

**Renumbered 5/12/2015**

**10-2-107 Modified request for feasibility study -- Supplemental feasibility study.**

- (1)
  - (a)
    - (i) The sponsors of a request may modify the request to alter the boundaries of the proposed city and then refile the request, as modified, with the county clerk if:
      - (A) the results of the feasibility study do not meet the requirements of Subsection 10-2-109(3);
      - or
      - (B)
        - (I) the request meets the conditions of Subsection 10-2-103(4)(b);
        - (II) the annexation petition that proposed the annexation of an area that is part of the area proposed for incorporation has been denied; and
        - (III) an incorporation petition based on the request has not been filed.
    - (ii)
      - (A) A modified request under Subsection (1)(a)(i)(A) may not be filed more than 90 days after the feasibility consultant's submission of the results of the study.
      - (B) A modified request under Subsection (1)(a)(i)(B) may not be filed more than 18 months after the filing of the original request under Section 10-2-103.
  - (b)
    - (i) Subject to Subsection (1)(b)(ii), each modified request under Subsection (1)(a) shall comply with the requirements of Subsections 10-2-103(2), (3), (4), and (5).
    - (ii) Notwithstanding Subsection (1)(b)(i), a signature on a request filed under Section 10-2-103 may be used toward fulfilling the signature requirement of Subsection 10-2-103(2)(a) for the request as modified under Subsection (1)(a), unless the modified request proposes the incorporation of an area that is more than 20% greater or smaller than the area described by the original request in terms of:
      - (A) private land area; or
      - (B) value of private real property.
  - (2) Within 20 days after the county clerk's receipt of the modified request, the county clerk shall follow the same procedure for the modified request as provided under Subsection 10-2-105(1) for an original request.
  - (3) The timely filing of a modified request under Subsection (1) gives the modified request the same processing priority under Subsection 10-2-105(2) as the original request.
  - (4) Within 10 days after the county legislative body's receipt of a certified modified request under Subsection (1)(a)(i)(A) or a certified modified request under Subsection (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original request, the county legislative body shall commission the feasibility consultant who conducted the feasibility study to supplement the feasibility study to take into account the information in the modified request that was not included in the original request.
  - (5) The county legislative body shall require the feasibility consultant to complete the supplemental feasibility study and to submit written results of the supplemental study to the county legislative body and to the contact sponsor no later than 30 days after the feasibility consultant is commissioned to conduct the supplemental feasibility study.
  - (6)
    - (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study do not meet the requirements of Subsection 10-2-109(3):
      - (i) the sponsors may file a further modified request as provided in Subsection (1); and
      - (ii) Subsections (2), (4), and (5) apply to a further modified request under Subsection (6)(a)(i).

(b) A further modified request under Subsection (6)(a) shall, for purposes of its processing priority, be considered as an original request for a feasibility study under Section 10-2-103.