

ADJUSTMENTS OF COUNTY BOUNDARIES

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Carlene M. Walker

This act modifies the County Code by providing a procedure for adjacent counties to make minor adjustments to their shared boundary by joint resolution of the county legislative bodies. The act repeals the description of county boundaries and makes the Lieutenant Governor's office responsible for maintaining the official county boundaries. The act makes technical changes and provides an effective date.

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

AMENDS:

17-2-6, as last amended by Chapter 14, Laws of Utah 2000

ENACTS:

17-2-13, Utah Code Annotated 1953

17-50-104, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

17-50-105, (Renumbered from 17-50-204, as enacted by Chapter 133, Laws of Utah 2000)

REPEALS:

17-50-201, as enacted by Chapter 133, Laws of Utah 2000

17-50-202, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-203, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-205, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-206, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-207, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-208, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-209, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-210, as renumbered and amended by Chapter 133, Laws of Utah 2000



- 28 **17-50-211**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 29 **17-50-212**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 30 **17-50-213**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 31 **17-50-214**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 32 **17-50-215**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 33 **17-50-216**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 34 **17-50-217**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 35 **17-50-218**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 36 **17-50-219**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 37 **17-50-220**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 38 **17-50-221**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 39 **17-50-222**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 40 **17-50-223**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 41 **17-50-224**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 42 **17-50-225**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 43 **17-50-226**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 44 **17-50-227**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 45 **17-50-228**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 46 **17-50-229**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 47 **17-50-230**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 48 **17-50-231**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 49 **17-50-232**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 50 **17-50-233**, as renumbered and amended by Chapter 133, Laws of Utah 2000

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

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

53 **17-2-6. Annexation of portion of county to adjoining county -- Petition -- Alternate**
54 **annexation procedure -- Election -- Ballots.**

55 (1) (a) Except as provided in Subsection (2) and in Section 17-2-13, whenever a majority
56 of the legal voters of any portion of any county, in number equal to a majority of the votes cast at
57 the preceding general election within that portion of the county, desire to have the territory within
58 which they reside included within the boundaries of an adjoining county they may petition the

59 county legislative body of the county in which they reside, which is hereafter referred to as the
60 county from which territory is to be taken, as well as the county legislative body of the county to
61 which they desire to be annexed, which is referred to as the annexing county.

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

66 (2) (a) As an alternative to the procedure under Subsection (1), a portion of a county may
67 be annexed to an adjoining county with which the area proposed to be annexed shares a common
68 boundary if:

69 (i) the area proposed to be annexed:

70 (A) is located within a city or town whose boundaries extend into the proposed annexing
71 county;

72 (B) is contiguous to the portion of the city or town that is located within the proposed
73 annexing county; and

74 (C) includes all of the city or town that is within the county from which the area is
75 proposed to be taken;

76 (ii) by a two-thirds vote of each house, the Legislature passes a concurrent resolution:

77 (A) describing the area proposed to be annexed;

78 (B) identifying the county to which the area is proposed to be annexed; and

79 (C) approving the annexation;

80 (iii) the governor signs the concurrent resolution passed by the Legislature; and

81 (iv) after the completion of an economic analysis under Subsection (2)(b) that meets the
82 requirements of Subsection (2)(b)(iii)(C), the annexation is approved by:

83 (A) a majority of the voters living in the area proposed to be annexed; and

84 (B) a majority of the voters living in the proposed annexing county.

85 (b) (i) (A) If the Legislature passes and the governor signs a concurrent resolution as
86 provided in Subsection (2)(a), the legislative body of the county in which the area proposed to be
87 annexed is located and the legislative body of the proposed annexing county shall, within 30 days
88 after the governor signs the concurrent resolution, select and engage an independent consultant to
89 perform an economic analysis of the proposed annexation.

90 (B) If the county legislative bodies are unable to agree upon an independent consultant
91 within the required time under Subsection (2)(b)(i)(A), the Utah Association of Counties shall,
92 within ten days, select an independent consultant and the county legislative bodies shall, within
93 ten days after notification of the selection, engage the consultant selected by the Utah Association
94 of Counties.

95 (C) The county in which the area proposed for annexation is located and the proposed
96 annexing county shall equally share the fees and expenses of the independent consultant.

