

**MUNICIPAL BOUNDARY ADJUSTMENT AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val K. Potter**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to the transfer of a substantially isolated peninsula.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates a process by which two municipalities may adjust the municipalities' common boundary in order to transfer a substantially isolated peninsula from one municipality to the other municipality; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-23-20**, as enacted by Laws of Utah 2009, Chapter 350

**59-2-305.5**, as enacted by Laws of Utah 2009, Chapter 350

ENACTS:

**10-2-801**, Utah Code Annotated 1953

**10-2-802**, Utah Code Annotated 1953



28 [10-2-803](#), Utah Code Annotated 1953  
 29 [10-2-804](#), Utah Code Annotated 1953  
 30 [10-2-805](#), Utah Code Annotated 1953



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

33 Section 1. Section **10-2-801** is enacted to read:

34 **Part 8. Transferring a Substantially Isolated Peninsula**

35 **10-2-801. Definitions.**

36 As used in this part:

- 37 (1) "Incorporated area" means an area within a municipal boundary.
- 38 (2) "Petitioner" means a person who:
  - 39 (a) owns title to real property within a substantially isolated peninsula; and
  - 40 (b) files a request to transfer a substantially isolated peninsula under this part.
- 41 (3) "Receiving municipality" means a municipality to which a substantially isolated  
 42 peninsula is proposed to be transferred.
- 43 (4) "Substantially isolated peninsula" means an incorporated area that:
  - 44 (a) is part of a larger incorporated area;
  - 45 (b) extends without interruption from the rest of the incorporated area of which the  
 46 area at issue is a part;
  - 47 (c) is 500 acres or less; and
  - 48 (d) is surrounded on more than 95% of the incorporated area's boundary distance, but  
 49 not completely, by a single municipality.
- 50 (5) "Transferring municipality" means a municipality from which a substantially  
 51 isolated peninsula is proposed to be transferred.

52 Section 2. Section **10-2-802** is enacted to read:

53 **10-2-802. Transfer process and requirements.**

- 54 (1) For the purpose of transferring a substantially isolated peninsula from a transferring  
 55 municipality to a receiving municipality, the transferring municipality and the receiving  
 56 municipality may adjust the municipalities' common boundary in accordance with this part.
- 57 (2) (a) A petitioner proposing to transfer a substantially isolated peninsula from a  
 58 transferring municipality to a receiving municipality shall file the transfer request as described

59 in Subsection (2)(b) with the transferring municipality's legislative body and the receiving  
60 municipality's legislative body.

61 (b) A petitioner shall ensure that a transfer request described in Subsection (2)(a):

62 (i) contains the names, addresses, and signatures of the owners of real property that  
63 consists of more than 50% of the total land area within the substantially isolated peninsula  
64 proposed for transfer;

65 (ii) gives the reasons for the proposed transfer;

66 (iii) includes a map or plat of the substantially isolated peninsula proposed for transfer;

67 and

68 (iv) designates between one and five persons with authority to act on the petitioners'  
69 behalf in any proceedings under this part.

70 (3) (a) No later than 90 days after the day on which a receiving municipality's  
71 legislative body receives a transfer request under Subsection (2), the receiving municipality's  
72 legislative body shall hold a public hearing to consider the proposed transfer.

73 (b) At least 10 days before the day on which a receiving municipality's legislative body  
74 holds a hearing described in Subsection (3)(a), the receiving municipality shall provide notice  
75 of the hearing on:

76 (i) the receiving municipality's official website; and

77 (ii) the Utah Public Notice website created in Section [63F-1-701](#).

78 (c) (i) No later than 90 days after the day on which a receiving municipality holds the  
79 public hearing described in Subsection (3)(a), the receiving municipality's legislative body shall  
80 adopt a resolution approving or rejecting the transfer.

81 (ii) The receiving municipality's legislative body shall ensure that a resolution  
82 approving a transfer under Subsection (3)(c)(i) includes a legal description of the substantially  
83 isolated peninsula to be transferred.

84 (4) A transfer of a substantially isolated peninsula under this part may occur regardless  
85 of whether the transferring municipality consents to the transfer.

86 Section 3. Section **10-2-803** is enacted to read:

87 **10-2-803. Filing of notice and plat -- Recording requirements.**

88 (1) No later than 30 days after the day on which a receiving municipality's legislative  
89 body adopts a resolution approving the transfer of a substantially isolated peninsula under

90 Section 10-2-802, the receiving municipality's legislative body shall file with the lieutenant  
91 governor a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets  
92 the requirements of Subsection 67-1a-6.5(3).

