

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **10-2-401**, as last amended by Laws of Utah 2008, Chapter 360

35 **10-2-402**, as last amended by Laws of Utah 2008, Chapter 167

36 **10-2-403**, as last amended by Laws of Utah 2007, Chapter 329

37 **10-2-405**, as last amended by Laws of Utah 2004, Chapter 90

38 **10-2-407**, as last amended by Laws of Utah 2003, Chapter 211

39 **10-2-408**, as last amended by Laws of Utah 2001, Chapter 206

40 **10-2-414**, as last amended by Laws of Utah 2007, Chapter 329

41 **17-27a-306**, as last amended by Laws of Utah 2008, Chapter 250

42 **63I-2-210**, as last amended by Laws of Utah 2008, Chapter 290 and renumbered and
43 amended by Laws of Utah 2008, Chapter 382

44 ENACTS:

45 **10-2-408.5**, Utah Code Annotated 1953

46 REPEALS:

47 **10-2-427**, as enacted by Laws of Utah 2002, Chapter 224



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

50 Section 1. Section **10-2-401** is amended to read:

51 **10-2-401. Definitions -- Property owner provisions.**

52 (1) As used in this part:

53 (a) "Affected entity" means:

54 (i) a county in whose unincorporated area the area proposed for annexation is located;

55 (ii) a local district under Title 17B, Limited Purpose Local Government Entities -

56 Local Districts, or special service district under Title 17D, Chapter 1, Special Service District

57 Act, whose boundaries include any part of an area proposed for annexation;

58 (iii) a school district whose boundaries include any part of an area proposed for
59 annexation; and

60 (iv) a municipality whose boundaries are within 1/2 mile of an area proposed for
61 annexation.

62 (b) "Annexation petition" means a petition under Section 10-2-403 proposing the
63 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the
64 municipality.

65 (c) "Commission" means a boundary commission established under Section 10-2-409
66 for the county in which the property that is proposed for annexation is located.

67 (d) "Expansion area" means the unincorporated area that is identified in an annexation
68 policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in
69 the future.

70 (e) "Feasibility consultant" means a person or firm with expertise in the processes and
71 economics of local government.

72 (f) "Municipal selection committee" means a committee in each county composed of
73 the mayor of each municipality within that county.

74 (g) "Private," with respect to real property, means not owned by the United States or
75 any agency of the federal government, the state, a county, a municipality, a school district, a
76 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a
77 special service district under Title 17D, Chapter 1, Special Service District Act, or any other
78 political subdivision or governmental entity of the state.

79 (h) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

80 (i) "Township" has the same meaning as defined in Section 17-27a-103.

81 [~~(i)~~] (j) "Urban development" means:

82 (i) a housing development with more than 15 residential units and an average density
83 greater than one residential unit per acre; or

84 (ii) a commercial or industrial development for which cost projections exceed
85 \$750,000 for all phases.

86 (2) For purposes of this part:

87 (a) the owner of real property shall be the record title owner according to the records
88 of the county recorder on the date of the filing of the petition or protest; and

89 (b) the value of private real property shall be determined according to the last
90 assessment roll for county taxes before the filing of the petition or protest.

91 (3) For purposes of each provision of this part that requires the owners of private real
92 property covering a percentage or majority of the total private land area within an area to sign
93 a petition or protest:

94 (a) a parcel of real property may not be included in the calculation of the required
95 percentage or majority unless the petition or protest is signed by:

96 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
97 ownership interest in that parcel; or

98 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the
99 number of owners of that parcel;

100 (b) the signature of a person signing a petition or protest in a representative capacity
101 on behalf of an owner is invalid unless:

102 (i) the person's representative capacity and the name of the owner the person
103 represents are indicated on the petition or protest with the person's signature; and

104 (ii) the person provides documentation accompanying the petition or protest that
105 substantiates the person's representative capacity; and

106 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
107 petition or protest on behalf of a deceased owner.

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

109 **10-2-402. Annexation -- Limitations.**

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

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

113 (i) it is a contiguous area;

114 (ii) it is contiguous to the municipality;
115 (iii) except as provided in Subsection 10-2-418(1)(b), annexation will not leave or
116 create an unincorporated island or peninsula; and
117 (iv) for an area located in a specified county with respect to an annexation that occurs
118 after December 31, 2002, the area is within the proposed annexing municipality's expansion
119 area.

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

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

125 (b) A piece of real property that has more than one parcel number is considered to be a
126 single parcel for purposes of Subsection (3)(a) if owned by the same owner.

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

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

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

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

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

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

139 (6) (a) An annexation petition may not be filed under this part proposing the
140 annexation of an area located in a county that is not the county in which the proposed
141 annexing municipality is located unless the legislative body of the county in which the area is

142 located has adopted a resolution approving the proposed annexation.

143 (b) Each county legislative body that declines to adopt a resolution approving a
144 proposed annexation described in Subsection (6)(a) shall provide a written explanation of its
145 reasons for declining to approve the proposed annexation.

146 (7) (a) As used in this Subsection (7), "airport" means an area that the Federal
147 Aviation Administration has, by a record of decision, approved for the construction or
148 operation of a Class I, II, or III commercial service airport, as designated by the Federal
149 Aviation Administration in 14 C.F.R. Part 139.

150 (b) A municipality may not annex an unincorporated area within 5,000 feet of the
151 center line of any runway of an airport operated or to be constructed and operated by another
152 municipality unless the legislative body of the other municipality adopts a resolution
153 consenting to the annexation.

154 (c) A municipality that operates or intends to construct and operate an airport and does
155 not adopt a resolution consenting to the annexation of an area described in Subsection (7)(b)
156 may not deny an annexation petition proposing the annexation of that same area to that
157 municipality.

158 (8) An annexation petition may not be filed if it proposes the annexation of an area
159 that is within a proposed township in a petition to establish a township under Subsection
160 17-27a-306(1)(c) that has been certified under Subsection 17-27a-306(1)(f), until after the
161 canvass of an election on the proposed township under Subsection 17-27a-306(1)(h).

162 Section 3. Section **10-2-403** is amended to read:

163 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

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

166 (2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed
167 annexation of an area located in a county of the first class, the person or persons intending to
168 file a petition shall:

169 (A) file with the city recorder or town clerk of the proposed annexing municipality a

170 notice of intent to file a petition; and

171 (B) send a copy of the notice of intent to each affected entity.

