

**ANNEXATION AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Marda Dillree**

**This act modifies provisions of the Utah Municipal Code relating to municipal annexations.**

**The act establishes an annexation procedure for counties of the second, third, fourth, fifth, and sixth classes that is different from that for counties of the first class. The act requires municipalities within counties of the second, third, fourth, fifth, and sixth classes to adopt an annexation policy plan before future annexations after a certain date may occur. The act eliminates the feasibility study requirement for annexations of areas in a county of the second, third, fourth, fifth, and sixth classes. The act allows an owner of public property to file an annexation petition. The act also makes technical changes.**

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

AMENDS:

**10-2-401**, as repealed and reenacted by Chapter 389, Laws of Utah 1997

**10-2-402**, as repealed and reenacted by Chapter 389, Laws of Utah 1997

**10-2-403**, as last amended by Chapter 205, Laws of Utah 1999

**10-2-405**, as last amended by Chapter 193, Laws of Utah 2000

**10-2-406**, as repealed and reenacted by Chapter 389, Laws of Utah 1997

**10-2-407**, as last amended by Chapter 193, Laws of Utah 2000

**10-2-408**, as last amended by Chapter 193, Laws of Utah 2000

**10-2-409**, as repealed and reenacted by Chapter 389, Laws of Utah 1997

**10-2-410**, as repealed and reenacted by Chapter 389, Laws of Utah 1997

**10-2-411**, as last amended by Chapter 21, Laws of Utah 1999

**10-2-412**, as repealed and reenacted by Chapter 389, Laws of Utah 1997

**10-2-413**, as last amended by Chapter 21, Laws of Utah 1999

**10-2-414**, as last amended by Chapter 21, Laws of Utah 1999



28        **10-2-415**, as last amended by Chapter 21, Laws of Utah 1999

29        **10-2-416**, as last amended by Chapter 1, Laws of Utah 2000

30        **10-2-421**, as repealed and reenacted by Chapter 389, Laws of Utah 1997

31        **10-2-426**, as enacted by Chapter 337, Laws of Utah 1998

32        ENACTS:

33        **10-2-401.5**, Utah Code Annotated 1953

34        **10-2-409.5**, Utah Code Annotated 1953

35        REPEALS:

36        **10-2-404**, as last amended by Chapter 193, Laws of Utah 2000

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

38        Section 1. Section **10-2-401** is amended to read:

39        **10-2-401. Definitions -- Property owner provisions.**

40        (1) As used in this part:

41        (a) "Affected entity" means:

42        (i) a county in whose unincorporated area the area proposed for annexation is located;

43        (ii) an independent special district under Title 17A, Chapter 2, Independent Special

44        Districts, whose boundaries include any part of an area proposed for annexation;

45        (iii) a school district whose boundaries include any part of an area proposed for  
46        annexation; and

47        (iv) a municipality whose boundaries are within 1/2 mile of an area proposed for  
48        annexation.

49        [~~(a)~~] (b) "Annexation petition" means a petition under Section 10-2-403 proposing the  
50        annexation to a municipality of a contiguous, unincorporated area that is contiguous to the  
51        municipality.

52        [~~(b)~~] (c) "Commission" means a boundary commission established under Section 10-2-409  
53        for the county in which the property that is proposed for annexation is located.

54        [~~(c)~~] (d) "Feasibility consultant" means a person or firm with expertise in the processes and  
55        economics of local government.

56        [~~(d)~~] (e) "Municipal selection committee" means a committee in each county composed  
57        of the mayor of each municipality within that county.

58        [~~(e)~~] (f) "Private," with respect to real property, means not owned by the United States or

any agency of the federal government, the state, a county, a municipality, a school district, a special district under Title 17A, Special Districts, or any other political subdivision or governmental entity of the state.

(g) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

(h) "Urban development" means:

(i) a housing development with more than 15 residential units and an average density greater than one residential unit per acre; or

(ii) a commercial or industrial development for which cost projections exceed \$750,000 for all phases.

(2) For purposes of this part:

(a) the owner of real property shall be the record title owner according to the records of the county recorder on the date of the filing of the petition or protest; and

(b) the value of private real property shall be determined according to the last assessment roll for county taxes before the filing of the petition or protest.

(3) For purposes of each provision of this part that requires the owners of private real property covering a percentage or majority of the total private land area within an area to sign a petition or protest:

(a) a parcel of real property may not be included in the calculation of the required percentage or majority unless the petition or protest is signed by:

(i) except as provided in Subsection (3)(a)(ii), owners representing a majority ownership interest in that parcel; or

(ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;

(b) the signature of a person signing a petition or protest in a representative capacity on behalf of an owner is invalid unless:

(i) the person's representative capacity and the name of the owner the person represents are indicated on the petition or protest with the person's signature; and

(ii) the person provides documentation accompanying the petition or protest that substantiates the person's representative capacity; and

(c) subject to Subsection (3)(b), a duly appointed personal representative may sign a petition or protest on behalf of a deceased owner.

Section 2. Section **10-2-401.5** is enacted to read:

**10-2-401.5. Annexation policy plan.**

(1) After December 31, 2002, no municipality may annex an unincorporated area located within a specified county unless the municipality has adopted an annexation policy plan as provided in this section.

