

17B-1-104 Property owner provisions.

- (1) For purposes of this title:
 - (a) the owner of real property shall be:
 - (i) except as provided in Subsection (1)(a)(ii), the fee title owner according to the records of the county recorder on the date of the filing of the request or petition; or
 - (ii) for a proposed annexation under Part 4, Annexation, the lessee of military land, as defined in Section 63H-1-102, if the area proposed for annexation includes military land that is within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act; and
 - (b) the value of private real property shall be determined according to the last assessment before the filing of the request or petition, as determined by:
 - (i) the county under Title 59, Chapter 2, Part 3, County Assessment, for property subject to assessment by the county;
 - (ii) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of Property, for property subject to assessment by the State Tax Commission; or
 - (iii) the county, for all other property.
- (2) For purposes of each provision of this title that requires the owners of private real property covering a percentage of the total private land area within the proposed local district to sign a request, petition, or protest:
 - (a) a parcel of real property may not be included in the calculation of the required percentage unless the request or petition is signed by:
 - (i) except as provided in Subsection (2)(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 request or petition 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 request or petition with the person's signature; and
 - (ii) the person provides documentation accompanying the request or petition that reasonably substantiates the person's representative capacity; and
 - (c) subject to Subsection (2)(b), a duly appointed personal representative may sign a request or petition on behalf of a deceased owner.

Amended by Chapter 92, 2009 General Session