172 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of
173 the area that is proposed to be annexed.

174 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be
175 annexed is located shall:

176 (A) mail the notice described in Subsection (2)(b)(iii) to:

177 (I) each owner of real property located within the area proposed to be annexed; and

178 (II) each owner of real property located within 300 feet of the area proposed to be
179 annexed; and

180 (B) send to the proposed annexing municipality a copy of the notice and a certificate
181 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

182 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20
183 days after receiving from the person or persons who filed the notice of intent:

184 (A) a written request to mail the required notice; and

185 (B) payment of an amount equal to the county's expected actual cost of mailing the
186 notice.

187 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

188 (A) be in writing;

189 (B) state, in bold and conspicuous terms, substantially the following:

190 "Attention: Your property may be affected by a proposed annexation.

191 Records show that you own property within an area that is intended to be included in a
192 proposed annexation to (state the name of the proposed annexing municipality) or that is
193 within 300 feet of that area. If your property is within the area proposed for annexation, you
194 may be asked to sign a petition supporting the annexation. You may choose whether or not to
195 sign the petition. By signing the petition, you indicate your support of the proposed
196 annexation. If you sign the petition but later change your mind about supporting the
197 annexation, you may withdraw your signature by submitting a signed, written withdrawal with

198 the recorder or clerk of (state the name of the proposed annexing municipality) within 30 days
199 after (state the name of the proposed annexing municipality) receives notice that the petition
200 has been certified.

201 There will be no public election on the proposed annexation because Utah law does not
202 provide for an annexation to be approved by voters at a public election. Signing or not signing
203 the annexation petition is the method under Utah law for the owners of property within the
204 area proposed for annexation to demonstrate their support of or opposition to the proposed
205 annexation.

206 ~~[Under Utah law, the elected officials of (state the name of the proposed annexing~~
207 ~~municipality) may have no choice but to grant the annexation petition if the county's property~~
208 ~~tax rate for municipal services in the area proposed to be annexed is higher than the property~~
209 ~~tax rate of (state the name of the proposed annexing municipality) and if other statutory~~
210 ~~conditions are met.]~~

211 You may obtain more information on the proposed annexation by contacting (state the
212 name, mailing address, telephone number, and email address of the official or employee of the
213 proposed annexing municipality designated to respond to questions about the proposed
214 annexation), (state the name, mailing address, telephone number, and email address of the
215 county official or employee designated to respond to questions about the proposed
216 annexation), or (state the name, mailing address, telephone number, and email address of the
217 person who filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person
218 filed the notice of intent, one of those persons). Once filed, the annexation petition will be
219 available for inspection and copying at the office of (state the name of the proposed annexing
220 municipality) located at (state the address of the municipal offices of the proposed annexing
221 municipality)."; and

222 (C) be accompanied by an accurate map identifying the area proposed for annexation.

223 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any
224 other information or materials related or unrelated to the proposed annexation.

225 (c) (i) After receiving the certificate from the county as provided in Subsection

226 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or
227 persons who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation
228 petition for the annexation proposed in the notice of intent.

229 (ii) An annexation petition provided by the proposed annexing municipality may be
230 duplicated for circulation for signatures.

231 (3) Each petition under Subsection (1) shall:

232 (a) ~~[(f)]~~ be filed with the city recorder or town clerk, as the case may be, of the
233 proposed annexing municipality;

234 ~~[(ii) when filed and if applicable, be accompanied by a written statement, signed by~~
235 ~~the petition sponsors, certifying that signatures on a petition that does not comply with the~~
236 ~~requirements of Subsection (3)(d) were gathered before the effective date of that Subsection;]~~

237 (b) contain the signatures of:

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

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

240 (B) (I) subject to Subsection (3)(b)(i)(B)(II), covers a majority of the private land area
241 within the area proposed for annexation; and

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

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

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

250 (c) if the petition proposes the annexation of an area located within a township,
251 explain that if the annexation petition is granted, the area will also be withdrawn from the
252 township;

253 ~~[(c)]~~ (d) be accompanied by:

254 (i) an accurate and recordable map, prepared by a licensed surveyor, of the area
255 proposed for annexation; and

256 (ii) a copy of the notice sent to affected entities as required under Subsection
257 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

258 [~~(d)~~] (e) if the area proposed to be annexed is located in a county of the first class,
259 contain on each signature page a notice in bold and conspicuous terms that states substantially
260 the following:

261 "Notice:

262 [~~• Under Utah law, the elected officials of (state the name of the proposed annexing
263 municipality) may have no choice but to grant this annexation petition if the county's property
264 tax rate for municipal services in the area proposed to be annexed is higher than the property
265 tax rate of (state the name of the proposed annexing municipality) and if other statutory
266 conditions are met.]~~

267 • There will be no public election on the annexation proposed by this petition because
268 Utah law does not provide for an annexation to be approved by voters at a public election.

269 • If you sign this petition and later decide that you do not support the petition, you may
270 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
271 of (state the name of the proposed annexing municipality). If you choose to withdraw your
272 signature, you must do so no later than 30 days after (state the name of the proposed annexing
273 municipality) receives notice that the petition has been certified.";

274 [~~(e)~~] (f) if the petition proposes the annexation of an area located in a county that is
275 not the county in which the proposed annexing municipality is located, be accompanied by a
276 copy of the resolution, required under Subsection 10-2-402(6), of the legislative body of the
277 county in which the area is located; and

278 [~~(f)~~] (g) designate up to five of the signers of the petition as sponsors, one of whom
279 shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

280 (4) A petition under Subsection (1) may not propose the annexation of all or part of an
281 area proposed for annexation to a municipality in a previously filed petition that has not been

282 denied, rejected, or granted.

283 (5) A petition under Subsection (1) proposing the annexation of an area located in a
284 county of the first class may not propose the annexation of an area that includes some or all of
285 an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103
286 or a petition under Section 10-2-125 if:

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

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

290 (6) If practicable and feasible, the boundaries of an area proposed for annexation shall
291 be drawn:

292 (a) along the boundaries of existing local districts and special service districts for
293 sewer, water, and other services, along the boundaries of school districts whose boundaries
294 follow city boundaries or school districts adjacent to school districts whose boundaries follow
295 city boundaries, and along the boundaries of other taxing entities;

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

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

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

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

301 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the
302 petition to:

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

304 (b) if any of the area proposed for annexation is within a township:

305 (i) the legislative body of the county in which the township is located; and

306 [(b)] (ii) the chair of the township planning commission [of each township in which
307 any part of the area proposed for annexation is located].