(2) To adopt an annexation policy plan:

(a) the planning commission shall:

(i) prepare a proposed annexation policy plan that complies with Subsection (3);

(ii) hold a public meeting to allow affected entities to examine the proposed annexation policy plan and to provide input on it;

(iii) provide notice of the public meeting under Subsection (2)(a)(ii) to each affected entity at least 14 days before the meeting;

(iv) accept and consider any additional written comments from affected entities until ten days after the public meeting under Subsection (2)(a)(ii);

(v) before holding the public hearing required under Subsection (2)(a)(vi), make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on input provided at or within ten days after the public meeting under Subsection (2)(a)(ii);

(vi) hold a public hearing on the proposed annexation policy plan;

(vii) provide reasonable public notice, including notice to each affected entity, of the public hearing required under Subsection (2)(a)(vi) at least 14 days before the date of the hearing;

(viii) make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on public input provided at the public hearing; and

(ix) submit its recommended annexation policy plan to the municipal legislative body; and

(b) the municipal legislative body shall:

(i) hold a public hearing on the annexation policy plan recommended by the planning commission;

(ii) provide reasonable notice, including notice to each affected entity, of the public hearing at least 14 days before the date of the hearing;

(iii) after the public hearing under Subsection (2)(b)(ii), make any modifications to the recommended annexation policy plan that the legislative body considers appropriate; and

121 (iv) adopt the recommended annexation policy plan, with or without modifications.

122 (3) Each annexation policy plan shall include:

123 (a) a map of the unincorporated area that the municipality anticipates annexing in the  
124 future, which may include territory located outside the county in which the municipality is located;

125 (b) a statement of the specific criteria that will guide the municipality's decision whether  
126 or not to grant future annexation petitions, addressing matters relevant to those criteria including:

127 (i) the character of the community;

128 (ii) the need for municipal services in developed and undeveloped unincorporated areas;

129 (iii) the municipality's plans for extension of municipal services;

130 (iv) how the services will be financed;

131 (v) an estimate of the tax consequences to residents both currently within the municipal  
132 boundaries and in areas that are anticipated to be annexed into the municipality; and

133 (vi) the interests of all affected entities;

134 (c) justification for excluding from the area covered by the annexation policy plan any area  
135 containing urban development within 1/2 mile of the municipality's boundary; and

136 (d) a statement addressing any comments made by affected entities at or within ten days  
137 after the public meeting under Subsection (2)(a)(ii).

138 (4) In developing, considering, and adopting an annexation policy plan, the planning  
139 commission and municipal legislative body shall:

140 (a) attempt to avoid gaps between or overlaps with the annexation policy plans of other  
141 municipalities;

142 (b) consider population growth projections for the municipality and adjoining areas for the  
143 next 20 years;

144 (c) consider current and projected costs of infrastructure, urban services, and public  
145 facilities necessary:

146 (i) to facilitate full development of the area within the municipality; and

147 (ii) to expand the infrastructure, services, and facilities into the area being considered for  
148 inclusion in the annexation policy plan;

149 (d) consider, in conjunction with the municipality's general plan, the need over the next  
150 20 years for additional land suitable for residential, commercial, and industrial development;

151 (e) consider the reasons for including agricultural lands, forests, recreational areas, and

wildlife management areas in the municipality; and

(f) be guided by the principles set forth in Subsection 10-2-403(5).

(5) Nothing in this chapter may be construed to prohibit or restrict two or more municipalities in specified counties from negotiating and cooperating with respect to defining each municipality's area proposed for future annexation under an annexation policy plan.

Section 3. Section **10-2-402** is amended to read:

**10-2-402. Annexation -- Limitations.**

(1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part.

(b) An unincorporated area may not be annexed to a municipality unless:

(i) it is a contiguous area;

(ii) it is contiguous to the municipality; ~~[and]~~

(iii) except as provided in Subsection 10-2-418(1)(b), annexation will not leave or create an unincorporated island or peninsula; and

(iv) for an area located in a specified county, the area is within the area defined by the annexation policy plan of the proposed annexing municipality.

(2) Except as provided in Section 10-2-418, a municipality may not annex an unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

(3) A municipality may not annex an unincorporated area for the sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to annex the same or a related area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services to the annexed area.

(4) A county legislative body may not approve urban development in the unincorporated portion of the county located, for a county of the first class, within 1/2 mile of a municipality or, for a specified county, within the area defined by a municipality's annexation policy plan, unless:

(a) the owner of the property on which the urban development is proposed makes a good faith and diligent effort for at least six months to annex the property to the municipality;

(b) legal or factual barriers prevent the annexation; and

(c) at the end of the six-month period under Subsection (4)(a), the owner of the property notifies the county in writing of the legal or factual barriers that prevented annexation.

(5) (a) Except as provided in Subsection (5)(b), no annexation petition under this part may

be filed with a municipality located within a county of the first class on or after July 1, 2001 until after July 1, 2002, and no municipality located in a county of the first class may accept an annexation petition under this part during that time.

(b) Notwithstanding Subsection (5)(a) and subject to Subsection (5)(c), an annexation petition may be filed with a municipality located within a county of the first class and a municipality located in a county of the first class may accept an annexation petition from July 1, 2001 to July 1, 2002 if the petition:

(i) contains the signatures of the owners of private real property that:

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

(B) covers 80% of the private land area within the area proposed for annexation; and

(C) is equal in value to at least 80% of the value of all private real property within the area proposed for annexation; and

(ii) otherwise complies with the requirements for an annexation petition under this part.

(c) If a protest is filed under Section 10-2-407 to an annexation petition filed under Subsection (5)(b), the annexation proceeding shall immediately be terminated.

(d) Nothing in this Subsection (5) may be construed to affect an annexation proceeding initiated by a petition filed before July 1, 2001.

Section 4. Section **10-2-403** is amended to read:

**10-2-403. Annexation petition -- Requirements.**

(1) Except as provided in Section 10-2-418, the process to annex an unincorporated area to a municipality is initiated by a petition as provided in this section.

