

COTTONWOOD HEIGHTS

RESOLUTION No. 2014-76

A RESOLUTION ADOPTING A POLICY FOR  
ANNEXATIONS UNDER UTAH CODE ANN. 10-2-418(1)(A)(II)

**WHEREAS**, UTAH CODE ANN. 10-2-418(1)(a)(ii) (the “*Statute*”) allows a municipality to annex an unincorporated island or peninsula without a petition if (a) the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800 residents; and (b) the municipality has provided one or more municipal-type services to the area for at least one year; and

**WHEREAS**, certain portions of unincorporated Salt Lake County are contiguous to the city of Cottonwood Heights (the “*City*”); and

**WHEREAS**, it is possible that one or more future annexations may be pursued under the Statute; and

**WHEREAS**, consequently, the City’s city council (the “*Council*”) met on 25 November 2014 to consider, among other things, adopting an internal City policy (the “*Policy*”) for use in analyzing and processing annexation proposals under the Statute; and

**WHEREAS**, after reviewing the Policy, a copy of which is annexed hereto, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and adopt the Policy for use in analyzing and processing annexation proposals under the Statute;

**NOW THEREFORE, BE IT RESOLVED** by the Cottonwood Heights city council that the Council hereby approves and adopts the Policy for use in analyzing and processing annexation proposals under the Statute.

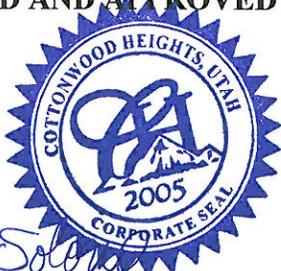
This Resolution, assigned no. 2014-76, shall take effect immediately upon passage.

**PASSED AND APPROVED** effective 25 November 2014.

ATTEST:

By:

Kory Solorio, Recorder



COTTONWOOD HEIGHTS CITY COUNCIL

By

Kelvyn H. Cullimore, Jr., Mayor

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 25<sup>th</sup> day of November 2014.

**RECORDED** this 26 day of November 2014.

## ANNEXATION OF AN ISLAND OR PENINSULA WITHOUT A PETITION COTTONWOOD HEIGHTS' PROCESS

UTAH CODE ANN. 10-2-418(1)(a)(ii) allows a municipality to annex an unincorporated island or peninsula without a petition if:

- The area to be annexed must consist of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800 residents; and
- The municipality must have provided one or more municipal-type services to the area for at least one year.

Interested applicants will schedule a meeting with the City Manager and City Recorder to review the area they are proposing be annexed into the city. The City Recorder will arrange to have a map of the subject area available, showing parcel numbers and ownership. The city officers will review with the applicants the requirements of applicable law concerning annexations; evaluate any information that is provided by the applicants at the time of the meeting; and respond to the applicants' questions regarding the process. Consent forms for property owners in the proposed area will be provided, together with the city's signature requirements for joint owners, parcels held by entities or trusts, etc.

If the owners of 50% or more (by acreage) of the private real property in the proposed annexation area submit signed consent forms stating that they desire for their parcels to be annexed into the city, the city may move forward with the annexation as follows:

1. The City Council adopts a resolution indicating the intent to annex the area, which includes a description of the area proposed to be annexed.
2. The City Recorder publishes a notice of intent to annex in a newspaper of general circulation in the city and the proposed area once a week for three successive weeks and on the Utah Public Notice Website for three weeks. Publication of the notice on the city's website also may occur, as well as such other notices as the city deems appropriate. A copy of such notice also is sent to the Salt Lake County Council and certain other local districts and special service districts. All publications and mailings shall be undertaken (or, in the case of the newspaper publication, commenced) within 14 days after the City Council's adoption of the resolution of intent to annex. At least 30 days after adoption of the resolution of intent to annex, the City Council will hold a public hearing concerning the proposed annexation.
3. The notice of intent to annex must:
  - (a) State that the City Council has adopted a resolution indicating its intent to annex the proposed area;

(b) State the date, time, and place of the public hearing concerning the proposed annexation;

(c) Describe the area proposed for annexation; and

(d) Unless the owners of at least 75% of the total private land area in the proposed annexation area (which represents at least 75% of the value of the total private land area in the proposed annexation area) have consented in writing to the proposed annexation (called herein a "75% Consent") such , the notice also shall state that the City Council will annex the area unless, at or before the public hearing, written protests to the annexation are filed by the owners of private real property located within the proposed annexation area which constitutes both a majority of the total private land area within the entire proposed annexation area and equals at least ½ of the value of all private real property within the entire proposed annexation area.

4. After the conclusion of the public hearing:

(a) If a 75% Consent has not occurred, then the City Council may not adopt an ordinance approving the annexation if, at or before the hearing, written protests to the annexation have been filed with the City Recorder by the owners of private real property located within the proposed annexation area which covers a majority of the total private land area within the entire proposed annexation area that is equal in value to at least ½ of the value of all private real property within the entire proposed annexation area. If such protests are filed, then the City Council may not adopt an ordinance approving the annexation of the area, and the subject annexation proceedings are considered terminated; provided, however, that the City Council is not prohibited from excluding from the proposed annexation the property within an unincorporated island regarding which protests have been filed and proceeding to annex some or all of the remaining portion of the unincorporated island.

(b) The City Council may adopt an ordinance approving the annexation without allowing or considering protests if a 75% Consent has occurred.

5. After the City Council's adoption of an ordinance approving an annexation, the City Recorder, in consultation with the City Attorney and the City Engineer, promptly (within 30 days or such shorter period as may be specified by statute) will prepare and file with all required repositories all necessary notices, plats and other filings as provided by UTAH CODE ANN. 10-2-425, as amended, and any other applicable statutes and rules.

6. The effective date of the annexation shall be as provided by UTAH CODE ANN. 10-2-425, as amended.