97 (ii) The legislative body of the county in which the area proposed to be annexed is located
98 and the legislative body of the proposed annexing county shall require the consultant selected and
99 engaged under Subsection (2)(b)(i) to:

100 (A) conduct an economic analysis of the proposed annexation that shall consider:

101 (I) the fiscal impact of the proposed annexation on the county from which the annexation
102 area is proposed to be taken;

103 (II) the present and five-year projections of the cost of county services in the area proposed
104 to be annexed;

105 (III) the present and five-year projected revenues to the proposed annexing county from
106 the area proposed to be annexed;

107 (IV) the projected impact the annexation will have during the five years after annexation
108 on the amount of taxes that will be paid by property owners within the area proposed to be
109 annexed, the proposed annexing county, and the remaining portion of the county from which the
110 annexation area is proposed to be taken; and

111 (V) the effect on each school district whose boundaries include part or all of the area
112 proposed to be annexed or the proposed annexing county;

113 (B) provide a written report setting forth the economic analysis; and

114 (C) complete the economic analysis and written report and provide a copy of the written
115 report to the county legislative bodies no later than 60 days after being engaged to perform the
116 economic analysis.

117 (iii) (A) If the results of the economic analysis show that the average annual amount of
118 revenues under Subsection (2)(b)(ii)(A)(III) exceeds the average annual amount of costs under
119 Subsection (2)(b)(ii)(A)(II) by more than 5%, an election on the annexation issue may not be held
120 under Subsection (2)(c) and the proposed annexation may not occur.

121 (B) (I) If the results of the economic analysis show that the average annual amount of costs
122 under Subsection (2)(b)(ii)(A)(II) exceeds the average annual amount of revenues under
123 Subsection (2)(b)(ii)(A)(III) by more than 5%, the legislative body of the proposed annexing
124 county may terminate the annexation proceedings by adopting a resolution to that effect and
125 delivering a copy of the resolution to the legislative body of the county in which the area proposed
126 to be annexed is located.

127 (II) A resolution terminating annexation proceedings under Subsection (2)(b)(iii)(B)(I)
128 may not be adopted more than 30 days after the consultant submits a written report of the
129 economic analysis under Subsection (2)(b)(ii)(C).

130 (C) (I) If the results of the economic analysis show that the average annual amount of
131 revenues under Subsection (2)(b)(ii)(A)(III) does not exceed the average annual amount of costs
132 under Subsection (2)(b)(ii)(A)(II) by more than 5% and a resolution terminating the annexation
133 proceedings under Subsection (2)(b)(iii)(B) has not been adopted, the legislative body of the
134 county in which the area proposed for annexation is located and the legislative body of the
135 annexing county shall submit the question of annexation to the voters of the area proposed for
136 annexation and the voters of the annexing county, respectively, at the next regular general election
137 that is more than 210 days after the governor signs the concurrent resolution.

138 (II) Before an election is held under Subsection (2)(b)(iii)(C)(I), the legislative body of the
139 county in which the area proposed to be annexed is located and the legislative body of the
140 proposed annexing county shall publicly distribute in their respective counties the results of the
141 economic analysis.

142 (c) If annexation occurs:

143 (i) the annexing county shall:

144 (A) pay all costs of the annexation election;

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

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

152 (2)(c)(ii)(A);

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

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

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

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

166 (iv) the annexed area may not be annexed to the county in which the area was located
167 before annexation for a period of 20 years after annexation.

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

171 (b) The ballot to be used shall be:

172 For annexing a portion of ____ county to ____ county.

173 Against annexing a portion of ____ county to ____ county.

174 Section 2. Section **17-2-13** is enacted to read:

175 **17-2-13. Minor adjustments to county boundaries authorized -- Public hearing --**

176 **Joint resolution of county legislative bodies.**

177 (1) Counties sharing a common boundary may, in accordance with the provisions of
178 Subsection (2) and Article XI, Section 3, of the Utah Constitution, adjust all or part of the common
179 boundary to move it up to 1,000 feet from its location before the adjustment.

180 (2) The legislative bodies of both counties desiring to adjust a common boundary in
181 accordance with Subsection (1) shall:

182 (a) hold a joint public hearing on the proposed boundary adjustment;

183 (b) in addition to the regular notice required for public meetings of the county legislative
 184 bodies, mail written notice to all real property owners of record whose property may change
 185 counties as the result of the proposed adjustment; and

186 (c) adopt a joint resolution approved by both county legislative bodies which:

187 (i) approves the proposed boundary adjustment;

188 (ii) sets forth the legal description of the county boundary after the adjustment; and

189 (iii) provides an effective date for the boundary adjustment.

190 (3) Upon the effective date of the joint resolution under Subsection (2)(c), all territory
 191 designated to be annexed into another county shall become the territory of the annexing county and
 192 the provisions of Sections 17-2-11 and 17-2-12 shall apply in the same manner as with any other
 193 annexations under this chapter.

