

17B-1-414 Resolution approving an annexation -- Filing of notice and plat with lieutenant governor -- Recording requirements -- Effective date.

- (1)
- (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution approving the annexation of the area proposed to be annexed or rejecting the proposed annexation within 30 days after:
 - (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests to require an election are not filed;
 - (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):
 - (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or
 - (B) expiration of the time for submitting a request for public hearing under Subsection 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public hearing.
 - (b) If the local district has entered into an agreement with the United States that requires the consent of the United States for an annexation of territory to the district, a resolution approving annexation under this part may not be adopted until the written consent of the United States is obtained and filed with the board of trustees.
- (2)
- (a)
 - (i) Within the time specified under Subsection (2)(a)(ii), the board shall file with the lieutenant governor:
 - (A) a copy of 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, if applicable, Subsection (2)(b); and
 - (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
 - (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant governor:
 - (A) within 30 days after adoption of a resolution under Subsection (1), Subsection 17B-1-412(3)(c)(i), or Section 17B-1-415; and
 - (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a municipal annexation that causes an automatic annexation to a local district under Section 17B-1-416.
 - (b) For an automatic annexation to a local district under Section 17B-1-416, the notice of an impending boundary action required under Subsection (2)(a) shall state that an area outside the boundaries of the local district is being automatically annexed to the local district under Section 17B-1-416 because of a municipal annexation under Title 10, Chapter 2, Part 4, Annexation.
 - (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5, the board shall:
 - (i) if the annexed area is located within the boundary of a single county, submit to the recorder of that county:
 - (A) the original:
 - (I) notice of an impending boundary action;
 - (II) certificate of annexation; and
 - (III) approved final local entity plat; and
 - (B) a certified copy of the annexation resolution; or
 - (ii) if the annexed area is located within the boundaries of more than a single county:
 - (A) submit to the recorder of one of those counties:

- (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of the annexation resolution; and
 - (B) submit to the recorder of each other county:
 - (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of the annexation resolution.
- (3)
- (a) As used in this Subsection (3), "fire district annexation" means an annexation under this part of an area located in a county of the first class to a local district:
 - (i) created to provide fire protection, paramedic, and emergency services; and
 - (ii) in the creation of which an election was not required because of Subsection 17B-1-214(3)(d).
 - (b) An annexation under this part is complete and becomes effective:
 - (i)
 - (A) on July 1 for a fire district annexation, if the lieutenant governor issues the certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or
 - (B) on January 1 for a fire district annexation, if the lieutenant governor issues the certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or
 - (ii) upon the lieutenant governor's issuance of the certificate of annexation under Section 67-1a-6.5, for any other annexation.
 - (c)
 - (i) The effective date of a local district annexation for purposes of assessing property within the annexed area is governed by Section 59-2-305.5.
 - (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the recorder of each county in which the property is located, a local district may not:
 - (A) levy or collect a property tax on property within the annexed area;
 - (B) levy or collect an assessment on property within the annexed area; or
 - (C) charge or collect a fee for service provided to property within the annexed area.
 - (iii) Subsection (3)(c)(ii)(C):
 - (A) may not be construed to limit a local district's ability before annexation to charge and collect a fee for service provided to property that is outside the local district's boundary; and
 - (B) does not apply until 60 days after the effective date, under Subsection (3)(b), of the local district's annexation, with respect to a fee that the local district was charging for service provided to property within the annexed area immediately before the area was annexed to the local district.

Amended by Chapter 68, 2011 General Session