(2) Each petition under Subsection (1) shall:

(a) be filed with the city recorder or town clerk, as the case may be, of the proposed annexing municipality;

(b) contain the signatures of:

(i) the owners of private real property that:

~~[(i)]~~ (A) is located within the area proposed for annexation;

~~[(ii)-(A)]~~ (B) (I) subject to Subsection (2)(b)~~[(ii)]~~(i)(B)(II), covers a majority of the private land area within the area proposed for annexation; and

~~[(B)]~~ (II) covers 100% of the private land area within the area proposed for annexation, if the area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture

Protection Area; and

~~[(iii)]~~ (C) is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation; or

(ii) if all the real property within the area proposed for annexation is publicly owned, the owners of all the publicly owned real property;

(c) be accompanied by an accurate ~~[plat or]~~ map, prepared by a licensed surveyor, of the area proposed for annexation; and

(d) designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

(3) A petition under Subsection (1) may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.

(4) A petition under Subsection (1) proposing the annexation of an area located in a county of the first class may not propose the annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 or a petition under Section 10-2-125 if:

(a) the request or petition was filed before the filing of the annexation petition; and

(b) the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed.

(5) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn;

(a) along the boundaries of existing special districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities~~[-]~~;

~~[(a)]~~ (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type services;

~~[(b)]~~ (c) to facilitate the consolidation of overlapping functions of local government;

~~[(c)]~~ (d) to promote the efficient delivery of services; and

~~[(d)]~~ (e) to encourage the equitable distribution of community resources and obligations.

(6) On the date of filing, the petition sponsors shall deliver or mail a copy of the petition



to:

(a) the clerk of the county in which the area proposed for annexation is located; and

(b) the chair of the planning commission of each township in which any part of the area proposed for annexation is located.

Section 5. Section **10-2-405** is amended to read:

**10-2-405. Acceptance or rejection of an annexation petition -- Modified petition.**

(1) (a) (i) (A) A municipal legislative body may:

~~[(A)]~~ (I) except as provided in Subsection (1)(b) and subject to Subsection (1)(a)(i)(B),  
deny a petition filed under Section 10-2-403; or

~~[(B)]~~ (II) accept the petition for further consideration under this part.

(B) A municipal legislative body's failure to act to deny or accept a petition under Subsection (1)(a)(i)(A) within 14 days after the filing of the petition shall be considered to be an acceptance of the petition for further consideration under this part.

(ii) If a municipal legislative body denies a petition under Subsection (1)(a)(i)(A), it shall, within five days of the denial, mail written notice of the denial to the contact sponsor, the clerk of the county in which the area proposed for annexation is located, and the chair of the planning commission of each township in which any part of the area proposed for annexation is located.

(b) A municipal legislative body may not deny a petition filed under Section 10-2-403 proposing to annex an area located in a county of the first class if:

(i) the petition contains the signatures of the owners of private real property that:

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

(B) covers a majority of the private land area within the area proposed for annexation; and

(C) is equal in value to at least 1/2 of the value of all private real property within the area proposed for annexation;

(ii) the population in the area proposed for annexation does not exceed ~~[10%]~~ 5% of the population of the proposed annexing municipality; ~~[and]~~

(iii) the property tax rate for municipal services in the area proposed to be annexed is higher than the property tax rate of the proposed annexing municipality; and

(iv) all annexations by the proposed annexing municipality during the year that the petition was filed have not increased the municipality's population by more than 10%.

(2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i)~~[(B)]~~ (A)

or is considered to have accepted the petition under Subsection (1)(a)(i)(B), the city recorder or town clerk, as the case may be, shall, within 30 days of that acceptance:

(a) with the assistance of the municipal attorney and of the clerk, surveyor, and recorder of the county in which the area proposed for annexation is located, determine whether the petition meets the requirements of Subsections 10-2-403(2), (3), and (4); and

(b) (i) if the city recorder or town clerk determines that the petition meets those requirements, certify the petition and mail or deliver written notification of the certification to the municipal legislative body, the contact sponsor, the county legislative body, and the chair of the planning commission of each township in which any part of the area proposed for annexation is located; or

(ii) if the city recorder or town clerk determines that the petition fails to meet any of those requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the municipal legislative body, the contact sponsor, the county legislative body, and the chair of the planning commission of each township in which any part of the area proposed for annexation is located.

(3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(b)(ii), the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the city recorder or town clerk, as the case may be.

(ii) A signature on an annexation petition filed under Section 10-2-403 may be used toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as modified under Subsection (3)(a)(i).

(b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city recorder or town clerk under Subsection (2)(b)(ii), the refiled petition shall be treated as a newly filed petition under Subsection 10-2-403(1).

(4) Each county clerk, surveyor, and recorder shall cooperate with and assist a city recorder or town clerk in the determination under Subsection (2)(a).

Section 6. Section **10-2-406** is amended to read:

**10-2-406. Notice of certification -- Publishing and providing notice of petition.**

(1) After receipt of the notice of certification from the city recorder or town clerk under Subsection 10-2-405(2)(b)(i), the municipal legislative body shall:

(a) (i) publish a notice at least once a week for three successive weeks, beginning no later

than ten days after receipt of the notice of certification, in a newspaper of general circulation within:

(A) the area proposed for annexation; and

(B) the unincorporated area within 1/2 mile of the area proposed for annexation; or

(ii) if there is no newspaper of general circulation within those areas, post written notices in conspicuous places within those areas that are most likely to give notice to residents within those areas; and

(b) within 20 days of receipt of the notice of certification under Subsection 10-2-405(2)(b)(i), mail written notice to~~[-]~~ each affected entity.

