

Superseded 5/12/2015

11-42-207 Adding property to an assessment area.

- (1) A local entity may add to a designated assessment area property to be benefitted and assessed if the governing body:
 - (a) finds that the inclusion of the property will not adversely affect the owners of property already in the assessment area;
 - (b) obtains from each owner of property to be added and benefitted a written consent that contains:
 - (i) the owner's consent to:
 - (A) the owner's property being added to the assessment area; and
 - (B) the making of the proposed improvements with respect to the owner's property;
 - (ii) the legal description and tax identification number of the property to be added; and
 - (iii) the owner's waiver of any right to protest the creation of the assessment area;
 - (c) amends the designation resolution or ordinance to include the added property; and
 - (d) within 15 days after amending the designation resolution or ordinance:
 - (i) records in the office of the recorder of the county in which the added property is located the original or certified copy of the amended designation resolution or ordinance containing the legal description and tax identification number of each additional parcel of property added to the assessment area and proposed to be assessed; and
 - (ii) gives written notice to the property owner of the inclusion of the owner's property in the assessment area.
- (2) The failure of a local entity's governing body to comply with the requirement of Subsection (1) (d) does not affect the validity of the amended designation resolution or ordinance.
- (3) Except as provided in this section, a local entity may not add to an assessment area property not included in a notice under Section 11-42-202, or provide for making improvements that are not stated in the notice, unless the local entity gives notice as provided in Section 11-42-202 and holds a hearing as required under Section 11-42-204 as to the added property or additional improvements.