

1                                   **POLITICAL SUBDIVISION BOUNDARY SHIFT**

2   **AMENDMENTS**

3   2018 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Bruce R. Cutler**

6   Senate Sponsor: Howard A. Stephenson

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8                                   **LONG TITLE**

9                                   **General Description:**

10                                   This bill requires a county that proposes a minor adjustment to the county's boundaries  
11 to provide certain notification to certain political subdivisions.

12                                   **Highlighted Provisions:**

13                                   This bill:

14                                   ▶ requires a county that proposes a minor adjustment to the county's boundaries to  
15 provide certain notification to certain political subdivisions.

16                                   **Money Appropriated in this Bill:**

17                                   None

18                                   **Other Special Clauses:**

19                                   None

20                                   **Utah Code Sections Affected:**

21                                   AMENDS:

22                                   **17-2-209**, as last amended by Laws of Utah 2010, Chapter 383

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

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

26                                   **17-2-209. Minor adjustments to county boundaries authorized -- Public hearing**  
27 **-- Joint resolution of county legislative bodies -- Notice and plat to lieutenant governor --**



28 **Recording requirements -- Effective date.**

29 (1) (a) Counties sharing a common boundary may, in accordance with the provisions of  
30 Subsection (2) and Article XI, Section 3, of the Utah Constitution and for purposes of real  
31 property tax assessment and county record keeping, adjust all or part of the common boundary  
32 to move it, subject to Subsection (1)(b), a sufficient distance to reach to, and correspond with,  
33 the closest existing property boundary of record.

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

- 36 (i) an existing parcel;
- 37 (ii) an interest in the property; or
- 38 (iii) a claim of record in the office of recorder of either county sharing the common  
39 boundary.

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

42 (a) hold a joint public hearing on the proposed boundary adjustment;  
43 ~~[(b) in addition to the regular notice required for public meetings of the county~~  
44 ~~legislative bodies, mail written notice to all real property owners of record whose property]~~

45 (b) at least seven days before the public hearing described in Subsection (2)(a), provide  
46 written notice of the proposed adjustment to:

47 (i) each owner of real property whose property, or a portion of whose property, may  
48 change counties as the result of the proposed adjustment; and

49 (ii) any of the following whose territory, or a portion of whose territory, may change  
50 counties as the result of the proposed boundary adjustment, or whose boundary is aligned with  
51 any portion of the existing county boundary that is being proposed for adjustment:

52 (A) a city;

53 (B) a town;

54 (C) a metro township;

55 (D) a school district;

56 (E) a local district governed by Title 17B, Limited Purpose Local Government Entities  
57 - Local Districts;

58 (F) a special service district governed by Title 17D, Chapter 1, Special Service District

59 Act;

60 (G) an interlocal entity governed by Title 11, Chapter 13, Interlocal Cooperation Act;

61 (H) a community reinvestment agency governed by Title 17C, Limited Purpose Local

62 Government Entities - Community Reinvestment Agency Act;

63 (I) a local building authority governed by Title 17D, Chapter 2, Local Building

64 Authority Act; and

65 (J) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;

66 and

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

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

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

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

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

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

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

80 (ii) the original certificate of boundary adjustment;

81 (iii) the original approved final local entity plat; and

82 (iv) a certified copy of the joint resolution approving the boundary adjustment.

83 (4) (a) As used in this Subsection (4):

84 (i) "Affected area" means an area that, as a result of a boundary adjustment under this  
85 section, is moved from within the boundary of one county to within the boundary of another  
86 county.

87 (ii) "Receiving county" means a county whose boundary includes an affected area as a  
88 result of a boundary adjustment under this section.

89 (b) A boundary adjustment under this section takes effect on the date the lieutenant

90 governor issues a certificate of boundary adjustment under Section [67-1a-6.5](#).

91 (c) (i) The effective date of a boundary adjustment for purposes of assessing property  
92 within an affected area is governed by Section [59-2-305.5](#).

93 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the  
94 recorder of the county in which the property is located, a receiving county may not:

95 (A) levy or collect a property tax on property within an affected area;

96 (B) levy or collect an assessment on property within an affected area; or

97 (C) charge or collect a fee for service provided to property within an affected area.

98 (5) Upon the effective date of a boundary adjustment under this section:

99 (a) all territory designated to be adjusted into another county becomes the territory of  
100 the other county; and

101 (b) the provisions of Sections [17-2-207](#) and [17-2-208](#) apply in the same manner as with  
102 an annexation under this part.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**