~~[(i) the legislative body of the county in which the area proposed for annexation is located;]~~

~~[(ii) the board of each special district under Title 17A, Chapter 2, Independent Special Districts, whose boundaries include part or all of the area proposed for annexation;]~~

~~[(iii) the legislative body of each municipality whose boundaries are within 1/2 mile of the area proposed for annexation; and]~~

~~[(iv) each school district whose boundaries include part or all of the area proposed for annexation;]~~

(2) (a) The notice under Subsections (1)(a) and (b) shall:

(i) state that a petition has been filed with the municipality proposing the annexation of an area to the municipality;

(ii) state the date of the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(b)(i);

(iii) describe the area proposed for annexation in the annexation petition;

(iv) state that the complete annexation petition is available for inspection and copying at the office of the city recorder or town clerk;

(v) state in conspicuous and plain terms that the municipality may grant the petition and annex the area described in the petition unless, within the time required under Subsection 10-2-407(2)(a)(i)(A) ~~[or 10-2-407(2)(c), as the case may be]~~, a written protest to the annexation petition is filed with the commission and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing municipality; and

(vi) state the address of the commission or, if a commission has not yet been created in the

county, the county clerk, where a protest to the annexation petition may be filed.

(b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a written protest in terms of the actual date rather than by reference to the statutory citation.

(c) In addition to the requirements under Subsection (2)(a), a notice under Subsection (1)(a) for a proposed annexation of an area within a county of the first class shall include a statement that a protest to the annexation petition may be filed with the commission by property owners if it contains the signatures of the owners of private real property that:

(i) is located in the unincorporated area within 1/2 mile of the area proposed for annexation;

(ii) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and

(iii) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation.

Section 7. Section **10-2-407** is amended to read:

**10-2-407. Protest to annexation petition -- Requirements -- Disposition if no protest -- Township planning commission recommendation.**

(1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:

(i) the legislative body ~~[of the county in which the area proposed for annexation is located;]~~ or governing board of an affected entity; or

~~[(ii) the board of a special district whose boundaries include part or all of the area proposed for annexation;]~~

~~[(iii) the legislative body of a municipality whose boundaries are within 1/2 mile of the area proposed for annexation; or]~~

~~[(iv)]~~ (ii) for a proposed annexation of an area within a county of the first class, the owners of private real property that:

(A) is located in the unincorporated area within 1/2 mile of the area proposed for annexation;

(B) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and

(C) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation.

(b) (i) ~~[(A) Except as provided in Subsection (1)(b)(i)(B), a township]~~ A planning commission of a township located in a county of the first class may recommend to the legislative body of the county in which the township is located that the county legislative body file a protest against a proposed annexation under this part of an area located within the township.

~~[(B) Subsection (1)(b)(i)(A) does not apply if the time for filing a protest under Subsection (2)(a)(i)(A) or (2)(c) expires before July 17, 1997.]~~

(ii) (A) ~~[Except as provided in Subsection (1)(b)(ii)(B), the]~~ The township planning commission shall communicate each recommendation under Subsection (1)(b)(i) in writing to the county legislative body within 30 days of the city recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)(b)(i).

~~[(B) Notwithstanding Subsection (1)(b)(ii)(A), if the city recorder or town clerk's certification under Subsection 10-2-405(2)(b)(i) occurs before July 17, 1997, the township planning commission shall communicate its recommendation under Subsection (1)(b)(i) in writing to the county legislative body on or before August 16, 1997, but no later than the deadline for filing a protest under Subsection (2)(a)(i)(A) or (2)(c), excluding an extension under Subsection (2)(f).]~~

~~[(C)]~~ (B) At the time the recommendation is communicated to the county legislative body under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy of the recommendation to the legislative body of the proposed annexing municipality and to the contact sponsor.

(2) (a) Each protest under Subsection (1)(a) shall:

(i) be filed:

(A) ~~[except as provided in Subsections (2)(c) and (f);]~~ no later than ~~[60]~~ 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(b)(i); and

(B) (I) in a county that has already created a commission under Section 10-2-409, with the commission; or

(II) in a county that has not yet created a commission under Section 10-2-409, with the clerk of the county in which the area proposed for annexation is located; and

(ii) state each reason for the protest of the annexation petition and justification for the protest under the standards established in this chapter;

(iii) contain other information that the commission by rule requires or that the party filing

the protest considers pertinent; and

(iv) the name and address of a contact person who is to receive notices sent by the commission with respect to the protest proceedings.

(b) The party filing a protest under this section shall on the same date deliver or mail a copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

(c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall immediately notify the county legislative body of the protest and shall deliver the protest to the boundary commission within five days of its creation under Subsection 10-2-409(1)(b).

(d) Each protest of a proposed annexation of an area located in a county of the first class under Subsection (1)(a)(iv) (i)(D) shall, in addition to the requirements of Subsections (2)(a) and (b):

(i) indicate the typed or printed name and current residence address of each owner signing the protest; and

(ii) designate one of the signers of the protest as the contact person and state the mailing address of the contact person.

~~[(e) Notwithstanding Subsection (2)(a)(i)(A) and except as provided in Subsection (2)(f), each protest under Subsection (1) shall be filed no later than 40 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(b)(i) if the annexation petition proposes the annexation of an area that:]~~

~~[(i) is undeveloped; and]~~

~~[(ii) covers an area that is equivalent to less than 5% of the total land mass of all private real property within the municipality.]~~

~~[(f) The deadline under Subsection (2)(a)(i)(A) or (2)(e) for the county legislative body to file a protest is extended by ten days if:]~~

~~[(i) the city recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)(b)(i) occurs before July 17, 1997; and]~~

~~[(ii) the time for filing a protest under Subsection (2)(a)(i)(A) or (2)(e) has not expired as of July 17, 1997.]~~

(3) (a) (i) If a protest is filed under this section:

(A) the municipal legislative body may, at its next regular meeting after expiration of the deadline under Subsection (2)(a)(i)(A) ~~[or (e)]~~ and, for a proposed annexation of an area located

431 in a county of the first class, except as provided in Subsection (3)(a)(iii), deny the annexation  
432 petition; or

433 (B) if the municipal legislative body does not deny the annexation petition under  
434 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the  
435 annexation petition until after receipt of the commission's notice of its decision on the protest  
436 under Section 10-2-416.

