

MUNICIPAL ANNEXATION AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Wayne A. Harper

AN ACT RELATING TO CITIES AND TOWNS; MODIFYING PROVISIONS RELATED TO THE ANNEXATION OF ISLANDS WITHIN AND PENINSULAS CONTIGUOUS TO A MUNICIPALITY; ALLOWING THE INCORPORATION OF MULTIPLE ISLANDS AND PENINSULAS; MODIFYING PROTEST REQUIREMENTS; REQUIRING THE MUNICIPALITY TO ANNEX AFTER PUBLIC HEARING UNLESS PROTESTS FILED; PROHIBITING ANNEXATION AND TERMINATING PROCEEDINGS IF PROTESTS FILED; AND MAKING TECHNICAL CHANGES.

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

AMENDS:

10-2-418, as last amended by Chapter 337, Laws of Utah 1998

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

Section 1. Section **10-2-418** is amended to read:

10-2-418. Annexation of an island or peninsula without a petition -- Notice -- Hearing.

(1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an unincorporated area under this section without an annexation petition if:

(i) the [~~annexation is~~] area to be annexed consists of [~~an island~~] one or more islands within or [~~a peninsula~~] peninsulas contiguous to the municipality;

(ii) the majority of [~~the area~~] each island or peninsula consists of residential or commercial development;

(iii) the area proposed for annexation requires the delivery of municipal-type services; and

(iv) the municipality has provided most or all of the municipal-type services to the area for more than one year.

(b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a portion of an island or peninsula under this section, leaving unincorporated the remainder of the

unincorporated island or peninsula, if, in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body determines that not annexing the entire unincorporated island or peninsula is in the municipality's best interest.

(2) (a) The municipal legislative body of a municipality intending to annex an area under this section shall:

(i) adopt a resolution indicating the municipal legislative body's intent to annex the area, describing the area proposed to be annexed;

(ii) (A) publish notice at least once a week for three successive weeks in a newspaper of general circulation within the municipality and the area proposed for annexation; or

(B) if there is no newspaper of general circulation in the areas described in Subsection (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are most likely to give notice to the residents of those areas;

(iii) send written notice to the board of each special district whose boundaries contain some or all of the area proposed for annexation and to the legislative body of the county in which the area proposed for annexation is located; and

(iv) hold a public hearing on the proposed annexation no earlier than 60 days after the adoption of the resolution under Subsection (2)(a)(i).

(b) The notice under Subsections (2)(a)(ii) and (iii) shall:

(i) state that the municipal legislative body has adopted a resolution indicating its intent to annex the area proposed for annexation;

(ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

(iii) describe the area proposed for annexation; and

(iv) state in conspicuous and plain terms that the municipal legislative body will annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written protests to the annexation are filed by the owners of private real property that:

(A) is located within the area proposed for annexation;

(B) covers a majority of the total private land area within the entire area proposed for annexation; and

(C) is equal in value to at least [~~1/3~~] 1/2 the value of all private real property within the entire area proposed for annexation.

(c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be within 14 days of the municipal legislative body's adoption of a resolution under Subsection (2)(a)(i).

(3) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the municipal legislative body [~~may~~] shall adopt an ordinance annexing the area proposed for annexation under this section unless, at or before the hearing, written protests to the annexation have been filed with the city recorder or town clerk, as the case may be, by the owners of private real property that:

(a) is located within the area proposed for annexation;

(b) covers a majority of the total private land area within the entire area proposed for annexation; and

(c) is equal in value to at least [~~1/3~~] 1/2 the value of all private real property within the entire area proposed for annexation.

(4) If protests are timely filed that comply with Subsection (3), the municipal legislative body may not adopt an ordinance annexing the area proposed for annexation, and the annexation proceedings under this section shall be considered terminated.