308 (8) A property owner who signs an annexation petition proposing to annex an area
309 located in a county of the first class may withdraw the owner's signature by filing a written

310 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30
311 days after the municipal legislative body's receipt of the notice of certification under
312 Subsection 10-2-405(2)(c)(i).

313 Section 4. Section **10-2-405** is amended to read:

314 **10-2-405. Acceptance or denial of an annexation petition -- Petition certification**
315 **process -- Modified petition.**

316 (1) (a) (i) ~~[(A)]~~ A municipal legislative body may:

317 ~~[(1) except as provided in Subsection (1)(b) and]~~

318 (A) subject to Subsection (1)(a)~~[(1)(B)]~~(ii), deny a petition filed under Section
319 10-2-403; or

320 ~~[(1)(B)]~~ (B) accept the petition for further consideration under this part.

321 ~~[(1)(B)]~~ (ii) A petition shall be considered to have been accepted for further consideration
322 under this part if a municipal legislative body fails to act to deny or accept the petition under
323 Subsection (1)(a)(i)~~[(A)]~~:

324 ~~[(1)(A)]~~ (A) in the case of a city of the first or second class, within 14 days after the filing
325 of the petition; or

326 ~~[(1)(B)]~~ (B) in the case of a city of the third, fourth, or fifth class or a town, at the next
327 regularly scheduled meeting of the municipal legislative body that is at least 14 days after the
328 date the petition was filed.

329 ~~[(1)(b)]~~ (b) If a municipal legislative body denies a petition under Subsection
330 (1)(a)(i)~~[(A)]~~, it shall, within five days ~~[of]~~ after the denial, mail written notice of the denial to:

331 (i) the contact sponsor~~[-]~~;

332 (ii) the clerk of the county in which the area proposed for annexation is located~~[-]~~; and

333 (iii) if any of the area proposed for annexation is within a township:

334 (A) the legislative body of the county in which the township is located; and

335 (B) the chair of the planning commission ~~[of each township in which any part of the~~
336 ~~area proposed for annexation is located]~~.

337 ~~[(b) A municipal legislative body may not deny a petition filed under Section~~

338 10-2-403 proposing to annex an area located in a county of the first class if:]
339 [(i) the petition contains the signatures of the owners of private real property that:]
340 [(A) is located within the area proposed for annexation;]
341 [(B) covers a majority of the private land area within the area proposed for annexation;
342 and]
343 [(C) is equal in value to at least 1/2 of the value of all private real property within the
344 area proposed for annexation;]
345 [(ii) the population in the area proposed for annexation does not exceed 10% of the
346 population of the proposed annexing municipality;]
347 [(iii) the property tax rate for municipal services in the area proposed to be annexed is
348 higher than the property tax rate of the proposed annexing municipality; and]
349 [(iv) all annexations by the proposed annexing municipality during the year that the
350 petition was filed have not increased the municipality's population by more than 20%.]
351 (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i)[(A)]
352 or is considered to have accepted the petition under Subsection (1)(a)[(i)(B)](ii), the city
353 recorder or town clerk, as the case may be, shall, within 30 days [of] after that acceptance:
354 (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the
355 area proposed for annexation is located the records the city recorder or town clerk needs to
356 determine whether the petition meets the requirements of Subsections 10-2-403[(2);](3), [and]
357 (4), and (5);
358 (b) with the assistance of the municipal attorney, determine whether the petition meets
359 the requirements of Subsections 10-2-403[(2);](3), [and] (4), and (5); and
360 (c) (i) if the city recorder or town clerk determines that the petition meets those
361 requirements, certify the petition and mail or deliver written notification of the certification to
362 the municipal legislative body, the contact sponsor, the county legislative body, and the chair
363 of the planning commission of each township in which any part of the area proposed for
364 annexation is located; or
365 (ii) if the city recorder or town clerk determines that the petition fails to meet any of

366 those requirements, reject the petition and mail or deliver written notification of the rejection
367 and the reasons for the rejection to the municipal legislative body, the contact sponsor, the
368 county legislative body, and the chair of the planning commission of each township in which
369 any part of the area proposed for annexation is located.

370 (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection
371 (2)(c)(ii), the petition may be modified to correct the deficiencies for which it was rejected and
372 then refiled with the city recorder or town clerk, as the case may be.

373 (ii) A signature on an annexation petition filed under Section 10-2-403 may be used
374 toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as
375 modified under Subsection (3)(a)(i).

376 (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city
377 recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a
378 newly filed petition under Subsection 10-2-403(1).

379 (4) Each county assessor, clerk, surveyor, and recorder shall provide copies of records
380 that a city recorder or town clerk requests under Subsection (2)(a).

381 Section 5. Section **10-2-407** is amended to read:

382 **10-2-407. Protest to annexation petition -- Township planning commission**
383 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

384 (1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:

385 (i) the legislative body or governing board of an affected entity; or

386 (ii) for a proposed annexation of an area within a county of the first class, the owners
387 of private real property that:

388 (A) is located in the unincorporated area within 1/2 mile of the area proposed for
389 annexation;

390 (B) covers at least 25% of the private land area located in the unincorporated area
391 within 1/2 mile of the area proposed for annexation; and

392 (C) is equal in value to at least 15% of all real property located in the unincorporated
393 area within 1/2 mile of the area proposed for annexation.

394 (b) (i) A planning commission of a township located in a county of the first class may
395 recommend to the legislative body of the county in which the township is located that the
396 county legislative body file a protest against a proposed annexation under this part of an area
397 located within the township.

398 (ii) (A) The township planning commission shall communicate each recommendation
399 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days ~~of~~ after
400 the city recorder or town clerk's certification of the annexation petition under Subsection
401 10-2-405(2) (c)(i).

402 (B) At the time the recommendation is communicated to the county legislative body
403 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy
404 of the recommendation to the legislative body of the proposed annexing municipality and to
405 the contact sponsor.

