

ADJUSTMENTS OF COUNTY BOUNDARIES

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Carlene M. Walker

This act modifies the County Code by providing a procedure for adjacent counties to make minor adjustments to their shared boundary by joint resolution of the county legislative bodies. The act repeals the description of county boundaries and makes the Lieutenant Governor's office responsible for maintaining the official county boundaries. The act makes technical changes and provides an effective date.

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

AMENDS:

17-2-6, as last amended by Chapter 14, Laws of Utah 2000

ENACTS:

17-2-13, Utah Code Annotated 1953

17-50-104, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

17-50-105, (Renumbered from 17-50-204, as enacted by Chapter 133, Laws of Utah 2000)

REPEALS:

17-50-201, as enacted by Chapter 133, Laws of Utah 2000

17-50-202, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-203, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-205, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-206, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-207, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-208, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-209, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-210, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-211, as renumbered and amended by Chapter 133, Laws of Utah 2000

17-50-212, as renumbered and amended by Chapter 133, Laws of Utah 2000

- 17-50-213, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-214, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-215, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-216, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-217, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-218, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-219, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-220, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-221, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-222, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-223, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-224, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-225, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-226, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-227, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-228, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-229, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-230, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-231, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-232, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 17-50-233, as renumbered and amended by Chapter 133, Laws of Utah 2000

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

Section 1. Section **17-2-6** is amended to read:

17-2-6. Annexation of portion of county to adjoining county -- Petition -- Alternate annexation procedure -- Election -- Ballots.

(1) (a) Except as provided in Subsection (2) and in Section 17-2-13, whenever a majority of the legal voters of any portion of any county, in number equal to a majority of the votes cast at the preceding general election within that portion of the county, desire to have the territory within which

they reside included within the boundaries of an adjoining county they may petition the county legislative body of the county in which they reside, which is hereafter referred to as the county from which territory is to be taken, as well as the county legislative body of the county to which they desire to be annexed, which is referred to as the annexing county.

(b) Such petition must be presented before the first Monday in June of a year during which a general election is held, and the county legislative body must cause such proposition to be submitted to the legal voters residing in the county from which territory is to be taken as well as to the legal voters of the annexing county at the ensuing general election.

(2) (a) As an alternative to the procedure under Subsection (1), a portion of a county may be annexed to an adjoining county with which the area proposed to be annexed shares a common boundary if:

(i) the area proposed to be annexed:

(A) is located within a city or town whose boundaries extend into the proposed annexing county;

(B) is contiguous to the portion of the city or town that is located within the proposed annexing county; and

(C) includes all of the city or town that is within the county from which the area is proposed to be taken;

(ii) by a two-thirds vote of each house, the Legislature passes a concurrent resolution:

(A) describing the area proposed to be annexed;

(B) identifying the county to which the area is proposed to be annexed; and

(C) approving the annexation;

(iii) the governor signs the concurrent resolution passed by the Legislature; and

(iv) after the completion of an economic analysis under Subsection (2)(b) that meets the requirements of Subsection (2)(b)(iii)(C), the annexation is approved by:

(A) a majority of the voters living in the area proposed to be annexed; and

(B) a majority of the voters living in the proposed annexing county.

(b) (i) (A) If the Legislature passes and the governor signs a concurrent resolution as

provided in Subsection (2)(a), the legislative body of the county in which the area proposed to be annexed is located and the legislative body of the proposed annexing county shall, within 30 days after the governor signs the concurrent resolution, select and engage an independent consultant to perform an economic analysis of the proposed annexation.

(B) If the county legislative bodies are unable to agree upon an independent consultant within the required time under Subsection (2)(b)(i)(A), the Utah Association of Counties shall, within ten days, select an independent consultant and the county legislative bodies shall, within ten days after notification of the selection, engage the consultant selected by the Utah Association of Counties.

(C) The county in which the area proposed for annexation is located and the proposed annexing county shall equally share the fees and expenses of the independent consultant.