437 (ii) If a municipal legislative body denies an annexation petition under Subsection  
438 (3)(a)(i)(A), the municipal legislative body shall, within five days of the denial, send notice of the  
439 denial in writing to:

440 (A) the contact sponsor of the annexation petition;

441 (B) the commission;

442 (C) each entity that filed a protest; and

443 (D) if a protest was filed under Subsection (1)(a)[~~(iv)~~](ii) for a proposed annexation of an  
444 area located in a county of the first class, the contact person.

445 (iii) A municipal legislative body may not deny an annexation petition proposing to annex  
446 an area located in a county of the first class if:

447 (A) the petition contains the signatures of the owners of private real property that:

448 (I) is located within the area proposed for annexation;

449 (II) covers a majority of the private land area within the area proposed for annexation; and

450 (III) is equal in value to at least 1/2 of the value of all private real property within the area  
451 proposed for annexation;

452 (B) the population in the area proposed for annexation does not exceed [~~10%~~] 5% of the  
453 population of the proposed annexing municipality; [~~and~~]

454 (C) the property tax rate for municipal services in the area proposed to be annexed is  
455 higher than the property tax rate of the proposed annexing municipality; and

456 (D) all annexations by the proposed annexing municipality during the year that the petition  
457 was filed have not increased the municipality's population by more than 10%.

458 (b) (i) If no timely protest is filed under this section, the municipal legislative body may,  
459 subject to Subsection (3)(b)(ii), grant the petition and, by ordinance, annex the area that is the  
460 subject of the annexation petition.

461 (ii) Before granting an annexation petition under Subsection (3)(b)(i), the municipal

legislative body shall:

(A) hold a public hearing; and

(B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

(I) publish notice of the hearing in a newspaper of general circulation within the municipality and the area proposed for annexation; or

(II) if there is no newspaper of general circulation in those areas, post written notices of the hearing in conspicuous places within those areas that are most likely to give notice to residents within those areas.

Section 8. Section **10-2-408** is amended to read:

**10-2-408. Denial of or granting the annexation petition.**

(1) After receipt of the commission's decision on a protest under Subsection 10-2-416(2), a municipal legislative body may:

(a) except as provided in Subsection (2) for a proposed annexation of an area located in a county of the first class, deny the annexation petition; or

(b) if the commission approves the annexation, grant the annexation petition and, by ordinance and consistent with the commission's decision, annex the area that is the subject of the annexation petition.

(2) A municipal legislative body may not deny an annexation petition proposing to annex an area located in a county of the first class if:

(a) the petition contains the signatures of the owners of private real property that:

(i) is located within the area proposed for annexation;

(ii) covers a majority of the private land area within the area proposed for annexation; and

(iii) is equal in value to at least 1/2 of the value of all private real property within the area proposed for annexation;

(b) the population in the area proposed for annexation does not exceed ~~[10%]~~ 5% of the population of the proposed annexing municipality; ~~[and]~~

(c) the property tax rate for municipal services in the area proposed to be annexed is higher than the property tax rate of the proposed annexing municipality; and

(d) all annexations by the proposed annexing municipality during the year that the petition was filed have not increased the municipality's population by more than 10%.

Section 9. Section **10-2-409** is amended to read:



**10-2-409. Boundary commission -- Creation -- Members.**

(1) The legislative body of each county:

(a) may create a boundary commission on its own initiative at any time; and

(b) shall create a boundary commission within 30 days of the filing of a protest under Section 10-2-407.

(2) ~~[(a)]~~ Each commission shall be composed of:

~~[(i)]~~ (a) in a county with two or more municipalities:

~~[(A)]~~ (i) two members who are elected county officers, appointed by:

(A) (I) in a county of the first class operating under a form of government in which the executive and legislative functions are separated, the county executive with the advice and consent of the county legislative body; or

(II) in a county of the first class operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body; or

(B) in a specified county, the county legislative body;

~~[(B)]~~ (ii) two members who are elected municipal officers from separate municipalities within the county, appointed by the municipal selection committee; and

~~[(C)]~~ (iii) three members who are residents of the county, none of whom is a county or municipal officer, appointed by the four other members ~~[under Subsections (2)(a)(i)(A) and (B)]~~ of the boundary commission; and

~~[(i)]~~ (b) in a county with only one municipality:

~~[(A)]~~ (i) two members who are county elected officers, appointed by ~~the county~~ legislative body;

~~[(I) in a county operating under a form of government in which the executive and legislative functions are separated, the county executive with the advice and consent of the county legislative body; or]~~

~~[(H) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body;]~~

~~[(B)]~~ (ii) one member who is a municipal officer, appointed by the ~~[municipal legislative]~~ governing body of the municipality; and

~~[(C)]~~ (iii) two members who are residents of the county, neither of whom is a county or

municipal officer, appointed by the other three members [~~under Subsections (2)(a)(i)(A) and (B)~~]  
of the boundary commission.

~~[(b) For purposes of Subsection (2)(a)(i)(B), a majority of the municipal selection  
committee constitutes a quorum, and action of the municipal selection committee requires a  
majority vote of a quorum.]~~

(3) At the expiration of the term of each member appointed under this section, the  
member's successor shall be appointed by the same body that appointed the member whose term  
is expiring, as provided in this section.

~~[(4) Each boundary commission created before May 5, 1997, under Chapter 25, Laws of  
Utah 1979, shall continue in existence and thereafter be governed by the provisions of this part.]~~

Section 10. Section **10-2-409.5** is enacted to read:

**10-2-409.5. Municipal selection committee.**

(1) In each county in which there are two or more municipalities there shall be a municipal  
selection committee consisting of the mayor of each municipality.

(2) A majority of the members of the municipal selection committee constitutes a quorum.

(3) The municipal selection committee shall appoint each municipal member of the county  
boundary commission under Subsection 10-2-409(2)(a)(iii) and fill each vacancy in that position  
as it occurs.