406 (2) (a) Each protest under Subsection (1)(a) shall:

407 (i) be filed:

408 (A) no later than 30 days after the municipal legislative body's receipt of the notice of
409 certification under Subsection 10-2-405(2)(c)(i); and

410 (B) (I) in a county that has already created a commission under Section 10-2-409, with
411 the commission; or

412 (II) in a county that has not yet created a commission under Section 10-2-409, with the
413 clerk of the county in which the area proposed for annexation is located; and

414 (ii) state each reason for the protest of the annexation petition and, if the area proposed
415 to be annexed is located in a specified county, justification for the protest under the standards
416 established in this chapter;

417 (iii) if the area proposed to be annexed is located in a specified county, contain other
418 information that the commission by rule requires or that the party filing the protest considers
419 pertinent; and

420 (iv) the name and address of a contact person who is to receive notices sent by the
421 commission with respect to the protest proceedings.

422 (b) The party filing a protest under this section shall on the same date deliver or mail a
423 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

424 (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall:

425 (i) immediately notify the county legislative body of the protest; and ~~shall~~

426 (ii) deliver the protest to the boundary commission within five days ~~[of its creation]~~

427 after:

428 (A) receipt of the protest, if the boundary commission has previously been created; or

429 (B) creation of the boundary commission under Subsection 10-2-409(1)(b), if the

430 boundary commission has not previously been created.

431 (d) Each protest of a proposed annexation of an area located in a county of the first
432 class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a)
433 and (b):

434 (i) indicate the typed or printed name and current residence address of each owner
435 signing the protest; and

436 (ii) designate one of the signers of the protest as the contact person and state the
437 mailing address of the contact person.

438 (3) (a) (i) If a protest is filed under this section:

439 (A) the municipal legislative body may, at its next regular meeting after expiration of
440 the deadline under Subsection (2)(a)(i)(A) ~~[and, for a proposed annexation of an area located~~
441 ~~in a county of the first class, except as provided in Subsection (3)(a)(iii)],~~ deny the annexation
442 petition; or

443 (B) if the municipal legislative body does not deny the annexation petition under
444 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the
445 annexation petition until after receipt of the commission's notice of its decision on the protest
446 under Section 10-2-416.

447 (ii) If a municipal legislative body denies an annexation petition under Subsection
448 (3)(a)(i)(A), the municipal legislative body shall, within five days ~~[of]~~ after the denial, send
449 notice of the denial in writing to:

- 450 (A) the contact sponsor of the annexation petition;
- 451 (B) the commission;
- 452 (C) each entity that filed a protest; ~~[and]~~
- 453 (D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an
- 454 area located in a county of the first class, the contact person~~[-]; and~~
- 455 ~~[(iii) A municipal legislative body may not deny an annexation petition proposing to~~
- 456 ~~annex an area located in a county of the first class if:]~~
- 457 ~~[(A) the petition contains the signatures of the owners of private real property that:]~~
- 458 ~~[(F) is located within the area proposed for annexation;]~~
- 459 ~~[(H) covers a majority of the private land area within the area proposed for annexation;~~
- 460 ~~and]~~
- 461 ~~[(HH) is equal in value to at least 1/2 of the value of all private real property within the~~
- 462 ~~area proposed for annexation;]~~
- 463 ~~[(B) the population in the area proposed for annexation does not exceed 10% of the~~
- 464 ~~population of the proposed annexing municipality;]~~
- 465 ~~[(C) the property tax rate for municipal services in the area proposed to be annexed is~~
- 466 ~~higher than the property tax rate of the proposed annexing municipality; and]~~
- 467 ~~[(D) all annexations by the proposed annexing municipality during the year that the~~
- 468 ~~petition was filed have not increased the municipality's population by more than 20%.]~~
- 469 (E) if any of the area proposed for annexation is within a township, the legislative
- 470 body of the county in which the township is located.
- 471 (b) (i) If no timely protest is filed under this section, the municipal legislative body
- 472 may, subject to Subsection (3)(b)(ii), ~~[grant] approve~~ the petition ~~[and, by ordinance, annex~~
- 473 ~~the area that is the subject of the annexation petition].~~
- 474 (ii) Before ~~[granting] approving~~ an annexation petition under Subsection (3)(b)(i), the
- 475 municipal legislative body shall:
- 476 (A) hold a public hearing; and
- 477 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

478 (I) publish notice of the hearing in a newspaper of general circulation within the
479 municipality and the area proposed for annexation; or

480 (II) if there is no newspaper of general circulation in those areas, post written notices
481 of the hearing in conspicuous places within those areas that are most likely to give notice to
482 residents within those areas.

483 (iii) Within ten days after approving an annexation under Subsection (3)(b)(i) of an
484 area that is partly or entirely within a township, the municipal legislative body shall send
485 notice of the approval to the legislative body of the county in which the township is located.

486 Section 6. Section **10-2-408** is amended to read:

487 **10-2-408. Denying or approving the annexation petition -- Notice of approval.**

488 (1) After receipt of the commission's decision on a protest under Subsection
489 10-2-416(2), a municipal legislative body may:

490 (a) ~~[except as provided in Subsection (2) for a proposed annexation of an area located~~
491 ~~in a county of the first class,]~~ deny the annexation petition; or

492 (b) if the commission approves the annexation, ~~[grant]~~ approve the annexation petition
493 ~~[and, by ordinance and]~~ consistent with the commission's decision~~[-, annex the area that is the~~
494 ~~subject of the annexation petition].~~

495 ~~[(2) A municipal legislative body may not deny an annexation petition proposing to~~
496 ~~annex an area located in a county of the first class if:]~~

497 ~~[(a) the petition contains the signatures of the owners of private real property that:]~~

498 ~~[(i) is located within the area proposed for annexation;]~~

499 ~~[(ii) covers a majority of the private land area within the area proposed for annexation;~~
500 ~~and]~~

501 ~~[(iii) is equal in value to at least 1/2 of the value of all private real property within the~~
502 ~~area proposed for annexation;]~~

503 ~~[(b) the population in the area proposed for annexation does not exceed 10% of the~~
504 ~~population of the proposed annexing municipality;]~~

505 ~~[(c) the property tax rate for municipal services in the area proposed to be annexed is~~

506 higher than the property tax rate of the proposed annexing municipality; and]

507 ~~[(d) all annexations by the proposed annexing municipality during the year that the~~
508 ~~petition was filed have not increased the municipality's population by more than 20%.]~~

509 (2) Within ten days after approving an annexation under Subsection (1)(b) of an area
510 that is partly or entirely within a township, the municipal legislative body shall send notice of
511 the approval to the legislative body of the county in which the township is located.

