

1                                   **ANNEXATION OF PUBLIC LAND TO**  
2                                   **SPECIAL AND LOCAL DISTRICTS**

3                                   2004 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Mike Dmitrich**

---

---

7   **LONG TITLE**

8   **General Description:**

9           This bill modifies provisions relating to annexation to a local district or certain special  
10 districts.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ allows the owner of publicly owned land, except the federal government, to petition  
14 for annexation to a local district or certain special districts when all the land within  
15 the area proposed for annexation is publicly owned.

16 **Monies Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **17B-2-503**, as last amended by Chapter 257, Laws of Utah 2003

---

---

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

25           Section 1. Section **17B-2-503** is amended to read:

26           **17B-2-503. Initiation of annexation process -- Petition and resolution.**

27           (1) Except as provided in Sections 17B-2-515, 17B-2-515.5, and 17B-2-516, the



28 process to annex an area to a local district may be initiated by:

29 (a) (i) for a district whose board of trustees is elected by electors based on the acre-feet  
30 of water allotted to the land owned by the elector and subject to Subsection (2), a petition  
31 signed by the owners of all of the acre-feet of water allotted to the land proposed for  
32 annexation; or

33 (ii) for all other districts:

34 (A) a petition signed by:

35 (I) the owners of private real property that:

36 [~~(F)~~] (Aa) is located within the area proposed to be annexed;

37 [~~(H)~~] (Bb) covers at least 10% of the total private land area within the entire area  
38 proposed to be annexed and within each applicable area; and

39 [~~(H)~~] (Cc) is equal in assessed value to at least 10% of the assessed value of all private  
40 real property within the entire area proposed to be annexed and within each applicable area; or

41 (II) the owner of all the publicly owned real property, if all the real property within the  
42 area proposed for annexation is owned by a public entity other than the federal government; or

43 (B) a petition signed by registered voters residing within the entire area proposed to be  
44 annexed and within each applicable area equal in number to at least 10% of the number of  
45 votes cast within the entire area proposed to be annexed and within each applicable area,  
46 respectively, for the office of governor at the last regular general election before the filing of  
47 the petition;

48 (b) a resolution adopted by the legislative body of each county whose unincorporated  
49 area includes and each municipality whose boundaries include any of the area proposed to be  
50 annexed; or

51 (c) a resolution adopted by the board of trustees of the proposed annexing local district  
52 if, for at least 12 consecutive months immediately preceding adoption of the resolution, the  
53 local district has provided:

54 (i) retail service to the area; or

55 (ii) a wholesale service to a provider of the same service that has provided that service  
56 on a retail basis to the area.

57 (2) If an association representing all acre-feet of water allotted to the land that is  
58 proposed to be annexed to a local district signs a petition under Subsection (1)(a)(i), pursuant

59 to a proper exercise of authority as provided in the bylaws or other rules governing the  
60 association, the petition shall be considered to have been signed by the owners of all of the  
61 acre-feet of water allotted to the land proposed for annexation, even though less than all of the  
62 owners within the association consented to the association signing the petition.

63 (3) Each petition and resolution under Subsection (1) shall:

64 (a) describe the area proposed to be annexed; and

65 (b) be accompanied by a map of the boundaries of the area proposed to be annexed.

66 (4) The legislative body of each county and municipality that adopts a resolution under  
67 Subsection (1)(b) shall, within five days after adopting the resolution, mail or deliver a copy of  
68 the resolution to the board of trustees of the proposed annexing local district.

---

---

**Legislative Review Note**

**as of 1-30-04 11:49 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 SB0159**

**Annexation of Public Land to Special and Local Districts**

*04-Feb-04*

*2:22 PM*

---

---

**State Impact**

No fiscal impact.

---

**Individual and Business Impact**

No fiscal impact.

---

**Office of the Legislative Fiscal Analyst**