

17B-1-403 Initiation of annexation process -- Petition and resolution.

- (1) Except as provided in Sections 17B-1-415, 17B-1-416, and 17B-1-417, the process to annex an area to a local district may be initiated by:
 - (a)
 - (i) for a district whose board of trustees is elected by electors based on the acre-feet of water allotted to the land owned by the elector and subject to Subsection (2), a petition signed by the owners of all of the acre-feet of water allotted to the land proposed for annexation; or
 - (ii) for all other districts:
 - (A) a petition signed by:
 - (I) the owners of private real property that:
 - (Aa) is located within the area proposed to be annexed;
 - (Bb) covers at least 10% of the total private land area within the entire area proposed to be annexed and within each applicable area; and
 - (Cc) is equal in assessed value to at least 10% of the assessed value of all private real property within the entire area proposed to be annexed and within each applicable area; or
 - (II) the owner of all the publicly owned real property, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government;
 - or
 - (B) a petition signed by registered voters residing within the entire area proposed to be annexed and within each applicable area equal in number to at least 10% of the number of votes cast within the entire area proposed to be annexed and within each applicable area, respectively, for the office of governor at the last regular general election before the filing of the petition;
 - (b) a resolution adopted by the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the area proposed to be annexed; or
 - (c) a resolution adopted by the board of trustees of the proposed annexing local district if, for at least 12 consecutive months immediately preceding adoption of the resolution, the local district has provided:
 - (i) retail service to the area; or
 - (ii) a wholesale service to a provider of the same service that has provided that service on a retail basis to the area.
- (2) If an association representing all acre-feet of water allotted to the land that is proposed to be annexed to a local district signs a petition under Subsection (1)(a)(i), pursuant to a proper exercise of authority as provided in the bylaws or other rules governing the association, the petition shall be considered to have been signed by the owners of all of the acre-feet of water allotted to the land proposed for annexation, even though less than all of the owners within the association consented to the association signing the petition.
- (3) Each petition and resolution under Subsection (1) shall:
 - (a) describe the area proposed to be annexed; and
 - (b) be accompanied by a map of the boundaries of the area proposed to be annexed.
- (4) The legislative body of each county and municipality that adopts a resolution under Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of the resolution to the board of trustees of the proposed annexing local district.

Renumbered and Amended by Chapter 329, 2007 General Session