512 Section 7. Section **10-2-408.5** is enacted to read:

513 **10-2-408.5. Annexation of an area within a township -- Withdrawing the area**
514 **from the township.**

515 (1) As used in this section:

516 (a) "Affected township" means a township some or all of which is proposed to be
517 annexed to a municipality through an intra-township annexation.

518 (b) "Committee" means a committee appointed under Subsection (5)(a).

519 (c) "County legislative body" means the legislative body of the county in which an
520 affected township is located.

521 (d) "Intra-township annexation" means an annexation of an area that is partly or
522 entirely within a township.

523 (e) "Municipal legislative body" means the legislative body of the municipality to
524 which an area within an affected township is proposed to be annexed through an
525 intra-township annexation.

526 (f) "Township withdrawal" means:

527 (i) for an intra-township annexation that proposes the annexation of part of the
528 township, the withdrawal of that area from the township; or

529 (ii) for an intra-township annexation that proposes the annexation of the entire
530 township, the dissolution of the township.

531 (2) An intra-township annexation requires:

532 (a) the municipal legislative body's approval of the annexation, as provided in this
533 part; and

534 (b) the approval of the township withdrawal by:

535 (i) the county legislative body; or

536 (ii) the committee as provided in Subsection (5), if the county legislative body does
537 not approve the township withdrawal.

538 (3) (a) No later than 30 days after receiving notice under Subsection
539 10-2-407(3)(b)(iii) or 10-2-408(2) of the municipal legislative body's approval of a proposed
540 intra-township annexation, the county legislative body shall hold a public hearing on the
541 proposed township withdrawal that meets the requirements of Subsection 17-27a-306(3)(f)(ii).

542 (b) Before holding a public hearing under Subsection (3)(a), the county legislative
543 body shall provide notice that meets the requirements of Subsection 17-27a-306(3)(f)(iii).

544 (c) (i) A public hearing required under Subsection (3)(a) may be combined with:

545 (A) the public hearing required under Subsection 10-2-407(3)(b)(ii), with the
546 municipal legislative body's approval; or

547 (B) the public hearing required under Section 10-2-415, with the boundary
548 commission's approval.

549 (ii) If public hearings are combined under Subsection (3)(c)(i), notice of the combined
550 public hearing shall be given as provided in Subsection (3)(b).

551 (4) (a) No later than 60 days after receiving notice under Subsection
552 10-2-407(3)(b)(iii) or 10-2-408(2) of the municipal legislative body's approval of a proposed
553 intra-township annexation, the county legislative body shall make and issue a written decision
554 approving or disapproving the township withdrawal.

555 (b) In making its decision under Subsection (4)(a), the county legislative body shall, as
556 applicable, consider the factors listed in Subsection 17-27a-306(3)(g)(ii).

557 (5) (a) (i) If the county legislative body, in its written decision under Subsection (4)(a),
558 disapproves the township withdrawal, a committee shall be appointed consisting of:

559 (A) one elected official, other than a member of the municipal legislative body or the
560 municipality's mayor, appointed by the municipal legislative body;

561 (B) one elected official, other than a member of the county legislative body or the

562 county executive, appointed by the county legislative body; and

563 (C) one person who is:

564 (I) an elected official;

565 (II) a resident of the county in which the township is located; and

566 (III) appointed by the two committee members specified in Subsections (5)(a)(i)(A)

567 and (B).

568 (ii) (A) The municipal legislative body and county legislative body shall each appoint

569 its respective appointee within ten business days after the county legislative body issues its

570 written decision under Subsection (4)(a).

571 (B) The committee members under Subsections (5)(a)(i)(A) and (B) shall, within 20

572 days after their appointment, appoint the remaining member.

573 (b) Committee members shall serve without compensation.

574 (c) At the committee's request, the county shall provide the committee with necessary

575 staff assistance.

576 (d) The committee may, in its discretion and with reasonable advance public notice,

577 hold one or more public hearings on the proposed township withdrawal.

578 (e) In making its decision to approve or disapprove the township withdrawal, the

579 committee may consider the issue of township withdrawal anew without:

580 (i) considering the proceedings before the county legislative body; or

581 (ii) giving the county legislative body's decision any deference.

582 (f) Within 45 days after the appointment of the committee member under Subsection

583 (5)(a)(i)(C), the committee shall make and issue a written decision approving or disapproving

584 the township withdrawal.

585 (6) The municipal legislative body may adopt an ordinance approving the

586 intra-township annexation if:

587 (a) the county legislative body, in its written decision under Subsection (4)(a),

588 approves the township withdrawal; or

589 (b) the committee, in its written decision under Subsection (5)(e), approves the

590 township withdrawal.

591 Section 8. Section **10-2-414** is amended to read:

592 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

593 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of
594 an area located in a county of the first class do not meet the requirements of Subsection
595 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility
596 consultant's submission of the results of the study, file with the city recorder or town clerk of
597 the proposed annexing municipality a modified annexation petition altering the boundaries of
598 the proposed annexation.

599 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the
600 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation
601 petition to the clerk of the county in which the area proposed for annexation is located.

602 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the
603 requirements of Subsections 10-2-403~~(2)~~(3), ~~and~~ (4), and (5).

604 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified
605 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same
606 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and
607 (3)(a) for an original annexation petition.

608 (b) If the city recorder or town clerk certifies the modified annexation petition under
609 Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send
610 written notice of the certification to:

611 (i) the commission;

612 (ii) each entity that filed a protest to the annexation petition; and

613 (iii) if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.

614 (c) (i) If the modified annexation petition proposes the annexation of an area that
615 includes part or all of a local district, special service district, or school district that was not
616 included in the area proposed for annexation in the original petition, the city recorder or town
617 clerk, as the case may be, shall also send notice of the certification of the modified annexation

618 petition to the board of the local district, special service district, or school district.

