decision shall be entered in the records of the department.

As added by Acts 1982, P.L.77, SEC.12.

IC 36-9-6.5-7

Department proceeding after final approval of project

Sec. 7. After final approval of the resolution by the board, the department shall proceed with the project, work, and capital improvements, or any parts of them, and shall let all contracts, upon separate plans and specifications, in accordance with IC 36-1-12. The

projects authorized may be modified by the board if it considers modification necessary to carry out the purpose of the declaration and resolution, so long as the modifications do not increase the estimate of the total cost of the project as adopted in the original resolution. All other changes must be processed as new declarations. *As added by Acts 1982, P.L.77, SEC.12.*

IC 36-9-6.5-8

Thoroughfare tax

Sec. 8. All property located within the district is subject to a special tax for the purpose of providing money to pay the total cost of the project, including all necessary incidental expenses of programming, planning, and designing. The special tax constitutes the amount of benefits resulting to all of that property from the acquisition or work, and shall be levied as provided in this chapter. *As added by Acts 1982, P.L.77, SEC.12.*

IC 36-9-6.5-9

Bonds issued

Sec. 9. (a) For the purpose of raising money to pay for any land or right-of-way to be acquired for thoroughfares within the district or to pay for any capital improvement necessary for the construction, reconstruction, or operation of thoroughfares within the district, and in anticipation of the special benefit tax, the board may cause bonds to be issued in the name of the consolidated city for the benefit of the district. The bonds shall be issued in accordance with IC 36-3-5-8.

(b) The bonds may be in an amount not to exceed the estimated cost of all land and rights-of-way to be acquired and the estimated cost of all capital improvements, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction or reconstruction and all costs of programming, planning, and designing the capital improvements. The expenses to be covered in the amount of the bond issue include all expenses of every kind actually incurred preliminary to the acquisition of the property and the construction of work, such as the cost of necessary records, engineering expenses, publication of notices, salaries, and other expenses necessary to be incurred in connection with the acquisition of the property, the letting of the contract, and the sale of bonds.

(c) The bonds issued may not exceed the estimates for the project as determined by the board under section 4 of this chapter.

(d) Any surplus of bond proceeds remaining after all costs and expenses have been fully paid shall be paid into the metropolitan thoroughfare district bond fund. The board may appropriate the proceeds of the bonds.

As added by Acts 1982, P.L.77, SEC.12.

IC 36-9-6.5-10

Bonds; limitations; terms

Sec. 10. (a) When the total issue of bonds under section 9 of this chapter for purposes of the district, including bonds already issued or to be issued, exceeds four percent (4%) of the total adjusted value of taxable property in the district as determined under IC 36-1-15, additional bonds may not be issued. All bonds or obligations issued in violation of this subsection are void.

(b) Bonds issued under section 9 of this chapter are not, in any respect, corporate obligations or indebtedness of the consolidated city but constitute an indebtedness of the metropolitan thoroughfare district, and the bonds and interest on them are payable only out of revenues of the district. The bonds must recite these terms upon their face.

As added by Acts 1982, P.L.77, SEC.12. Amended by P.L.6-1997, SEC.218.

IC 36-9-6.5-11

Deposit of bond proceeds

Sec. 11. All proceeds from the sale of bonds issued under section 9 of this chapter shall be kept as a separate and specific fund to pay for the cost of land, rights-of-way, and other property acquired and of the cost of the work and all costs and expenses incurred in connection with it, and no part may be used for any other purpose. The fund shall be deposited at interest with the depository or depositories of other public funds of the consolidated city, and all interest collected on it belongs to the fund.

As added by Acts 1982, P.L.77, SEC.12.

IC 36-9-6.5-12

Special tax; metropolitan thoroughfare district bond fund

Sec. 12. (a) For the purpose of raising money to pay all bonds issued under section 9 of this chapter and any interest on them, the legislative body may levy each year a special tax upon all of the property located within the district, in such manner as to meet and pay the principal of the bonds as they severally mature, together with all accruing interest on them. Other revenues and funds may be annually allocated by statute or ordinance to be applied to reduction of the bonds and their interest for the next succeeding year, but to the extent that monies on hand are insufficient for payments required in the next succeeding year, the special tax shall be levied.

(b) The tax so collected, and all other allocated monies, shall be accumulated and kept in a separate fund to be known as the "Metropolitan Thoroughfare District Bond Fund", and shall be applied to the payment of the district bonds and interest as they severally mature, and to no other purposes. All accumulations may be deposited, at interest, with one (1) of the depositories of other funds of the consolidated city, and all interest collected belongs to

the fund.
As added by Acts 1982, P.L.77, SEC.12.