(ii) The legislative body of the county in which the area proposed to be annexed is located and the legislative body of the proposed annexing county shall require the consultant selected and engaged under Subsection (2)(b)(i) to:

(A) conduct an economic analysis of the proposed annexation that shall consider:

(I) the fiscal impact of the proposed annexation on the county from which the annexation area is proposed to be taken;

(II) the present and five-year projections of the cost of county services in the area proposed to be annexed;

(III) the present and five-year projected revenues to the proposed annexing county from the area proposed to be annexed;

(IV) the projected impact the annexation will have during the five years after annexation on the amount of taxes that will be paid by property owners within the area proposed to be annexed, the proposed annexing county, and the remaining portion of the county from which the annexation area is proposed to be taken; and

(V) the effect on each school district whose boundaries include part or all of the area proposed to be annexed or the proposed annexing county;

(B) provide a written report setting forth the economic analysis; and

(C) complete the economic analysis and written report and provide a copy of the written report to the county legislative bodies no later than 60 days after being engaged to perform the economic analysis.

(iii) (A) If the results of the economic analysis show that the average annual amount of revenues under Subsection (2)(b)(ii)(A)(III) exceeds the average annual amount of costs under Subsection (2)(b)(ii)(A)(II) by more than 5%, an election on the annexation issue may not be held under Subsection (2)(c) and the proposed annexation may not occur.

(B) (I) If the results of the economic analysis show that the average annual amount of costs under Subsection (2)(b)(ii)(A)(II) exceeds the average annual amount of revenues under Subsection (2)(b)(ii)(A)(III) by more than 5%, the legislative body of the proposed annexing county may terminate the annexation proceedings by adopting a resolution to that effect and delivering a copy of the resolution to the legislative body of the county in which the area proposed to be annexed is located.

(II) A resolution terminating annexation proceedings under Subsection (2)(b)(iii)(B)(I) may not be adopted more than 30 days after the consultant submits a written report of the economic analysis under Subsection (2)(b)(ii)(C).

(C) (I) If the results of the economic analysis show that the average annual amount of revenues under Subsection (2)(b)(ii)(A)(III) does not exceed the average annual amount of costs under Subsection (2)(b)(ii)(A)(II) by more than 5% and a resolution terminating the annexation proceedings under Subsection (2)(b)(iii)(B) has not been adopted, the legislative body of the county in which the area proposed for annexation is located and the legislative body of the annexing county shall submit the question of annexation to the voters of the area proposed for annexation and the voters of the annexing county, respectively, at the next regular general election that is more than 210 days after the governor signs the concurrent resolution.

(II) Before an election is held under Subsection (2)(b)(iii)(C)(I), the legislative body of the county in which the area proposed to be annexed is located and the legislative body of the proposed annexing county shall publicly distribute in their respective counties the results of the economic analysis.

(c) If annexation occurs:

(i) the annexing county shall:

(A) pay all costs of the annexation election;

(B) with the cooperation and assistance of the legislative body and recorder's office of the county in which the annexed area was located before annexation, establish and implement a procedure for establishing in the recorder's office of the annexing county an appropriate record of the real property located in the annexed area; and

(C) pay all costs associated with the establishment and implementation of the procedure provided in Subsection (2)(c)(i)(B), including the reasonable costs incurred by the county in which the annexed area was located before annexation in fulfilling its duties under Subsection (2)(c)(ii)(A);

(ii) the legislative body and recorder's office of the county in which the annexed area was located before annexation:

(A) shall cooperate with and assist the annexing county in establishing and implementing the procedure as provided in Subsection (2)(c)(i)(B); and

(B) may not charge the annexing county, for documents or services the recorder's office provides the annexing county in implementing the procedure provided in Subsection (2)(c)(i)(B), more than the regular fee the recorder's office ordinarily charges the general public for similar documents or services;

(iii) as tax revenues are collected from the annexed area, the annexing county shall pay to the county in which the annexed area was located before annexation the amounts the latter would have received without annexation from tax revenues from the annexed area for the area's proportionate share of the liability for general obligation and revenue bonds issued before annexation by the county in which the annexed area was located before annexation; and

(iv) the annexed area may not be annexed to the county in which the area was located before annexation for a period of 20 years after annexation.

(3) (a) Except as otherwise provided, the election provided in either Subsection (1) or (2) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.

(b) The ballot to be used shall be:

For annexing a portion of ____ county to ____ county.

Against annexing a portion of ____ county to ____ county.

Section 2. Section **17-2-13** is enacted to read:

17-2-13. Minor adjustments to county boundaries authorized -- Public hearing -- Joint resolution of county legislative bodies.

(1) Counties sharing a common boundary may, in accordance with the provisions of Subsection (2) and Article XI, Section 3, of the Utah Constitution, adjust all or part of the common boundary to move it up to 1,000 feet from its location before the adjustment.

