

**17B-1-411 Modifications to area proposed for annexation -- Limitations.**

- (1)
  - (a) Subject to Subsections (2), (3), (4), and (5), a board of trustees may, within 30 days after the public hearing under Section 17B-1-409, or, if no public hearing is held, within 30 days after the board provides notice under Subsection 17B-1-413(2)(a)(i), modify the area proposed for annexation to include land not previously included in that area or to exclude land from that area if the modification enhances the feasibility of the proposed annexation.
  - (b) A modification under Subsection (1)(a) may consist of the exclusion of all the land within an applicable area if:
    - (i) the entire area proposed to be annexed consists of more than that applicable area;
    - (ii) sufficient protests under Section 17B-1-412 are filed with respect to that applicable area that an election would have been required under Subsection 17B-1-412(3) if that applicable area were the entire area proposed to be annexed; and
    - (iii) the other requirements of Subsection (1)(a) are met.
- (2) A board of trustees may not add property under Subsection (1) to the area proposed for annexation without the consent of the owner of that property.
- (3) Except as provided in Subsection (1)(b), a modification under Subsection (1) may not avoid the requirement for an election under Subsection 17B-1-412(3) if, before the modification, the election was required because of protests filed under Section 17B-1-412.
- (4) If the annexation is proposed by a petition under Subsection 17B-1-403(1)(a)(ii)(A) or (B), a modification may not be made unless the requirements of Subsection 17B-1-403(1)(a)(ii)(A) or (B) are met after the modification as to the area proposed to be annexed.
- (5) If the petition meets the requirements of Subsection 17B-1-413(1) before a modification under this section but fails to meet those requirements after modification:
  - (a) the local district board shall give notice as provided in Section 17B-1-410 and hold a public hearing as provided in Section 17B-1-409 on the proposed annexation; and
  - (b) the petition shall be considered in all respects as one that does not meet the requirements of Subsection 17B-1-413(1).

Renumbered and Amended by Chapter 329, 2007 General Session