

1                                   **MUNICIPAL ANNEXATION AMENDMENTS**

2   1999 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Wayne A. Harper**

5 AN ACT RELATING TO CITIES AND TOWNS; MODIFYING PROVISIONS RELATED TO  
6 THE ANNEXATION OF ISLANDS WITHIN AND PENINSULAS CONTIGUOUS TO A  
7 MUNICIPALITY; ALLOWING THE INCORPORATION OF MULTIPLE ISLANDS AND  
8 PENINSULAS; MODIFYING PROTEST PERCENTAGE REQUIREMENTS; REQUIRING  
9 THE MUNICIPALITY TO ANNEX AFTER PUBLIC HEARING UNLESS PROTESTS FILED;  
10 AND MAKING TECHNICAL CHANGES.

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

12 AMENDS:

13                   **10-2-418**, as last amended by Chapter 337, Laws of Utah 1998

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

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

16                   **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
17 **Hearing.**

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

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

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

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

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

27                   (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a portion

28 of an island or peninsula under this section, leaving unincorporated the remainder of the  
29 unincorporated island or peninsula, if, in adopting the resolution under Subsection (2)(a)(i), the  
30 municipal legislative body determines that not annexing the entire unincorporated island or  
31 peninsula is in the municipality's best interest.

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

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

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

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

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

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

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

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

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

50 (iii) describe the area proposed for annexation; and

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

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

55 (B) covers [~~a majority~~] 65% of the total private land area within the entire area proposed  
56 for annexation; and

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

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

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

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

67 (b) covers ~~a majority~~ 65% of the total private land area within the entire area proposed  
68 for annexation; and

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

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

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**Legislative Review Note**  
**as of 2-8-99 11:21 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**