Section 11. Section **10-2-410** is amended to read:

**10-2-410. Boundary commission member terms -- Staggered terms -- Chair --  
Quorum -- Vacancy.**

(1) Except as provided in Subsection (2), the term of each member of a boundary  
commission is four years and begins and expires the first Monday in January of the applicable year.

(2) Notwithstanding Subsection (1), the terms of the first members of a commission shall  
be staggered by lot so that:

(a) on a seven-member commission, the term of one member is approximately one year,  
the term of two members is approximately two years, the term of two members is approximately  
three years, and the term of two members is approximately four years; and

(b) on a five-member commission, the term of two members is approximately two years  
and the term of the other three members is approximately four years.

(3) (a) The members of each boundary commission shall elect as chair a person from their

number whose term on the boundary commission does not expire for at least two years.

(b) The term of a boundary commission chair is two years.

(4) A majority of the commission constitutes a quorum, and commission action requires a majority vote of ~~[a quorum]~~ the commission.

(5) Each vacancy on a commission of a member or an alternate member shall be filled for the remaining unexpired term of the vacating member by the body that appointed the vacating member under Section 10-2-409.

Section 12. Section **10-2-411** is amended to read:

**10-2-411. Disqualification of commission member -- Alternate member.**

(1) A member of the boundary commission is disqualified with respect to a protest before the commission if that member owns property:

(a) for a proposed annexation of an area located within a county of the first class:

(i) within the area proposed for annexation in a petition that is the subject of the protest;

or

~~[(b)]~~ (ii) that is in the unincorporated area within 1/2 mile of the area proposed for annexation in a petition that is the subject of a protest under Subsection 10-2-407(1)(a)~~[(iv)]~~ (i)(D); or

(b) for a proposed annexation of an area located in a specified county, within the area proposed for annexation.

(2) If a member is disqualified under Subsection (1), the body that appointed the disqualified member shall appoint an alternate member to serve on the commission for purposes of the protest as to which the member is disqualified.

Section 13. Section **10-2-412** is amended to read:

**10-2-412. Boundary commission authority -- Expenses -- Records.**

(1) The boundary commission for each county shall hear and decide, according to the provisions of this part, each protest filed under Section 10-2-407, with respect to an area that is located within that county.

(2) A boundary commission may:

(a) adopt and enforce rules of procedure for the orderly and fair conduct of its proceedings;

(b) authorize a member of the commission to administer oaths if necessary in the performance of the commission's duties;

(c) employ staff personnel and professional or consulting services reasonably necessary to enable the commission to carry out its duties; and

(d) incur reasonable and necessary expenses to enable the commission to carry out its duties.

(3) The legislative body of each county shall, with respect to the boundary commission in that county:

(a) furnish the commission necessary quarters, equipment, and supplies;

(b) pay necessary operating expenses incurred by the commission; and

(c) reimburse the reasonable and necessary expenses incurred by each member appointed under Subsection 10-2-409(2)(a)[~~(i)(C)~~](iii) or [~~(ii)(C)~~] (b)(iii), unless otherwise provided by interlocal agreement.

(4) Each county or municipal legislative body shall reimburse the reasonable and necessary expenses incurred by a commission member who is an elected county or municipal officer, respectively.

(5) Records, information, and other relevant materials necessary to enable the commission to carry out its duties shall, upon request by the commission, be furnished to the boundary commission by the personnel, employees, and officers of:

(a) for a proposed annexation of an area located in a county of the first class:

(i) each county and special district whose boundaries include an area that is the subject of a protest under the commission's consideration; and

[~~(b)~~] (ii) each municipality whose boundaries may be affected by action of the boundary commission; or

(b) for a proposed annexation of an area located in a specified county, each affected entity:

(i) whose boundaries include any part of the area proposed for annexation; or

(ii) that may be affected by action of the boundary commission.

Section 14. Section **10-2-413** is amended to read:

**10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility study.**

(1) (a) [~~Unless~~] For a proposed annexation of an area located in a county of the first class, unless a proposed annexing municipality denies an annexation petition under Subsection 10-2-407(3)(a)(i)(A) and except as provided in Subsection (1)(b), the commission shall choose and

engage a feasibility consultant within 45 days of:

(i) the commission's receipt of a protest under Section 10-2-407, if the commission had been created before the filing of the protest; or

(ii) the commission's creation, if the commission is created after the filing of a protest.

(b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility study with respect to a ~~[proposed]~~ petition that proposes the annexation of an area that ~~[meets the criteria of Subsection 10-2-407(2)(c)]~~:

(i) is undeveloped; and

(ii) covers an area that is equivalent to less than 5% of the total land mass of all private real property within the municipality.

(2) The commission shall require the feasibility consultant to:

(a) complete a feasibility study on the proposed annexation and submit written results of the study to the commission no later than 75 days after the feasibility consultant is engaged to conduct the study;

(b) submit with the full written results of the feasibility study a summary of the results no longer than a page in length; and

(c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility study results and respond to questions at that hearing.