(2) The legislative bodies of both counties desiring to adjust a common boundary in accordance with Subsection (1) shall:

(a) hold a joint public hearing on the proposed boundary adjustment;

(b) in addition to the regular notice required for public meetings of the county legislative bodies, mail written notice to all real property owners of record whose property may change counties as the result of the proposed adjustment; and

(c) adopt a joint resolution approved by both county legislative bodies which:

(i) approves the proposed boundary adjustment;

(ii) sets forth the legal description of the county boundary after the adjustment; and

(iii) provides an effective date for the boundary adjustment.

(3) Upon the effective date of the joint resolution under Subsection (2)(c), all territory designated to be annexed into another county shall become the territory of the annexing county and the provisions of Sections 17-2-11 and 17-2-12 shall apply in the same manner as with any other annexations under this chapter.

Section 3. Section **17-50-104** is enacted to read:

17-50-104. Counties of the state -- County boundaries maintained by lieutenant governor -- Notice of county boundary changes.

(1) The counties of the state are those whose geographic boundaries are described in the official county boundary records maintained by the office of the lieutenant governor and may be

changed only in accordance with the provisions of this title.

(2) The office of the lieutenant governor shall maintain the official county boundaries for the counties of the state and update those boundaries when notified of a change in county boundaries in accordance with Subsection (3).

(3) Whenever any change is made to county boundaries under this title, the affected counties shall provide notice to the office of the lieutenant governor and the State Tax Commission of the change, including a description of the changed county boundaries.

Section 4. Section **17-50-105**, which is renumbered from Section 17-50-204 is renumbered and amended to read:

~~[17-50-204].~~ **17-50-105. Disputed boundaries.**

(1) If a dispute or uncertainty arises as to the true location of a county boundary [~~described in this part~~] as described in the official records maintained by the office of the lieutenant governor, the surveyors of each county whose boundary is the subject of the dispute or uncertainty may determine the true location.

(2) (a) If the county surveyors fail to agree on or otherwise fail to establish the true location of the county boundary, the county executive of either or both of the affected counties shall engage the services of the state engineer.

(b) After being engaged under Subsection (2)(a), the state engineer shall notify the surveyor of each county whose boundary is the subject of the dispute or uncertainty of the procedure the state engineer will use to determine the true location of the boundary.

(c) With the assistance of each surveyor who chooses to participate, the state engineer shall determine permanently the true location of the boundary by marking surveys and erecting suitable monuments to designate the boundary.

(d) Each boundary established under this Subsection (2) shall be considered permanent until superseded by legislative enactment.

(3) Nothing in this section may be construed to give the county surveyors or state engineer any authority other than to erect suitable monuments to designate county boundaries as they are described in [~~this part~~] the official records maintained by the office of the lieutenant governor.

Section 5. Repealer.

This act repeals:

Section 17-50-201, Definitions.

Section 17-50-202, True courses employed.

Section 17-50-203, Existing counties.

Section 17-50-205, Beaver County -- Description.

Section 17-50-206, Box Elder County -- Description.

Section 17-50-207, Cache County -- Description.

Section 17-50-208, Carbon County -- Description.

Section 17-50-209, Daggett County -- Description.

Section 17-50-210, Davis County -- Description.

Section 17-50-211, Duchesne County -- Description.

Section 17-50-212, Emery County -- Description.

Section 17-50-213, Garfield County -- Description.

Section 17-50-214, Grand County -- Description.

Section 17-50-215, Iron County -- Description.

Section 17-50-216, Juab County -- Description.

Section 17-50-217, Kane County -- Description.

Section 17-50-218, Millard County -- Description.

Section 17-50-219, Morgan County -- Description.

Section 17-50-220, Piute County -- Description.

Section 17-50-221, Rich County -- Description.

Section 17-50-222, Salt Lake County -- Description.

Section 17-50-223, San Juan County -- Description.

Section 17-50-224, Sanpete County -- Description.

Section 17-50-225, Sevier County -- Description.

Section 17-50-226, Summit County -- Description.

Section 17-50-227, Tooele County -- Description.

Section 17-50-228, Uintah County -- Description.

Section 17-50-229, Utah County -- Description.

Section 17-50-230, Wasatch County -- Description.

Section 17-50-231, Washington County -- Description.

Section 17-50-232, Wayne County -- Description.

Section 17-50-233, Weber County -- Description.

Section 6. **Effective date.**

If the constitutional amendment proposed by S.J.R. 4, 2002 General Session is approved by a majority of those voting on it at the next regular general election, this act takes effect on January 1, 2003.