619 (ii) If the area proposed for annexation in the modified annexation petition is within
620 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the
621 area proposed for annexation in the original annexation petition, the city recorder or town
622 clerk, as the case may be, shall also send notice of the certification of the modified annexation
623 petition to the legislative body of that municipality.

624 (3) Within ten days of the commission's receipt of the notice under Subsection (2)(b),
625 the commission shall engage the feasibility consultant that conducted the feasibility study to
626 supplement the feasibility study to take into account the information in the modified
627 annexation petition that was not included in the original annexation petition.

628 (4) The commission shall require the feasibility consultant to complete the
629 supplemental feasibility study and to submit written results of the supplemental study to the
630 commission no later than 30 days after the feasibility consultant is engaged to conduct the
631 supplemental feasibility study.

632 Section 9. Section **17-27a-306** is amended to read:

633 **17-27a-306. Townships.**

634 ~~[(1) (a) (i) Subject to Subsection (1)(a)(ii), a county legislative body may, without~~
635 ~~having received a petition under Subsection (1)(b), enact an ordinance establishing a township~~
636 ~~within the unincorporated county or dividing the unincorporated county into townships.]~~

637 ~~[(ii) Before enacting an ordinance under Subsection (1)(a)(i), the county legislative~~
638 ~~body shall, after providing reasonable advance notice, hold a public hearing on the proposal to~~
639 ~~establish a township or to divide the unincorporated county into townships.]~~

640 ~~[(b) If 25% of the private real property owners in a contiguous area of the~~
641 ~~unincorporated county petition the county legislative body to establish a township for that~~
642 ~~area, the county legislative body shall:]~~

643 ~~[(i) hold a public hearing to discuss the petition;]~~

644 ~~[(ii) at least one week before the public hearing, publish notice of the petition and the~~
645 ~~time, date, and place of the public hearing at least once in a newspaper of general circulation~~

646 in the county; and]

647 ~~[(iii) at the public hearing, consider oral and written testimony from the public and~~
648 ~~vote on the question of whether or not to establish a township.]~~

649 ~~[(c) If the county legislative body establishes a township pursuant to a petition, the~~
650 ~~members of the township planning commission shall be appointed as provided in Subsection~~
651 ~~17-27a-301(3)(b) to perform the duties established in this part for the township.]~~

652 (1) (a) A township may be established as provided in this Subsection (1).

653 (b) ~~[(d) Except as provided in Subsection (1)(c), each] A township [shall] may not be~~
654 established unless the area to be included within the proposed township:

655 ~~[(i) contain:]~~

656 (i) is unincorporated;

657 (ii) is contiguous; and

658 (iii) (A) contains:

659 ~~[(A)] (I) at least 20% but not more than 80% of:~~

660 ~~[(F)] (Aa) the total private land area in the unincorporated county; or~~

661 ~~[(H)] (Bb) the total value of locally assessed taxable property in the unincorporated~~
662 ~~county; or~~

663 ~~[(B)-(F)] (II) (Aa) in a county of the first, second, or third class, at least 5% of the total~~
664 ~~population of the unincorporated county; or~~

665 ~~[(H)] (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total~~
666 ~~population of the unincorporated county; or~~

667 ~~[(ii) have] (B) has been declared by the United States Census Bureau as a census~~
668 ~~designated place.~~

669 (c) (i) The process to establish a township is initiated by the filing of a petition with
670 the clerk of the county in which the proposed township is located.

671 (ii) A petition to establish a township may not be filed if it proposes the establishment
672 of a township that includes an area within a proposed township in a petition that has
673 previously been certified under Subsection (1)(f), until after the canvass of an election on the

674 proposed township under Subsection (1)(h).

675 (d) A petition under Subsection (1)(c) to establish a township shall:

676 (i) be signed by the owners of private real property that:

677 (A) is located within the proposed township;

678 (B) covers at least 10% of the total private land area within the proposed township;

679 (C) is equal in value to at least 10% of the value of all private real property within the
680 proposed township;

681 (ii) be accompanied by an accurate plat or map showing the boundary of the
682 contiguous area proposed to be established as a township;

683 (iii) indicate the typed or printed name and current residence address of each owner
684 signing the petition;

685 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
686 be designated as the contact sponsor, with the mailing address and telephone number of each
687 petition sponsor;

688 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
689 petition for purposes of the petition; and

690 (vi) request the county legislative body to provide notice of the petition and of a public
691 hearing, hold a public hearing, and conduct an election on the proposal to establish a
692 township.

693 (e) Subsection 10-2-101(3) applies to a petition to establish a township to the same
694 extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1, Incorporation.

695 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c)
696 proposing the establishment of a township in a county of the first or second class, the county
697 clerk shall provide notice of the filing of the petition to:

698 (A) each owner of real property owning more than 1% of the assessed value of all real
699 property within the proposed township; and

700 (B) each owner of real property owning more than 850 acres of real property within
701 the proposed township.

702 (ii) A property owner may exclude all or part of the property owner's property from a
703 proposed township in a county of the first or second class:

704 (A) if:

705 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
706 property within the proposed township;

707 (Iiii) the property is nonurban; and

708 (IIIiii) the property does not or will not require municipal provision of municipal-type
709 services; or

710 (Bb) the property owner owns more than 850 acres of real property within the
711 proposed township; and

712 (II) exclusion of the property will not leave within the township an island of property
713 that is not part of the township; and

714 (B) by filing a notice of exclusion within ten days after receiving the clerk's notice
715 under Subsection (1)(f)(i).

716 (iii) (A) The county legislative body shall exclude from the proposed township the
717 property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if the
718 property meets the applicable requirements of Subsection (1)(f)(ii)(A).

719 (B) If the county legislative body excludes property from a proposed township under
720 Subsection (1)(f)(iii), the county legislative body shall, within five days after the exclusion,
721 send written notice of its action to the contact sponsor.

722 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
723 clerk shall:

724 (A) with the assistance of other county officers from whom the clerk requests
725 assistance, determine whether the petition complies with the requirements of Subsection
726 (1)(d); and

727 (B) (I) if the clerk determines that the petition complies with the requirements of
728 Subsection (1)(d):

729 (Aa) certify the petition and deliver the certified petition to the county legislative

730 body; and

731 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

732 (II) if the clerk determines that the petition fails to comply with any of the

733 requirements of Subsection (1)(d), reject the petition and notify the contact sponsor in writing

734 of the rejection and the reasons for the rejection.

