

54-8-6 Creation of improvement district -- Petition by property owners -- Resolution of governing body -- Utilities to submit reports.

- (1)
 - (a) A governing body may, upon a petition signed by two-thirds of the owners of the real property and the owners of not less than two-thirds in value of the real property, as shown by the last assessment rolls, of any proposed district requesting the creation of an improvement district as provided for in this chapter, pass a resolution at any regular or special meeting declaring that it finds that the improvement district proposed is in the public interest.
 - (b) In order to pass a resolution under Subsection (1)(a), the governing body shall determine that the formation of the local improvement district for the purposes set out in this chapter will promote the public convenience, necessity, and welfare.
- (2) Each resolution adopted under Subsection (1) shall:
 - (a) state that the costs and expenses will be levied and assessed upon the property benefitted;
 - (b) request that each public utility corporation serving such area by overhead electric or communication facilities shall, within 120 days after the receipt of the resolution, make a study of the cost of conversion of its facilities in such area to underground service; and
 - (c) require that the public utilities be provided with the name and address of the owner of each parcel or lot within the proposed improvement district, if known, and, if not known, the description of the property and other matters required by the public utility corporations in order to perform the work involved in the cost study.
- (3) Each public service corporation serving the improvement district area by overhead electric or communication facilities shall:
 - (a) within 120 days after receipt of the resolution, make a study of the costs of conversion of its facilities in the district to underground service; and
 - (b) provide the governing body and make available to its office a report, prepared jointly with each other public service corporation serving the improvement district area by overhead electric or communication facilities, as to the results of the study.
- (4) The governing body shall make each report under Subsection (3) available in its office to each owner of land within the improvement district.

Amended by Chapter 129, 2006 General Session