(3) (a) Subject to Subsection (4), the feasibility study shall consider:

(i) the population and population density within the area proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries within 1/2 mile of the area proposed for annexation, that municipality;

(ii) the geography, geology, and topography of and natural boundaries within the area proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries within 1/2 mile of the area proposed for annexation, that municipality;

(iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated island or peninsula;

(iv) whether the proposed annexation will hinder or prevent a future and more logical and beneficial annexation or a future logical and beneficial incorporation;

(v) the fiscal impact of the proposed annexation on the remaining unincorporated area,

other municipalities, special districts, school districts, and other governmental entities;

(vi) current and five-year projections of demographics and economic base in the area proposed for annexation and surrounding unincorporated area, including household size and income, commercial and industrial development, and public facilities;

(vii) projected growth in the area proposed for annexation and the surrounding unincorporated area during the next five years;

(viii) the present and five-year projections of the cost of governmental services in the area proposed for annexation;

(ix) the present and five-year projected revenue to the proposed annexing municipality from the area proposed for annexation;

(x) the projected impact the annexation will have over the following five years on the amount of taxes that property owners within the area proposed for annexation, the proposed annexing municipality, and the remaining unincorporated county will pay;

(xi) past expansion in terms of population and construction in the area proposed for annexation and the surrounding unincorporated area;

(xii) the extension during the past ten years of the boundaries of each other municipality near the area proposed for annexation, the willingness of the other municipality to annex the area proposed for annexation, and the probability that another municipality would annex some or all of the area proposed for annexation during the next five years if the annexation did not occur;

(xiii) the history, culture, and social aspects of the area proposed for annexation and surrounding area;

(xiv) the method of providing and the entity that has provided municipal-type services in the past to the area proposed for incorporation and the feasibility of municipal-type services being provided by the proposed annexing municipality; and

(xv) the effect on each school district whose boundaries include part or all of the area proposed for annexation or the proposed annexing municipality.

(b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad valorem property tax rates on residential property within the area proposed for annexation at the same level that residential property within the proposed annexing municipality would be without the annexation.

(c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that the

level and quality of governmental services that will be provided to the area proposed for annexation in the future is essentially comparable to the level and quality of governmental services being provided within the proposed annexing municipality at the time of the feasibility study.

(4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant in conducting the feasibility study depending upon:

- (i) the size of the area proposed for annexation;
- (ii) the size of the proposed annexing municipality;
- (iii) the extent to which the area proposed for annexation is developed;
- (iv) the degree to which the area proposed for annexation is expected to develop and the type of development expected; and
- (v) the number and type of protests filed against the proposed annexation.

(b) Notwithstanding Subsection (4)(a), the commission may not modify the requirement that the feasibility consultant provide a full and complete analysis of the items listed in Subsections (3)(a)(viii), (ix), and (xv).

(5) If the results of the feasibility study do not meet the requirements of Subsection 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make recommendations as to how the boundaries of the area proposed for annexation may be altered so that the requirements of Subsection 10-2-416(3) may be met.

(6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and expenses shall be shared equally by the proposed annexing municipality and each entity or group under Subsection 10-2-407(1) that files a protest.

(b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property owners under Subsection 10-2-407(1)(a)(~~(iv)~~)(ii), the county in which the area proposed for annexation shall pay the owners' share of the feasibility consultant's fees and expenses.

(ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners file a protest, the county and the proposed annexing municipality shall equally share the property owners' share of the feasibility consultant's fees and expenses.

Section 15. Section **10-2-414** is amended to read:

**10-2-414. Modified annexation petition -- Supplemental feasibility study.**

(1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of an

area located in a county of the first class do not meet the requirements of Subsection 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility consultant's submission of the results of the study, file with the city recorder or town clerk of the proposed annexing municipality a modified annexation petition altering the boundaries of the proposed annexation.

(ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the sponsors of the annexation petition shall deliver or mail a copy of the modified annexation petition to the clerk of the county in which the area proposed for annexation is located.

(b) Each modified annexation petition under Subsection (1)(a) shall comply with the requirements of Subsections 10-2-403(2), (3), and (4).

(2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified annexation petition, the city recorder or town clerk, as the case may be, shall follow the same procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and (3)(a) for an original annexation petition.

(b) If the city recorder or town clerk certifies the modified annexation petition under Subsection 10-2-405(2)(b)(i), the city recorder or town clerk, as the case may be, shall send written notice of the certification to:

(i) the commission;

(ii) each entity that filed a protest to the annexation petition; and

(iii) if a protest was filed under Subsection 10-2-407(1)(a)[~~(iv)~~](ii), the contact person.

(c) (i) If the modified annexation petition proposes the annexation of an area that includes part or all of a special district or school district that was not included in the area proposed for annexation in the original petition, the city recorder or town clerk, as the case may be, shall also send notice of the certification of the modified annexation petition to the board of the special district or school district.

(ii) If the area proposed for annexation in the modified annexation petition is within 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the area proposed for annexation in the original annexation petition, the city recorder or town clerk, as the case may be, shall also send notice of the certification of the modified annexation petition to the legislative body of that municipality.

(3) Within ten days of the commission's receipt of the notice under Subsection (2)(b), the



commission shall engage the feasibility consultant that conducted the feasibility study to supplement the feasibility study to take into account the information in the modified annexation petition that was not included in the original annexation petition.

(4) The commission shall require the feasibility consultant to complete the supplemental feasibility study and to submit written results of the supplemental study to the commission no later than 30 days after the feasibility consultant is engaged to conduct the supplemental feasibility study.

Section 16. Section **10-2-415** is amended to read:

**10-2-415. Public hearing -- Notice.**

(1) (a)(i) If the results of the feasibility study or supplemental feasibility study meet the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area located in a county of the first class, the commission shall hold a public hearing within 30 days of receipt of the feasibility study or supplemental feasibility study results.

~~[(2)]~~ (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

~~[(a)]~~ (A) require the feasibility consultant to present the results of the feasibility study and, if applicable, the supplemental feasibility study;

~~[(b)]~~ (B) allow those present to ask questions of the feasibility consultant regarding the study results; and

~~[(c)]~~ (C) allow those present to speak to the issue of annexation.

~~[(3)(a)]~~ (iii)(A) The commission shall:

~~[(i)]~~ (I) publish notice of ~~[the]~~ each hearing under Subsection (1)(a)(i) at least once a week for two successive weeks in a newspaper of general circulation within the area proposed for annexation, the surrounding 1/2 mile of unincorporated area, and the proposed annexing municipality; and

~~[(ii)]~~ (II) send written notice of the hearing to the municipal legislative body of the proposed annexing municipality, the contact sponsor on the annexation petition, each entity that filed a protest, and, if a protest was filed under Subsection 10-2-407(1)(a)~~[(iv)]~~(ii), the contact person.