735 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition

736 may be amended to correct the deficiencies for which it was rejected and then refiled with the

737 county clerk.

738 (h) (i) Within 90 days after a petition to establish a township is certified, the county

739 legislative body shall hold a public hearing on the proposal to establish a township.

740 (ii) A public hearing under Subsection (1)(h)(i) shall be:

741 (A) within the boundary of the proposed township; or

742 (B) if holding a public hearing in that area is not practicable, as close to that area as

743 practicable.

744 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the

745 county legislative body shall publish notice of the petition and the time, date, and place of the

746 public hearing at least once in a newspaper of general circulation in the county.

747 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body

748 shall arrange for the proposal to establish a township to be submitted to voters residing within

749 the proposed township at the next regular general election that is more than 90 days after the

750 public hearing.

751 (j) A township is established at the time of the canvass of the results of an election

752 under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the proposal

753 to establish a township voted in favor of the proposal.

754 ~~(e)~~ (k) (i) ~~(A)~~ A township that was dissolved under Laws of Utah 1997, Chapter

755 389, is reinstated as a township under this part with the same boundaries and name as before

756 the dissolution, if the former township consisted of a single, contiguous land area.

757 ~~(B)~~ (ii) Notwithstanding Subsection (1)~~(e)~~(k)(i)~~(A)~~, a county legislative body

758 may enact an ordinance establishing as a township under this part a former township that was
 759 dissolved under Laws of Utah 1997, Chapter 389, even though the former township does not
 760 qualify to be reinstated under Subsection (1)~~(e)~~(k)~~(i)~~~~(A)~~.

761 ~~(C)~~ (iii) A township reinstated under Subsection (1)~~(e)~~(k)~~(i)~~~~(A)~~ or established
 762 under Subsection (1)~~(e)~~~~(i)~~~~(B)~~ shall be (k)(ii) is subject to the provisions of this part.

763 ~~(ii)~~ Each planning district established under Laws of Utah 1995, Chapter 225, and
 764 each township planning district established under Laws of Utah 1997, Chapter 389, shall
 765 continue in existence as a township, subject to the provisions of this part.]

766 ~~(f)~~ (i) After May 1, 2002, the legislative body of each county in which a township
 767 that has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated under
 768 Subsection (1)~~(e)~~~~(i)~~ is located shall review the township and determine whether its continued
 769 existence is advisable.]

770 ~~(ii)~~ In conducting the review required under Subsection (1)~~(f)~~~~(i)~~, the county
 771 legislative body shall hold a public hearing with reasonable, advance, published notice of the
 772 hearing and the purpose of the hearing.]

773 ~~(iii)~~ Each township that has been reconstituted under Laws of Utah 1997, Chapter
 774 389, or reinstated or established under Subsection (1)~~(e)~~~~(i)~~ and its planning commission shall
 775 continue in effect, unless, within 90 days after conducting the review and public hearing
 776 required under Subsections (1)~~(f)~~~~(i)~~ and ~~(ii)~~, the county legislative body by ordinance
 777 dissolves the township and its planning commission.]

778 ~~(g)~~ (1) A township established under this section on or after May 5, 1997, may use
 779 the word "township" in its name.

780 (2) ~~(a)~~ If the county legislative body establishes a township without having received a
 781 petition, the] The county legislative body may:

782 ~~(i)~~ (a) assign to the countywide planning commission the duties established in this
 783 part that would have been assumed by a township planning commission designated under
 784 Subsection (2)~~(a)~~~~(ii)~~(b); or

785 ~~(ii)~~ (b) designate and appoint a planning commission for the township.

786 ~~[(b) (i) If the county legislative body fails to designate a planning commission for a~~
787 ~~township, 40% of the private real property owners in the area proposed to be included in the~~
788 ~~township, as shown by the last county assessment roll, may petition the county legislative~~
789 ~~body to designate and appoint a planning commission for the township.]~~

790 ~~[(ii) If the county legislative body determines that the petition is validly signed by~~
791 ~~40% of the private real property owners in the township, as shown by the last county~~
792 ~~assessment roll, it shall designate and appoint a planning commission for the township.]~~

793 ~~[(3) (a) Except as provided in Subsection (1)(f)(iii), a county legislative body may~~
794 ~~dissolve township planning commissions created under the authority of this section only by~~
795 ~~following the procedures and requirements of this Subsection (3).]~~

796 ~~[(b) If 20% of the private real property owners in the county petition the county~~
797 ~~legislative body to dissolve township planning commissions and to appoint a countywide~~
798 ~~planning commission, the county legislative body shall:]~~

799 ~~[(i) hold a public hearing to discuss the petition;]~~

800 ~~[(ii) at least one week before the public hearing, publish notice of the petition and the~~
801 ~~time, date, and place of the public hearing at least once in a newspaper of general circulation~~
802 ~~in the county; and]~~

803 ~~[(iii) at the public hearing, consider oral and written testimony from the public and~~
804 ~~vote on the question of whether or not to dissolve township planning commissions and to~~
805 ~~appoint a countywide planning commission.]~~

806 ~~[(c) (i) If the county legislative body fails to dissolve township planning commissions~~
807 ~~and to appoint a countywide planning commission when petitioned to do so by private real~~
808 ~~property owners under this Subsection (3), 40% of private real property owners in the county,~~
809 ~~as shown by the last county assessment roll, may petition the county legislative body to~~
810 ~~dissolve the township planning commissions and to appoint a countywide planning~~
811 ~~commission.]~~

812 ~~[(ii) If the county legislative body determines that the petition is validly signed by~~
813 ~~40% of private real property owners in the township, as shown by the last county assessment~~

814 roll, it shall dissolve the township planning commissions and appoint a countywide planning
815 commission.]

816 (3) (a) An area within the boundary of a township may be withdrawn from the
817 township as provided in this Subsection (3).

818 (b) The process to withdraw an area from a township is initiated by the filing of a
819 petition with the clerk of the county in which the township is located.

