

28 of an island or peninsula under this section, leaving unincorporated the remainder of the
29 unincorporated island or peninsula, if, in adopting the resolution under Subsection (2)(a)(i), the
30 municipal legislative body determines that not annexing the entire unincorporated island or
31 peninsula is in the municipality's best interest.

32 (2) (a) The municipal legislative body of a municipality intending to annex an area under
33 this section shall:

34 (i) adopt a resolution indicating the municipal legislative body's intent to annex the area,
35 describing the area proposed to be annexed;

36 (ii) (A) publish notice at least once a week for three successive weeks in a newspaper of
37 general circulation within the municipality and the area proposed for annexation; or

38 (B) if there is no newspaper of general circulation in the areas described in Subsection
39 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are most
40 likely to give notice to the residents of those areas;

41 (iii) send written notice to the board of each special district whose boundaries contain
42 some or all of the area proposed for annexation and to the legislative body of the county in which
43 the area proposed for annexation is located; and

44 (iv) hold a public hearing on the proposed annexation no earlier than 60 days after the
45 adoption of the resolution under Subsection (2)(a)(i).

46 (b) The notice under Subsections (2)(a)(ii) and (iii) shall:

47 (i) state that the municipal legislative body has adopted a resolution indicating its intent
48 to annex the area proposed for annexation;

49 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

50 (iii) describe the area proposed for annexation; and

51 (iv) state in conspicuous and plain terms that the municipal legislative body will annex the
52 area unless, at or before the public hearing under Subsection (2)(a)(iv), written protests to the
53 annexation are filed by the owners of private real property that:

54 (A) is located within the area proposed for annexation;

55 (B) covers ~~h~~ [f] a majority [3] [65%] h of the total private land area within the entire area
55a proposed
56 for annexation; and

57 (C) is equal in value to at least [~~1/3~~] 1/2 the value of all private real property within the
58 entire area proposed for annexation.

59 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be
60 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
61 (2)(a)(i).

62 (3) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the municipal
63 legislative body [~~may~~] shall adopt an ordinance annexing the area proposed for annexation under
64 this section unless, at or before the hearing, written protests to the annexation have been filed with
65 the city recorder or town clerk, as the case may be, by the owners of private real property that:

66 (a) is located within the area proposed for annexation;

67 (b) covers \hat{h} [f] a majority [f] [~~65%~~] \hat{h} of the total private land area within the entire area
67a proposed

68 for annexation; and

69 (c) is equal in value to at least [~~1/3~~] 1/2 the value of all private real property within the
70 entire area proposed for annexation.

71 (4) If protests are timely filed that comply with Subsection (3), the municipal legislative
72 body may not adopt an ordinance annexing the area proposed for annexation, and the annexation
73 proceedings under this section shall be considered terminated.

Legislative Review Note
as of 2-8-99 11:21 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel