

Effective 5/12/2015

10-2-425 Filing of notice and plat -- Recording and notice requirements -- Effective date of annexation or boundary adjustment.

- (1) The legislative body of each municipality that enacts an ordinance under this part approving the annexation of an unincorporated area or the adjustment of a boundary, or the legislative body of an eligible city, as defined in Section 10-2a-403, that annexes an unincorporated island upon the results of an election held in accordance with Section 10-2a-404, shall:
 - (a) within 30 days after enacting the ordinance or the day of the election or, in the case of a boundary adjustment, within 30 days after each of the municipalities involved in the boundary adjustment has enacted an ordinance, file with the lieutenant governor:
 - (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary adjustment, as the case may be, under Section 67-1a-6.5:
 - (i)
 - (A) if the annexed area or area subject to the boundary adjustment is located within the boundary of a single county, submit to the recorder of that county:
 - (I) the original:
 - (Aa) notice of an impending boundary action;
 - (Bb) certificate of annexation or boundary adjustment; and
 - (Cc) approved final local entity plat; and
 - (II) a certified copy of the ordinance approving the annexation or boundary adjustment; or
 - (B) if the annexed area or area subject to the boundary adjustment is located within the boundaries of more than a single county:
 - (I) submit to the recorder of one of those counties:
 - (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and (Cc); and
 - (Bb) a certified copy of the ordinance approving the annexation or boundary adjustment; and
 - (II) submit to the recorder of each other county:
 - (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and (Cc); and
 - (Bb) a certified copy of the ordinance approving the annexation or boundary adjustment;
 - (ii) send notice of the annexation or boundary adjustment to each affected entity; and
 - (iii) in accordance with Section 26-8a-414, file with the Department of Health:
 - (A) a certified copy of the ordinance approving the annexation of an unincorporated area or the adjustment of a boundary; and
 - (B) a copy of the approved final local entity plat.
- (2) If an annexation or boundary adjustment under this part or Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, also causes an automatic annexation to a local district under Section 17B-1-416 or an automatic withdrawal from a local district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to the local district to which the annexed area is automatically annexed or from which the annexed area is automatically withdrawn.

- (3) Each notice required under Subsection (1) relating to an annexation or boundary adjustment shall state the effective date of the annexation or boundary adjustment, as determined under Subsection (4).
- (4) An annexation or boundary adjustment under this part is completed and takes effect:
 - (a) for the annexation of or boundary adjustment affecting an area located in a county of the first class, except for an annexation under Section 10-2-418:
 - (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:
 - (A) the certificate is issued during the preceding November 1 through April 30; and
 - (B) the requirements of Subsection (1) are met before that July 1; or
 - (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:
 - (A) the certificate is issued during the preceding May 1 through October 31; and
 - (B) the requirements of Subsection (1) are met before that January 1; and
 - (b) subject to Subsection (5), for all other annexations and boundary adjustments, the date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of annexation or boundary adjustment.
- (5) If an annexation of an unincorporated island is based upon the results of an election held in accordance with Section 10-2a-404:
 - (a) the county and the annexing municipality may agree to a date on which the annexation is complete and takes effect; and
 - (b) the lieutenant governor shall issue, under Section 67-1a-6.5, a certification of annexation on the date agreed to under Subsection (5)(a).
- (6)
 - (a) As used in this Subsection (6):
 - (i) "Affected area" means:
 - (A) in the case of an annexation, the annexed area; and
 - (B) in the case of a boundary adjustment, any area that, as a result of the boundary adjustment, is moved from within the boundary of one municipality to within the boundary of another municipality.
 - (ii) "Annexing municipality" means:
 - (A) in the case of an annexation, the municipality that annexes an unincorporated area; and
 - (B) in the case of a boundary adjustment, a municipality whose boundary includes an affected area as a result of a boundary adjustment.
 - (b) The effective date of an annexation or boundary adjustment for purposes of assessing property within an affected area is governed by Section 59-2-305.5.
 - (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the recorder of each county in which the property is located, a municipality may not:
 - (i) levy or collect a property tax on property within an affected area;
 - (ii) levy or collect an assessment on property within an affected area; or
 - (iii) charge or collect a fee for service provided to property within an affected area, unless the municipality was charging and collecting the fee within that area immediately before annexation.

Amended by Chapter 352, 2015 General Session