194 Section 3. Section **17-50-104** is enacted to read:

195 **17-50-104. Counties of the state -- County boundaries maintained by lieutenant**
 196 **governor -- Notice of county boundary changes.**

197 (1) The counties of the state are those whose geographic boundaries are described in the
 198 official county boundary records maintained by the office of the lieutenant governor and may be
 199 changed only in accordance with the provisions of this title.

200 (2) The office of the lieutenant governor shall maintain the official county boundaries for
 201 the counties of the state and update those boundaries when notified of a change in county
 202 boundaries in accordance with Subsection (3).

203 (3) Whenever any change is made to county boundaries under this title, the affected
 204 counties shall provide notice to the office of the lieutenant governor **§ AND THE STATE TAX**
 204a **COMMISSION** § of the change, including a
 205 description of the changed county boundaries.

206 Section 4. Section **17-50-105**, which is renumbered from Section 17-50-204 is renumbered
 207 and amended to read:

208 ~~[17-50-204].~~ **17-50-105. Disputed boundaries.**

209 (1) If a dispute or uncertainty arises as to the true location of a county boundary [~~described~~
 210 in this part] as described in the official records maintained by the office of the lieutenant governor,
 211 the surveyors of each county whose boundary is the subject of the dispute or uncertainty may
 212 determine the true location.

213 (2) (a) If the county surveyors fail to agree on or otherwise fail to establish the true

214 location of the county boundary, the county executive of either or both of the affected counties
215 shall engage the services of the state engineer.

216 (b) After being engaged under Subsection (2)(a), the state engineer shall notify the
217 surveyor of each county whose boundary is the subject of the dispute or uncertainty of the
218 procedure the state engineer will use to determine the true location of the boundary.

219 (c) With the assistance of each surveyor who chooses to participate, the state engineer shall
220 determine permanently the true location of the boundary by marking surveys and erecting suitable
221 monuments to designate the boundary.

222 (d) Each boundary established under this Subsection (2) shall be considered permanent
223 until superseded by legislative enactment.

224 (3) Nothing in this section may be construed to give the county surveyors or state engineer
225 any authority other than to erect suitable monuments to designate county boundaries as they are
226 described in ~~[this part]~~ the official records maintained by the office of the lieutenant governor.

227 **Section 5. Repealer.**

228 This act repeals:

229 **Section 17-50-201, Definitions.**

230 **Section 17-50-202, True courses employed.**

231 **Section 17-50-203, Existing counties.**

232 **Section 17-50-205, Beaver County -- Description.**

233 **Section 17-50-206, Box Elder County -- Description.**

234 **Section 17-50-207, Cache County -- Description.**

235 **Section 17-50-208, Carbon County -- Description.**

236 **Section 17-50-209, Daggett County -- Description.**

237 **Section 17-50-210, Davis County -- Description.**

238 **Section 17-50-211, Duchesne County -- Description.**

239 **Section 17-50-212, Emery County -- Description.**

240 **Section 17-50-213, Garfield County -- Description.**

241 **Section 17-50-214, Grand County -- Description.**

242 **Section 17-50-215, Iron County -- Description.**

243 **Section 17-50-216, Juab County -- Description.**

244 **Section 17-50-217, Kane County -- Description.**

- 245 Section 17-50-218, Millard County -- Description.
- 246 Section 17-50-219, Morgan County -- Description.
- 247 Section 17-50-220, Piute County -- Description.
- 248 Section 17-50-221, Rich County -- Description.
- 249 Section 17-50-222, Salt Lake County -- Description.
- 250 Section 17-50-223, San Juan County -- Description.
- 251 Section 17-50-224, Sanpete County -- Description.
- 252 Section 17-50-225, Sevier County -- Description.
- 253 Section 17-50-226, Summit County -- Description.
- 254 Section 17-50-227, Tooele County -- Description.
- 255 Section 17-50-228, Uintah County -- Description.
- 256 Section 17-50-229, Utah County -- Description.
- 257 Section 17-50-230, Wasatch County -- Description.
- 258 Section 17-50-231, Washington County -- Description.
- 259 Section 17-50-232, Wayne County -- Description.
- 260 Section 17-50-233, Weber County -- Description.
- 261 Section 6. **Effective date.**
- 262 If the constitutional amendment proposed by S.J.R. 4, 2002 General Session is approved
- 263 by a majority of those voting on it at the next regular general election, this act takes effect on
- 264 January 1, 2003.

Legislative Review Note
as of 1-11-02 2:18 PM

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

Office of Legislative Research and General Counsel