

COUNTY ANNEXATION AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Bradley T. Johnson

AN ACT RELATING TO COUNTIES; AMENDING THE CRITERIA FOR COUNTY ANNEXATIONS OF TERRITORY WITHIN A MUNICIPALITY THAT CROSSES COUNTY BOUNDARIES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

17-2-6, as last amended by Chapter 263, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-2-6** is amended to read:

17-2-6. Annexation of portion of county to adjoining county -- Petition -- Election -- Ballots.

(1) (a) Except as provided in Subsection (2), whenever a majority of the legal voters of any portion of any county, in number equal to a majority of the votes cast at the preceding regular general election within that portion of the county, desire to have the territory within which they reside included within the boundaries of an adjoining county they may petition the county legislative body of the county in which they reside, which is hereafter referred to as the county from which territory is to be taken, as well as the county legislative body of the county to which they desire to be annexed, which is referred to as the annexing county.

(b) Such petition must be presented before the first Monday in June of a year during which a regular general election is held, and the county legislative body must cause such proposition to be submitted to the legal voters residing in the county from which territory is to be taken as well as to the legal voters of the annexing county at the ensuing regular general election.

(2) (a) Notwithstanding Subsection (1), Subsection (2) applies to each petition seeking annexation of a contiguous portion of one county to an adjoining county if the area proposed for annexation is:

(i) located within an incorporated municipality that~~[-(A)]~~ extends into the annexing

county; and

~~[(B) is divided by a county line that was originally defined by a stream, river, or body of water; and]~~

(ii) contiguous to the portion of the municipality located within the annexing county.

(b) A petition seeking annexation as provided in Subsection (2)(a) shall:

(i) contain the legal signatures of registered voters within the area proposed for annexation equal in number to over 50% of the votes cast at the preceding regular general election within that area; and

(ii) be filed with the legislative body of the annexing county before the first Monday in June of a year during which a regular general election is held.

(c) At the time of filing the petition, petitioners shall deliver a copy of it to the legislative body of the county in which the area proposed for annexation is located.

(d) The legislative body of the county in which the area proposed for annexation is located and the legislative body of the annexing county shall submit the question of annexation to the voters of the area proposed for annexation and the voters of the annexing county, respectively, at the next regular general election.

(e) If annexation occurs:

(i) the annexing county shall:

(A) pay all costs of the annexation election;

(B) with the cooperation and assistance of the legislative body and recorder's office of the county in which the annexed area was located before annexation, establish and implement a procedure for establishing in the recorder's office of the annexing county an appropriate record of the real property located in the annexed area; and

(C) pay all costs associated with the establishment and implementation of the procedure provided in Subsection (2)(e)(i)(B), including the reasonable costs incurred by the county in which the annexed area was located before annexation in fulfilling its duties under Subsection (2)(e)(ii)(A);

(ii) the legislative body and recorder's office of the county in which the annexed area was located before annexation:

(A) shall cooperate with and assist the annexing county in establishing and implementing the procedure as provided in Subsection (2)(e)(i)(B); and

(B) may not charge the annexing county, for documents or services the recorder's office provides the annexing county in implementing the procedure provided in Subsection (2)(e)(i)(B), more than the regular fee the recorder's office ordinarily charges the general public for similar documents or services;

(iii) as tax revenues are collected from the annexed area, the annexing county shall pay to the county in which the annexed area was located before annexation the amounts the latter would have received without annexation from tax revenues from the annexed area for the area's proportionate share of the liability for general obligation and revenue bonds issued before annexation by the county in which the annexed area was located before annexation; and

(iv) any petition filed within 20 years thereafter proposing annexation of the same area to the county in which the area was located before annexation is invalid.

(3) (a) Except as otherwise provided, the election provided in either Subsection (1) or (2) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.

(b) The ballot to be used shall be:

For annexing a portion of ____ county to ____ county.

Against annexing a portion of ____ county to ____ county.