

MUNICIPAL ANNEXATIONS ACROSS COUNTY

LINES

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Gregg Buxton

This act modifies the Utah Municipal Code by requiring the consent of the legislative body of the county in which an area proposed for annexation is located if the proposed annexing municipality is in another county. ^h THE ACT REQUIRES NOTICE TO AFFECTED ENTITIES BEFORE AN ANNEXATION PETITION IS FILED. ^h The act also repeals obsolete language.

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

AMENDS:

10-2-402, as last amended by Chapter 206, Laws of Utah 2001

10-2-403, as last amended by Chapter 206, Laws of Utah 2001

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

Section 1. Section **10-2-402** is amended to read:

10-2-402. Annexation -- Limitations.

(1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part.

(b) An unincorporated area may not be annexed to a municipality unless:

(i) it is a contiguous area;

(ii) it is contiguous to the municipality;

(iii) except as provided in Subsection 10-2-418(1)(b), annexation will not leave or create an unincorporated island or peninsula; and

(iv) for an area located in a specified county with respect to an annexation that occurs after December 31, 2002, the area is within the proposed annexing municipality's expansion area.

(2) Except as provided in Section 10-2-418, a municipality may not annex an unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.



28 (3) An annexation under this part may not include part of a parcel of real property and
 29 exclude part of that same parcel unless the owner of that parcel has signed the annexation
 30 petition under Section 10-2-403.

31 (4) A municipality may not annex an unincorporated area in a specified county for the
 32 sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to
 33 annex the same or a related area unless the municipality has the ability and intent to benefit the
 34 annexed area by providing municipal services to the annexed area.

35 (5) The legislative body of a specified county may not approve urban development
 36 within a municipality's expansion area unless:

37 (a) the county notifies the municipality of the proposed development; and

38 (b) (i) the municipality consents in writing to the development; or

39 (ii) (A) within 90 days after the county's notification of the proposed development, the
 40 municipality submits to the county a written objection to the county's approval of the proposed
 41 development; and

42 (B) the county responds in writing to the municipality's objections.

43 ~~[(6) (a) Except as provided in Subsection (6)(b), no annexation petition under this part
 44 may be filed with a municipality located within a county of the first class on or after April 30,
 45 2001 until after November 15, 2001, and no municipality located in a county of the first class
 46 may accept an annexation petition under this part during that time.]~~

47 ~~[(b) Notwithstanding Subsection (6)(a), an annexation petition may be filed with a
 48 municipality located within a county of the first class and a municipality located in a county of
 49 the first class may accept an annexation petition from April 30, 2001 to November 15, 2001 if
 50 the requirements of Subsection 10-2-405(1)(b) are met.]~~

51 ~~[(c) Nothing in this Subsection (6) may be construed to affect an annexation
 52 proceeding initiated by a petition filed before April 30, 2001.]~~

53 (6) **h** (a) **h** An annexation petition may not be filed under this part proposing the annexation
 53a of
 54 an area located in a county that is not the county in which the proposed annexing municipality
 55 is located unless the legislative body of the county in which the area is located has adopted a
 56 resolution approving the proposed annexation.

56a **h** (b) EACH COUNTY LEGISLATIVE BODY THAT DECLINES TO ADOPT A RESOLUTION
 56b APPROVING A PROPOSED ANNEXATION DESCRIBED IN SUBSECTION (6)(a) SHALL PROVIDE A
 56c WRITTEN EXPLANATION OF ITS REASONS FOR DECLINING TO APPROVE THE PROPOSED
 56d ANNEXATION. **h**

57 Section 2. Section **10-2-403** is amended to read:

58 **10-2-403. Annexation petition -- Requirements.**

59 (1) Except as provided in Section 10-2-418, the process to annex an unincorporated
60 area to a municipality is initiated by a petition as provided in this section.

61 (2) Each petition under Subsection (1) shall:

62 (a) be filed with the city recorder or town clerk, as the case may be, of the proposed
63 annexing municipality;

64 (b) contain the signatures of:

65 (i) the owners of private real property that:

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

67 (B) (I) subject to Subsection (2)(b)(i)(B)(II), covers a majority of the private land area
68 within the area proposed for annexation; and

69 (II) covers 100% of the private land area within the area proposed for annexation, if the
70 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture
71 Protection Area; and

72 (C) is equal in value to at least 1/3 of the value of all private real property within the
73 area proposed for annexation; or

74 (ii) if all the real property within the area proposed for annexation is owned by a public
75 entity other than the federal government, the owner of all the publicly owned real property;

76 (c) be accompanied by ~~h~~ :

76a ~~(i) h~~ an accurate and recordable map, prepared by a licensed
77 surveyor, of the area proposed for annexation; ~~h [f]~~ and ~~[f] h~~

77a ~~h~~ **(ii) A COPY OF THE NOTICE SENT TO AFFECTED ENTITIES AS REQUIRED UNDER**
77b **SUBSECTION (6) AND A LIST OF THE AFFECTED ENTITIES TO WHICH NOTICE WAS SENT.** ~~h~~

78 (d) if the petition proposes the annexation of an area located in a county that is not the
79 county in which the proposed annexing municipality is located, be accompanied by a copy of
80 the resolution, required under Subsection 10-2-402(6), of the legislative body of the county in
81 which the area is located; and

82 ~~[(d)]~~ (e) designate up to five of the signers of the petition as sponsors, one of whom
83 shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

84 (3) A petition under Subsection (1) may not propose the annexation of all or part of an
85 area proposed for annexation to a municipality in a previously filed petition that has not been
86 denied, rejected, or granted.

87 (4) A petition under Subsection (1) proposing the annexation of an area located in a
88 county of the first class may not propose the annexation of an area that includes some or all of
89 an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103

90 or a petition under Section 10-2-125 if:

91 (a) the request or petition was filed before the filing of the annexation petition; and

92 (b) the request, a petition under Section 10-2-109 based on that request, or a petition
93 under Section 10-2-125 is still pending on the date the annexation petition is filed.

94 (5) If practicable and feasible, the boundaries of an area proposed for annexation shall
95 be drawn:

96 (a) along the boundaries of existing special districts for sewer, water, and other
97 services, along the boundaries of school districts whose boundaries follow city boundaries or
98 school districts adjacent to school districts whose boundaries follow city boundaries, and along
99 the boundaries of other taxing entities;

100 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type
101 services;

102 (c) to facilitate the consolidation of overlapping functions of local government;

103 (d) to promote the efficient delivery of services; and

104 (e) to encourage the equitable distribution of community resources and obligations.

104a **h (6) BEFORE FILING A PETITION WITH THE CITY RECORDER OR TOWN CLERK, THE**
104b **PETITION SPONSORS SHALL SEND WRITTEN NOTICE TO EACH AFFECTED ENTITY OF THEIR**
104c **INTENT TO FILE A PETITION. h**

105 **h [(6)] (7) h** On the date of filing, the petition sponsors shall deliver or mail a copy of the
106 petition to:

107 (a) the clerk of the county in which the area proposed for annexation is located; and

108 (b) the chair of the planning commission of each township in which any part of the area
109 proposed for annexation is located.

Legislative Review Note
as of 2-13-03 9:49 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0278

Municipal Annexations Across County Lines

20-Feb-03

8:59 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst