

Effective 5/12/2015

10-2a-202 Request for feasibility study -- Requirements -- Limitations.

- (1) The process to incorporate a contiguous area of a county as a city is initiated by a request for a feasibility study filed with the Office of the Lieutenant Governor.
- (2) Each request under Subsection (1) shall:
 - (a) be signed by the owners of private real property that:
 - (i) is located within the area proposed to be incorporated;
 - (ii) covers at least 10% of the total private land area within the area; and
 - (iii) is equal in value to at least 7% of the value of all private real property within the area;
 - (b) indicate the typed or printed name and current residence address of each owner signing the request;
 - (c) describe the contiguous area proposed to be incorporated as a city;
 - (d) designate up to five signers of the request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each;
 - (e) be accompanied by and circulated with an accurate map or plat, prepared by a licensed surveyor, showing the boundaries of the proposed city; and
 - (f) request the lieutenant governor to commission a study to determine the feasibility of incorporating the area as a city.
- (3) A request for a feasibility study under this section may not propose for incorporation an area that includes some or all of an area that is the subject of a completed feasibility study or supplemental feasibility study whose results comply with Subsection 10-2a-208(3) unless:
 - (a) the proposed incorporation that is the subject of the completed feasibility study or supplemental feasibility study has been defeated by the voters at an election under Section 10-2a-210; or
 - (b) the time provided under Subsection 10-2a-208(1) for filing an incorporation petition based on the completed feasibility study or supplemental feasibility study has elapsed without the filing of a petition.
- (4)
 - (a) Except as provided in Subsection (4)(b), a request under this section may not propose for incorporation an area that includes some or all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:
 - (i) was filed before the filing of the request; and
 - (ii) is still pending on the date the request is filed.
 - (b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area that includes some or all of an area proposed for annexation in an annexation petition described in Subsection (4)(a) if:
 - (i) the proposed annexation area that is part of the area proposed for incorporation does not exceed 20% of the area proposed for incorporation;
 - (ii) the request complies with Subsections (2) and (3) with respect to the area proposed for incorporation excluding the proposed annexation area; and
 - (iii) excluding the area proposed for annexation from the area proposed for incorporation would not cause the area proposed for incorporation to lose its contiguousness.
 - (c) Except as provided in Section 10-2a-206, each request to which Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area proposed for annexation.

Amended by Chapter 157, 2015 General Session

Renumbered and Amended by Chapter 352, 2015 General Session