

Superseded 5/12/2015

10-2-425 Filing of notice and plat -- Recording and notice requirements -- Effective date of annexation or boundary adjustment.

- (1) The legislative body of each municipality that enacts an ordinance under this part approving the annexation of an unincorporated area or the adjustment of a boundary shall:
 - (a) within 30 days after enacting the ordinance or, in the case of a boundary adjustment, within 30 days after each of the municipalities involved in the boundary adjustment has enacted an ordinance, file with the lieutenant governor:
 - (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary adjustment, as the case may be, under Section 67-1a-6.5:
 - (i)
 - (A) if the annexed area or area subject to the boundary adjustment is located within the boundary of a single county, submit to the recorder of that county:
 - (I) the original:
 - (Aa) notice of an impending boundary action;
 - (Bb) certificate of annexation or boundary adjustment; and
 - (Cc) approved final local entity plat; and
 - (II) a certified copy of the ordinance approving the annexation or boundary adjustment; or
 - (B) if the annexed area or area subject to the boundary adjustment is located within the boundaries of more than a single county:
 - (I) submit to the recorder of one of those counties:
 - (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and (Cc); and
 - (Bb) a certified copy of the ordinance approving the annexation or boundary adjustment; and
 - (II) submit to the recorder of each other county:
 - (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and (Cc); and
 - (Bb) a certified copy of the ordinance approving the annexation or boundary adjustment;
 - (ii) send notice of the annexation or boundary adjustment to each affected entity; and
 - (iii) in accordance with Section 26-8a-414, file with the Department of Health:
 - (A) a certified copy of the ordinance approving the annexation of an unincorporated area or the adjustment of a boundary; and
 - (B) a copy of the approved final local entity plat.
- (2) If an annexation or boundary adjustment under this part also causes an automatic annexation to a local district under Section 17B-1-416 or an automatic withdrawal from a local district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to the local district to which the annexed area is automatically annexed or from which the annexed area is automatically withdrawn.
- (3) Each notice required under Subsection (1) relating to an annexation or boundary adjustment shall state the effective date of the annexation or boundary adjustment, as determined under Subsection (4).
- (4) An annexation or boundary adjustment under this part is completed and takes effect:

- (a) for the annexation of or boundary adjustment affecting an area located in a county of the first class, except for an annexation under Section 10-2-418:
 - (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:
 - (A) the certificate is issued during the preceding November 1 through April 30; and
 - (B) the requirements of Subsection (1) are met before that July 1; or
 - (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:
 - (A) the certificate is issued during the preceding May 1 through October 31; and
 - (B) the requirements of Subsection (1) are met before that January 1; and
 - (b) for all other annexations and boundary adjustments, the date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of annexation or boundary adjustment.
- (5)
- (a) As used in this Subsection (5):
 - (i) "Affected area" means:
 - (A) in the case of an annexation, the annexed area; and
 - (B) in the case of a boundary adjustment, any area that, as a result of the boundary adjustment, is moved from within the boundary of one municipality to within the boundary of another municipality.
 - (ii) "Annexing municipality" means:
 - (A) in the case of an annexation, the municipality that annexes an unincorporated area; and
 - (B) in the case of a boundary adjustment, a municipality whose boundary includes an affected area as a result of a boundary adjustment.
 - (b) The effective date of an annexation or boundary adjustment for purposes of assessing property within an affected area is governed by Section 59-2-305.5.
 - (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the recorder of each county in which the property is located, a municipality may not:
 - (i) levy or collect a property tax on property within an affected area;
 - (ii) levy or collect an assessment on property within an affected area; or
 - (iii) charge or collect a fee for service provided to property within an affected area, unless the municipality was charging and collecting the fee within that area immediately before annexation.