93 (2) Upon the lieutenant governor's issuance of a certificate of boundary adjustment  
94 under Section 67-1a-6.5, a receiving municipality's legislative body shall:

95 (a) if the transferring municipality and the receiving municipality are located within the  
96 same county, submit to the recorder of the county:

97 (i) the original:

98 (A) notice of an impending boundary action; and

99 (B) certificate of boundary adjustment; and

100 (ii) a certified copy of the resolution that the receiving municipality's legislative body  
101 adopts under Subsection 10-2-802(3); or

102 (b) if the transferring municipality and the receiving municipality are located within the  
103 boundaries of different counties:

104 (i) submit to the recorder of the county in which the receiving municipality is located:

105 (A) the original notice of an impending boundary action and certificate of boundary  
106 adjustment; and

107 (B) a certified copy of the resolution that the receiving municipality's legislative body  
108 adopts under Subsection 10-2-802(3); and

109 (ii) submit to the recorder of the county in which the transferring municipality is  
110 located a certified copy of:

111 (A) the notice of an impending boundary action;

112 (B) the certificate of boundary adjustment; and

113 (C) the resolution that the receiving municipality's legislative body adopts under  
114 Subsection 10-2-802(3).

115 (3) (a) Subject to Subsections (3)(b) and (c), upon the lieutenant governor's issuance of  
116 the certificate of boundary adjustment under Section 67-1a-6.5, the substantially isolated  
117 peninsula is transferred to the receiving municipality.

118 (b) The effective date of a boundary adjustment for purposes of assessing property  
119 within a substantially isolated peninsula that is transferred under this part is governed by  
120 Section 59-2-305.5.

121 (c) Until a receiving municipality records documents in accordance with Subsection  
122 (2), the receiving municipality may not:

123 (i) levy or collect a property tax on property within the transferred substantially isolated  
124 peninsula;

125 (ii) levy or collect an assessment on property within the transferred substantially  
126 isolated peninsula; or

127 (iii) charge or collect a fee for service provided to property within the transferred  
128 substantially isolated peninsula, unless the receiving municipality was charging and collecting  
129 the fee within the substantially isolated peninsula immediately before the transfer.

130 Section 4. Section **10-2-804** is enacted to read:

131 **10-2-804. Continuation of tax levy after transfer to pay proportionate share of**  
132 **bonds.**

133 (1) Except as provided in Subsection (2), upon transfer, a substantially isolated  
134 peninsula is relieved of all other taxes, assessments, and charges that the transferring  
135 municipality levies.

136 (2) Notwithstanding Subsection (1), a transferring municipality may continue to levy a  
137 tax on the property within a transferred substantially isolated peninsula for the purpose of  
138 paying the substantially isolated peninsula's just proportion of a transferring municipality's  
139 general obligation or revenue bond until the bonded indebtedness has been satisfied.

140 Section 5. Section **10-2-805** is enacted to read:

141 **10-2-805. Transfer does not affect boundaries of most local districts or special**  
142 **service districts.**

143 Except as provided in Section [17B-1-416](#) and Subsection [17B-1-502\(2\)](#), an adjustment  
144 of a boundary shared by municipalities under this part does not affect the boundaries of a local  
145 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a  
146 special service district under Title 17D, Chapter 1, Special Service District Act.

147 Section 6. Section **17-23-20** is amended to read:

148 **17-23-20. Final plats of local entity boundary actions -- County surveyor**  
149 **approval of final plat -- Plat requirements.**

150 (1) As used in this section:

151 (a) "Approving authority" means the person or body required under applicable statute

152 to submit to the lieutenant governor a notice of an impending boundary action, as defined in  
153 Section 67-1a-6.5.

154 (b) (i) "Boundary action" means any action that establishes, modifies, or eliminates the  
155 boundary of a local entity, including incorporation or creation, annexation, withdrawal or  
156 disconnection, consolidation, division, boundary adjustment, and dissolution.

157 (ii) "Boundary action" does not include the determination of the true location of a  
158 county boundary under Section 17-50-105.

159 (c) "Final local entity plat" means a plat that meets the requirements of Subsection (4).

160 (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

161 (2) Upon request and in consultation with the county recorder, the county surveyor of  
162 each county in which property depicted on a plat is located shall determine whether the plat is a  
163 final local entity plat.

164 (3) (a) If a county surveyor determines that a plat meets the requirements of Subsection  
165 (4), the county surveyor shall approve the plat as a final local entity plat.

166 (b) The county surveyor shall indicate the approval of a plat as a final local entity plat  
167 on the face of the final local entity plat.

