

MINOR ADJUSTMENTS TO COUNTY

BOUNDARIES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrick Painter

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill amends provisions relating to minor adjustments to county boundaries.

Highlighted Provisions:

This bill:

- ▶ amends provisions relating to minor adjustments to county boundaries.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-2-209, as renumbered and amended by Laws of Utah 2009, Chapter 350

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

Section 1. Section **17-2-209** is amended to read:

17-2-209. Minor adjustments to county boundaries authorized -- Public hearing -- Joint resolution of county legislative bodies -- Notice and plat to lieutenant governor -- Recording requirements -- Effective date.

(1) (a) Counties sharing a common boundary may, in accordance with the provisions of



28 Subsection (2) and Article XI, Section 3, of the Utah Constitution and for purposes of real
29 property tax assessment and county record keeping, adjust all or part of the common boundary
30 to move it [~~up to 1,000 feet from its location before the adjustment~~], subject to Subsection
31 (1)(b), a sufficient distance to reach to, and correspond with, the closest existing property
32 boundary of record.

33 (b) A boundary adjustment under Subsection (1)(a) may not create a boundary line that
34 divides or splits:

35 (i) an existing parcel;

36 (ii) an interest in the property; or

37 (iii) a claim of record in the office of recorder of either county sharing the common
38 boundary.

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

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

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

45 (c) adopt a joint resolution approved by both county legislative bodies approving the
46 proposed boundary adjustment.

47 (3) The legislative bodies of both counties adopting a joint resolution under Subsection
48 (2)(c) shall:

49 (a) within 15 days after adopting the joint resolution, jointly send to the lieutenant
50 governor:

51 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
52 that meets the requirements of Subsection 67-1a-6.5(3); and

53 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

54 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
55 under Section 67-1a-6.5, jointly submit to the recorder of the county in which the property is
56 located after the boundary adjustment:

57 (i) the original notice of an impending boundary action;

58 (ii) the original certificate of boundary adjustment;

- 59 (iii) the original approved final local entity plat; and
- 60 (iv) a certified copy of the joint resolution approving the boundary adjustment.
- 61 (4) (a) As used in this Subsection (4):
- 62 (i) "Affected area" means an area that, as a result of a boundary adjustment under this
- 63 section, is moved from within the boundary of one county to within the boundary of another
- 64 county.
- 65 (ii) "Receiving county" means a county whose boundary includes an affected area as a
- 66 result of a boundary adjustment under this section.
- 67 (b) A boundary adjustment under this section takes effect on the date the lieutenant
- 68 governor issues a certificate of boundary adjustment under Section 67-1a-6.5.
- 69 (c) (i) The effective date of a boundary adjustment for purposes of assessing property
- 70 within an affected area is governed by Section 59-2-305.5.
- 71 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the
- 72 recorder of the county in which the property is located, a receiving county may not:
- 73 (A) levy or collect a property tax on property within an affected area;
- 74 (B) levy or collect an assessment on property within an affected area; or
- 75 (C) charge or collect a fee for service provided to property within an affected area.
- 76 (5) Upon the effective date of a boundary adjustment under this section:
- 77 (a) all territory designated to be adjusted into another county becomes the territory of
- 78 the other county; and
- 79 (b) the provisions of Sections 17-2-207 and 17-2-208 apply in the same manner as with
- 80 an annexation under this part.

Legislative Review Note
as of 2-4-10 8:20 AM

Office of Legislative Research and General Counsel