~~[(b)]~~ (B) If there is no newspaper of general circulation within the areas described in Subsection ~~[(3)(a)(i)]~~ (1)(a)(iii)(A)(I), the commission shall give the notice required under that subsection by posting notices, at least seven days before the hearing, in conspicuous places within

those areas that are most likely to give notice of the hearing to the residents of those areas.

~~[(c)]~~ (C) The notices under Subsections ~~[(3)(a) and (b)]~~ (1)(a)(iii)(A) and (B) shall include the feasibility study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study is available for inspection and copying at the office of the commission.

(b) (i) Within 30 days after time under Subsection 10-2-407(2) for filing a protest has expired with respect to a proposed annexation of an area located in a specified county, the boundary commission shall hold a hearing on all protests that were filed with respect to the proposed annexation.

(ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the commission chair shall cause notice of the hearing to be published in a newspaper of general circulation within the area proposed for annexation.

(B) Each notice under Subsection (1)(b)(ii)(A) shall:

(I) state the date, time, and place of the hearing;

(II) briefly summarize the nature of the protest; and

(III) state that a copy of the protest is on file at the commission's office.

(iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to time, but no continued hearing may be held later than 60 days after the original hearing date.

(iv) In considering protests, the commission shall consider whether the proposed annexation:

(A) is substantially in compliance with the requirements of Subsection 10-2-403(5) and the annexation policy plan of the proposed annexing municipality;

(B) conflicts with the annexation policy plan of another municipality; and

(C) if the proposed annexation includes urban development, will have an adverse tax consequence on the remaining unincorporated area of the county.

~~[(4)]~~ (2) (a) The commission shall record ~~[the]~~ each hearing under this section by electronic means.

(b) A transcription of the recording under Subsection ~~[(4)]~~ (2)(a), the feasibility study, if applicable, information received at the hearing, and the written decision of the commission shall constitute the record of the hearing.

Section 17. Section **10-2-416** is amended to read:

**10-2-416. Commission decision -- Written decision.**

(1) Subject to Subsection (3), after the public hearing under Subsection 10-2-415(1) the boundary commission may:

- (a) approve the proposed annexation, either with or without conditions;
- (b) make minor modifications to the proposed annexation and approve it, either with or without conditions; or
- (c) disapprove the proposed annexation.

(2) The commission shall issue a written decision on the proposed annexation within 20 days ~~[of]~~ after the conclusion of the hearing under ~~[Subsection 10-2-415(1)]~~ Section 10-2-415 and shall send a copy of the decision to:

- (a) the legislative body of the county in which the area proposed for annexation is located;
- (b) the legislative body of the proposed annexing municipality;
- (c) the contact person on the annexation petition;
- (d) the contact person of each entity that filed a protest; and
- (e) if a protest was filed under Subsection 10-2-407(1)(a)~~[(iv)]~~[(ii)] with respect to a proposed annexation of an area located in a county of the first class, the contact person designated in the protest.

(3) ~~[The]~~ Except for an annexation for which a feasibility study may not be required under Subsection 10-2-413(1)(b), the commission may not approve a proposed annexation of an area located within a county of the first class unless the results of the feasibility study under Section 10-2-413 show that the average annual amount under Subsection 10-2-413(3)(a)(ix) does not exceed the average annual amount under Subsection 10-2-413(3)(a)(viii) by more than 5%.

Section 18. Section **10-2-421** is amended to read:

**10-2-421. Electric utility service in annexed area.**

(1) If the electric consumers of the area being annexed are receiving electric utility services from sources other than the annexing municipality, the municipality may not, without the consent of the electric utility, furnish its electric utility services to the electric consumers until the municipality has reimbursed the electric utility company ~~[which]~~ that previously provided the services for the ~~[fair-market]~~ value of those facilities dedicated to provide service to the annexed area.

(2) If the annexing municipality and the electric utility cannot agree on the ~~[fair-market]~~ value, ~~[it shall be determined by]~~ the state court having jurisdiction shall determine the value that

the municipality shall reimburse to the electric utility company, which shall be the fair market value of the facilities dedicated to provide service to the annexed area.

Section 19. Section **10-2-426** is amended to read:

**10-2-426. Division of municipal-type services revenues.**

(1) The legislative body of ~~the~~ each county of the first class in which an area proposed for annexation under this part is located shall, until the date of annexation, continue:

(a) to levy and collect ad valorem property tax and other revenues from or pertaining to the area; and

(b) except as otherwise agreed by the county legislative body and the municipal legislative body, to provide the same services to the area proposed for annexation as the county provided before the commencement of the annexation proceedings.

(2) (a) The legislative body of ~~the~~ each county of the first class in which an area proposed for annexation is located shall, after annexation, share pro rata with the annexing municipality the taxes and service charges or fees levied and collected by the county under Section 17-34-3 during the year of the annexation if and to the extent that the annexing municipality provides, by itself or by contract, the same services for which the county levied and collected the taxes and service charges or fees.

(b) The pro rata allocation of taxes under Subsection (2)(a) shall be based on the date of annexation, and the pro rata allocation of service charges and fees shall be based on the proportion of services related to the service charges and fees that remain to be rendered after annexation.

**Section 20. Repealer.**

This act repeals:

Section **10-2-404, Certain annexation petitions invalid -- Certain petitions considered filed on May 5, 1997 -- Signatures on invalid petitions -- Special requirements for certain petitions.**

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**Legislative Review Note**  
**as of 2-12-01 2:58 PM**

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

**Office of Legislative Research and General Counsel**