

POLITICAL SUBDIVISION BOUNDARY SHIFT

AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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.