820 (c) A petition under Subsection (3)(b) shall:

821 (i) be signed by the owners of private real property that:

822 (A) is located within the area proposed to be withdrawn from the township;

823 (B) covers at least 50% of the total private land area within the area proposed to be
824 withdrawn from the township; and

825 (C) is equal in value to at least 33% of the value of all private real property within the
826 area proposed to be withdrawn from the township;

827 (ii) state the reason or reasons for the proposed withdrawal;

828 (iii) be accompanied by an accurate plat or map showing the boundary of the
829 contiguous area proposed to be withdrawn from the township;

830 (iv) indicate the typed or printed name and current residence address of each owner
831 signing the petition;

832 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
833 be designated as the contact sponsor, with the mailing address and telephone number of each
834 petition sponsor;

835 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing
836 the petition for purposes of the petition; and

837 (vii) request the county legislative body to withdraw the area from the township.

838 (d) Subsection 10-2-101(3) applies to a petition to withdraw an area from a township
839 to the same extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1,
840 Incorporation.

841 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county

842 clerk shall:

843 (A) with the assistance of other county officers from whom the clerk requests
844 assistance, determine whether the petition complies with the requirements of Subsection
845 (3)(c); and

846 (B) (I) if the clerk determines that the petition complies with the requirements of
847 Subsection (3)(c):

848 (Aa) certify the petition and deliver the certified petition to the county legislative
849 body; and

850 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

851 (II) if the clerk determines that the petition fails to comply with any of the
852 requirements of Subsection (3)(c), reject the petition and notify the contact sponsor in writing
853 of the rejection and the reasons for the rejection.

854 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
855 may be amended to correct the deficiencies for which it was rejected and then refiled with the
856 county clerk.

857 (f) (i) Within 60 days after a petition to withdraw an area from a township is certified,
858 the county legislative body shall hold a public hearing on the proposal to withdraw the area
859 from the township.

860 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

861 (A) within the area proposed to be withdrawn from the township; or

862 (B) if holding a public hearing in that area is not practicable, as close to that area as
863 practicable.

864 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
865 body shall:

866 (A) publish notice of the petition and the time, date, and place of the public hearing at
867 least once a week for three consecutive weeks in a newspaper of general circulation in the
868 township; and

869 (B) mail a notice of the petition and the time, date, and place of the public hearing to

870 each owner of private real property within the area proposed to be withdrawn.

871 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
872 legislative body shall make a written decision on the proposal to withdraw the area from the
873 township.

874 (ii) In making its decision as to whether to withdraw the area from the township, the
875 county legislative body shall consider:

876 (A) whether the withdrawal would leave the remaining township in a situation where
877 the future incorporation of an area within the township or the annexation of an area within the
878 township to an adjoining municipality would be economically or practically not feasible;

879 (B) if the withdrawal is a precursor to the incorporation or annexation of the
880 withdrawn area:

881 (I) whether the proposed subsequent incorporation or withdrawal:

882 (Aa) will leave or create an unincorporated island or peninsula; or

883 (Bb) will leave the county with an area within its unincorporated area for which the
884 cost, requirements, or other burdens of providing municipal services would materially increase
885 over previous years; and

886 (II) whether the municipality to be created or the municipality into which the
887 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
888 providing service to the withdrawn area that the county will no longer provide due to the
889 incorporation or annexation;

890 (C) the effects of a withdrawal on adjoining property owners, existing or projected
891 county streets or other public improvements, law enforcement, and zoning and other municipal
892 services provided by the county; and

893 (D) whether justice and equity favor the withdrawal.

894 (h) Upon the written decision of the county legislative body approving the withdrawal
895 of an area from a township, the area is withdrawn from the township and the township
896 continues as a township with a boundary that excludes the withdrawn area.

897 (4) (a) A township may be dissolved as provided in this Subsection (4).

898 (b) The process to dissolve a township is initiated by the filing of a petition with the
899 clerk of the county in which the township is located.

900 (c) A petition under Subsection (4)(b) shall:

901 (i) be signed by registered voters within the township equal in number to at least 25%
902 of all votes cast by voters within the township at the last congressional election;

903 (ii) state the reason or reasons for the proposed dissolution;

904 (iii) indicate the typed or printed name and current residence address of each person
905 signing the petition;

906 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
907 be designated as the contact sponsor, with the mailing address and telephone number of each
908 petition sponsor;

909 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
910 for purposes of the petition; and

911 (vi) request the county legislative body to provide notice of the petition and of a public
912 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the
913 township.

914 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
915 clerk shall:

916 (A) with the assistance of other county officers from whom the clerk requests
917 assistance, determine whether the petition complies with the requirements of Subsection
918 (4)(c); and

919 (B) (I) if the clerk determines that the petition complies with the requirements of
920 Subsection (4)(c):

921 (Aa) certify the petition and deliver the certified petition to the county legislative
922 body; and

923 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

924 (II) if the clerk determines that the petition fails to comply with any of the
925 requirements of Subsection (4)(c), reject the petition and notify the contact sponsor in writing

926 of the rejection and the reasons for the rejection.

927 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
928 may be amended to correct the deficiencies for which it was rejected and then refiled with the
929 county clerk.

930 (e) (i) Within 60 days after a petition to dissolve the township is certified, the county
931 legislative body shall hold a public hearing on the proposal to dissolve the township.

932 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

933 (A) within the boundary of the township; or

934 (B) if holding a public hearing in that area is not practicable, as close to that area as
935 practicable.

936 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
937 body shall publish notice of the petition and the time, date, and place of the public hearing at
938 least once a week for three consecutive weeks in a newspaper of general circulation in the
939 township.

940 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
941 shall arrange for the proposal to dissolve the township to be submitted to voters residing
942 within the township at the next regular general election that is more than 90 days after the
943 public hearing.

944 (g) A township is dissolved at the time of the canvass of the results of an election
945 under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal
946 to dissolve the township voted in favor of the proposal.

947 Section 10. Section **63I-2-210** is amended to read:

948 **63I-2-210. Repeal dates -- Title 10.**

949 [~~1~~ Section 10-2-427 is repealed July 1, 2010.]

950 [~~2~~] Subsection 10-9a-305(2) is repealed July 1, 2013.

951 Section 11. **Repealer.**

952 This bill repeals:

953 Section **10-2-427, Annexation involving township -- Special election in township --**

954 **Approval by township planning commission.**