

ENOCH CITY CORPORATION

ANNEXATION PROCEDURE

Revised 2019

- ___1. An unincorporated area may be annexed to a municipality if it is a contiguous area; it is contiguous to the municipality; it will not leave or create an unincorporated island or peninsula; and after December 31, 2002, the area is within the proposed annexing municipality's expansion area.
- ___2. The process to annex an unincorporated area to Enoch City is initiated by a petition. An annexation petition shall be filed with the city recorder after Notice of Intent process is complete.
- ___3. The petitioner shall meet with the City Manager to review city requirements.
- ___4. An annexation petition shall contain the signatures of the owners of private real property that is located within the area proposed for annexation, that covers a majority of private land area within the area proposed for annexation, and is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation.
- ___5. An annexation petition shall be accompanied by an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation.
- ___6. An annexation petition shall designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address and contact information of each sponsor.
- ___7. On the date of filing, the City Recorder shall deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located and the chair of the planning commission of each township in which any part of the area proposed for annexation is located.
- ___8. A petition may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected or granted.
- ___9. If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:
 - a. along the boundaries of existing special districts for sewer, water, and other services; along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries; and along the boundaries of other taxing entities;
 - b. to eliminate islands and peninsulas of territory that is not receiving municipal-type services;
 - c. to facilitate the consolidation of overlapping functions of local government;
 - d. to promote the efficient delivery of services; and
 - e. to encourage the equitable distribution of community resources and obligations.
- ___10. The City Recorder, upon receipt of a properly prepared annexation petition accompanied by the proper plat, shall impose such fees to recover the costs of processing said petition, as have been established by the City Council. The City Recorder, at that time, shall place the petition

on the agenda for consideration at a regular City Council meeting within fourteen days of its receipt. Fee is \$500 payable when the annexation petition is submitted.

- ___11. The City Council shall review the annexation petition and either accept the petition for further consideration or deny the petition.
- ___12. If the City Council denies a petition, it shall, within five days of the denial, mail written notice of the denial to the contract sponsor, the clerk of the county in which the area proposed for annexation is located, and the chair of the planning commission.
- ___13. If the City Council accepts a petition, the City Recorder shall within 30 days determine whether the petition meets the requirements of an annexation. If the petition meets the requirements, the City Recorder shall certify the petition and mail or deliver written notification of the certification to the City Council, the contract sponsor, the county legislative body, and the chair of the planning commission. If the petition fails to meet the requirements, the City Recorder shall reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the City Council, the contract sponsor, the county legislative body, and the chair of the planning commission.
- ___14. If the City Recorder rejects a petition, the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the City Recorder. If a petition is refiled, the refiled petition shall be treated as a newly filed petition.
- ___15. The City Council, within ten (10) days after receipt of the recorder's notice of certification, shall publish a notice of the proposed annexation at least once a week for three (3) consecutive weeks, in a newspaper of general circulation within the area proposed for annexation and the unincorporated area within ½ mile of the area proposed for annexation.
- ___16. The City Council, within twenty (20) days after the receipt of the recorder's notice of certification, shall mail written notice of the proposed annexation to each affected entity.
- ___17. The written notice to each affected entity shall:
 - a. state that a petition has been filed with the municipality proposing the annexation of an area to the municipality;
 - b. state the date of the City Council's receipt of the notice of certification;
 - c. describe the area proposed for annexation in the annexation petition;
 - d. state that the complete annexation petition is available for inspection and copying at the office of the city recorder;
 - e. state in conspicuous and plain terms that the municipality may grant the petition and annex the area described in the petition unless a written protest from the legislative body or governing board of an effected entity to the annexation petition, is filed with the boundary commission and a copy of the protest delivered to the city recorder no later than 30 days after the City Council's receipt of the notice of certification (state the exact date).
 - f. state the address of the boundary commission, or if a commission has not yet been created in the county, the county clerk where a protest to the annexation petition may be filed.
- ___18. The published notice of petition shall:

- a. include all the items listed for the written notice above; and
- b. include a statement that a protest to the annexation petition may be filed with the boundary commission by the legislative body or governing board of an effected entity.

- ___19. If a protest is filed, the City Council may, at its next regular meeting after expiration of the deadline, deny the annexation petition; or if the City Council does not deny the annexation petition, the City Council may take no further action on the annexation petition until after receipt of the boundary commission's notice of its decision on the protest.
- ___20. If the City Council denies an annexation petition, the City Council shall, within five days of the denial, send notice of the denial in writing to the contact sponsor of the annexation petition; the boundary commission; each entity that filed a protest.
- ___21. If no timely protest is filed, the City Council before granting an annexation petition shall hold a public hearing; and at least seven days before the public hearing, publish notice of the hearing in a newspaper of general circulation within the municipality and the area proposed for annexation.
- ___22. The petitioner and the City Attorney will sign a legal, notarized copy of the Petition/Enoch City Exaction Contract.
- ___23. The City Council may grant the petition and, by ordinance, annex the area that is the subject of the annexation petition.
- ___24. After receipt of the boundary commission's decision on a protest, the City Council may deny the annexation petition; or if the boundary commission approves the annexation, grant the annexation petition and, by ordinance and consistent with the commission's decision, annex the area that is the subject of the annexation petition.
- ___25. Within 30 days after enacting an ordinance annexing an unincorporated area, the City Recorder obtains the signature of the County Surveyor on the annexation plat map (Utah Code 17-23-20) and files the ordinance and plat with Lieutenant Governor's Office who notifies the State Tax Commission. (Utah Code 67-1a-6.5)
- ___26. Upon receipt of the Lt. Governor's Certification the annexation is filed with the County Recorder's Office.