

**Repealed 5/12/2015**

**10-2-408.5 Annexation of an area within a township -- Withdrawing the area from the township.**

- (1) As used in this section:
  - (a) "Affected township" means a township some or all of which is proposed to be annexed to a municipality through an intra-township annexation.
  - (b) "Committee" means a committee appointed under Subsection (5)(a).
  - (c) "County legislative body" means the legislative body of the county in which an affected township is located.
  - (d) "Intra-township annexation" means an annexation of an area that is partly or entirely within a township.
  - (e) "Municipal legislative body" means the legislative body of the municipality to which an area within an affected township is proposed to be annexed through an intra-township annexation.
  - (f) "Township withdrawal" means:
    - (i) for an intra-township annexation that proposes the annexation of part of the township, the withdrawal of that area from the township; or
    - (ii) for an intra-township annexation that proposes the annexation of the entire township, the dissolution of the township.
- (2) An intra-township annexation requires:
  - (a) the municipal legislative body's approval of the annexation, as provided in this part; and
  - (b) the approval of the township withdrawal by:
    - (i) the county legislative body; or
    - (ii) the committee as provided in Subsection (5), if the county legislative body does not approve the township withdrawal.
- (3)
  - (a) No later than 30 days after receiving notice under Subsection 10-2-407(3)(b)(iii) or 10-2-408(2) of the municipal legislative body's approval of a proposed intra-township annexation, the county legislative body shall hold a public hearing on the proposed township withdrawal that meets the requirements of Subsection 17-27a-306(3)(f)(ii).
  - (b) Before holding a public hearing under Subsection (3)(a), the county legislative body shall provide notice that meets the requirements of Subsection 17-27a-306(3)(f)(iii).
  - (c)
    - (i) A public hearing required under Subsection (3)(a) may be combined with:
      - (A) the public hearing required under Subsection 10-2-407(3)(b)(ii), with the municipal legislative body's approval; or
      - (B) the public hearing required under Section 10-2-415, with the boundary commission's approval.
    - (ii) If public hearings are combined under Subsection (3)(c)(i), notice of the combined public hearing shall be given as provided in Subsection (3)(b).
- (4)
  - (a) No later than 60 days after receiving notice under Subsection 10-2-407(3)(b)(iii) or 10-2-408(2) of the municipal legislative body's approval of a proposed intra-township annexation, the county legislative body shall make and issue a written decision approving or disapproving the township withdrawal.
  - (b) In making its decision under Subsection (4)(a), the county legislative body shall, as applicable, consider the factors listed in Subsection 17-27a-306(3)(g)(ii).
- (5)
  - (a)

- (i) If the county legislative body, in its written decision under Subsection (4)(a), disapproves the township withdrawal, a committee shall be appointed consisting of:
    - (A) one elected official, other than a member of the municipal legislative body or the municipality's mayor, appointed by the municipal legislative body;
    - (B) one elected official, other than a member of the county legislative body or the county executive, appointed by the county legislative body; and
    - (C) one person who is:
      - (I) an elected official;
      - (II) a resident of the county in which the township is located; and
      - (III) appointed by the two committee members specified in Subsections (5)(a)(i)(A) and (B).
  - (ii)
    - (A) The municipal legislative body and county legislative body shall each appoint its respective appointee within 10 business days after the county legislative body issues its written decision under Subsection (4)(a).
    - (B) The committee members under Subsections (5)(a)(i)(A) and (B) shall, within 20 days after their appointment, appoint the remaining member.
  - (b) Committee members shall serve without compensation.
  - (c) At the committee's request, the county shall provide the committee with necessary staff assistance.
  - (d) The committee may, in its discretion and with reasonable advance public notice, hold one or more public hearings on the proposed township withdrawal.
  - (e) In making its decision to approve or disapprove the township withdrawal, the committee may consider the issue of township withdrawal anew without:
    - (i) considering the proceedings before the county legislative body; or
    - (ii) giving the county legislative body's decision any deference.
  - (f) Within 45 days after the appointment of the committee member under Subsection (5)(a)(i)(C), the committee shall make and issue a written decision approving or disapproving the township withdrawal.
- (6) The municipal legislative body may adopt an ordinance approving the intra-township annexation if:
- (a) the county legislative body, in its written decision under Subsection (4)(a), approves the township withdrawal; or
  - (b) the committee, in its written decision under Subsection (5)(e), approves the township withdrawal.