168 (4) A plat may not be approved as a final local entity plat unless the plat:

169 (a) contains a graphical illustration depicting:

170 (i) in the case of a proposed creation or incorporation of a local entity, the boundary of  
171 the proposed local entity;

172 (ii) in the case of a proposed annexation of an area into an existing local entity, the  
173 boundary of the area proposed to be annexed;

174 (iii) in the case of a proposed adjustment of a boundary between local entities, the  
175 boundary of the area that the boundary adjustment proposes to move from inside the boundary  
176 of one local entity to inside the boundary of another local entity;

177 (iv) in the case of a proposed withdrawal or disconnection of an area from a local  
178 entity, the boundary of the area that is proposed to be withdrawn or disconnected;

179 (v) in the case of a proposed consolidation of multiple local entities, the boundary of  
180 the proposed consolidated local entity; [~~and~~]

181 (vi) in the case of a proposed division of a local entity into multiple local entities, the  
182 boundary of each new local entity created by the proposed division; and

183           (vii) in the case of a proposed transfer of a substantially isolated peninsula under Title  
184 10, Chapter 2, Part 8, Transferring a Substantially Isolated Peninsula, the boundary of the  
185 substantially isolated peninsula;

186           (b) is created on reproducible material that is:

187           (i) permanent in nature; and

188           (ii) the size and type specified by the county recorder;

189           (c) is drawn to a scale so that all data are legible;

190           (d) contains complete and accurate boundary information, including, as appropriate,

191 calls along existing boundary lines, sufficient to enable:

192           (i) the county surveyor to establish the boundary on the ground, in the event of a

193 dispute about the accurate location of the boundary; and

194           (ii) the county recorder to identify, for tax purposes, each tract or parcel included

195 within the boundary;

196           (e) depicts a name for the plat, approved by the county recorder, that is sufficiently

197 unique to distinguish the plat from all other recorded plats in the county;

198           (f) contains:

199           (i) the name of the local entity whose boundary is depicted on the plat;

200           (ii) the name of each county within which any property depicted on the plat is located;

201           (iii) the date that the plat was prepared;

202           (iv) a north arrow and legend;

203           (v) a signature block for:

204           (A) the signatures of:

205           (I) the professional land surveyor who prepared the plat; and

206           (II) the local entity's approving authority; and

207           (B) the approval of the county surveyor; and

208           (vi) a three-inch by three-inch block in the lower right hand corner for the county

209 recorder's use when recording the plat;

210           (g) has been certified and signed by a professional land surveyor licensed under Title

211 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and

212           (h) has been reviewed and signed by the approving authority of the local entity whose

213 boundary is depicted on the plat.

214 (5) The county surveyor may charge and collect a reasonable fee for the costs  
215 associated with:

- 216 (a) the process of determining whether a plat is a final local entity plat; and
- 217 (b) the approval of a plat as a final local entity plat.

218 Section 7. Section **59-2-305.5** is amended to read:

219 **59-2-305.5. Boundary actions not effective for purposes of assessment until**  
220 **required documents are recorded.**

221 (1) As used in this section:

222 (a) "Affected area" means:

223 (i) in the case of the creation or incorporation of a local entity, the area within the  
224 newly created local entity's boundary;

225 (ii) in the case of an annexation of an area into an existing local entity, the annexed  
226 area;

227 (iii) in the case of an adjustment of a boundary between local entities, the area that  
228 before the boundary adjustment was in the boundary of one local entity but becomes, because  
229 of the boundary adjustment, included within the boundary of another local entity;

230 (iv) in the case of the withdrawal or disconnection of an area from a local entity, the  
231 area that is withdrawn or disconnected;

232 (v) in the case of the consolidation of multiple local entities, the area within the  
233 boundary of the consolidated local entity;

234 (vi) in the case of the division of a local entity into multiple local entities, the area  
235 within the boundary of each new local entity created by the division; [~~and~~]

236 (vii) in the case of the dissolution of a local entity, the area that used to be within the  
237 former boundary of the dissolved local entity[-]; and

238 (viii) in the case of the transfer of a substantially isolated peninsula under Title 10,  
239 Chapter 2, Part 8, Transferring a Substantially Isolated Peninsula, the substantially isolated  
240 peninsula.

241 (b) "Applicable certificate" has the same meaning as defined in Section [67-1a-6.5](#).

242 (c) "Boundary action" has the same meaning as defined in Section [17-23-20](#).

243 (d) "Effective date" means the effective date, under applicable statute, of the boundary  
244 action that is the subject of an applicable certificate.



245 (e) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

246 (f) "Required documents" means the documents relating to a boundary action that are  
247 required under applicable statute to be submitted to the county recorder for recording following  
248 the lieutenant governor's issuance of an applicable certificate.

249 (2) Notwithstanding the effective date, a boundary action is not effective for purposes  
250 of assessing under this part the property located within the affected area until the required  
251 documents are recorded in the office of the recorder of each county in which the affected area  
252 is located.