

MUNICIPAL BOUNDARY CLARIFICATION

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: _____

LONG TITLE

General Description:

This bill creates a process to clarify a municipal boundary.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a process to clarify a municipal boundary to:
 - resolve a discrepancy in the location of a municipal boundary generated by conflicting data and records; and
 - realign, as appropriate, the location of a municipal boundary to be more positionally accurate;
- ▶ sets a repeal date of July 1, 2014, to repeal the municipal boundary clarification process created in this bill;
- ▶ authorizes the legislative bodies of two adjacent municipalities to clarify their common municipal boundary by adopting a boundary clarification map proposed and prepared by the state cadastral surveyor;
- ▶ authorizes the legislative bodies of a municipality and a county to clarify the common boundary between the municipality and the unincorporated county by adopting a boundary clarification map proposed and prepared by the state cadastral surveyor;
- ▶ authorizes, in certain circumstances, the state cadastral surveyor to prepare and



- 28 propose a boundary clarification map;
- 29 ▶ establishes requirements for:
 - 30 • a boundary clarification map;
 - 31 • a public notice, including notice to affected private property owners;
 - 32 • a public hearing and a public meeting;
 - 33 • reporting a boundary clarification to the lieutenant governor and county
- 34 recorder; and
 - 35 • the lieutenant governor's certification of a municipal boundary clarification;
- 36 ▶ clarifies the repository authority regarding the boundary of a political subdivision,
- 37 legal documents, and geographic information system data; and
- 38 ▶ makes technical corrections.

39 **Monies Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

- 45 **63F-1-506**, as last amended by Laws of Utah 2009, Chapter 350
- 46 **63F-1-507**, as last amended by Laws of Utah 2009, Chapter 350
- 47 **63I-2-210**, as last amended by Laws of Utah 2009, Chapter 205
- 48 **63I-2-267**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 49 **67-1a-6.5**, as repealed and reenacted by Laws of Utah 2009, Chapter 350

50 ENACTS:

- 51 **10-2-801**, Utah Code Annotated 1953
- 52 **67-1a-6.6**, Utah Code Annotated 1953



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

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

56 **Part 8. Municipal Boundary Clarification**

57 **10-2-801. Municipal boundary clarification -- Limitations and requirements --**
 58 **Boundary clarification map -- Notice and public hearing -- Reporting -- Effective date.**

- 59 (1) As used in this section:
- 60 (a) "Adjacent municipalities" means two municipalities whose boundaries:
- 61 (i) overlap;
- 62 (ii) touch; or
- 63 (iii) are separated only by a street or similar publicly owned property.
- 64 (b) "Affected property owner" means an owner of property whose property is:
- 65 (i) split by a municipal boundary on record in government boundary data; or
- 66 (ii) intersected or affected by a boundary discrepancy.
- 67 (c) "Border entity" means:
- 68 (i) in the case of two adjacent municipalities, each of the two municipalities; or
- 69 (ii) in the case of a municipality bordering an unincorporated part of the county, the
- 70 municipality and the county.
- 71 (d) "Border legislative body" means the legislative body of a border entity.
- 72 (e) "Boundary clarification map" means a map:
- 73 (i) created by, or under the direction of, the state cadastral surveyor to clarify a
- 74 municipal boundary; and
- 75 (ii) that meets the requirements of Subsection (7).
- 76 (f) "Boundary discrepancy" means a discrepancy in the location of a municipal
- 77 boundary:
- 78 (i) when comparing government boundary data; and
- 79 (ii) that occurred prior to January 1, 2010.
- 80 (g) "Clarify" or "clarification" means to clearly delineate and legally establish a
- 81 municipal boundary in order to:
- 82 (i) resolve a municipal boundary discrepancy; or
- 83 (ii) realign a municipal boundary.
- 84 (h) "Geographic information system" is as defined in Section 63F-1-502.
- 85 (i) "Government boundary data" means geographic information system data or other
- 86 boundary records kept by:
- 87 (i) a border entity;
- 88 (ii) for each county in which the municipal boundary that is proposed to be clarified is
- 89 located:

90 (A) the county surveyor, if the county has a county surveyor;
91 (B) the county recorder; and
92 (C) the county's geographic information system department, or, if the county does not
93 have a geographic information system department, a similar department;

94 (iii) the State Tax Commission;
95 (iv) the Office of the Lieutenant Governor;
96 (v) the State Geographic Information Database; or
97 (vi) the United States Census Bureau.

98 (j) "Realign a municipal boundary" means to modify a municipal boundary through
99 geo-referenced aerial imagery and parcel boundaries in order to follow a:

100 (i) street centerline;
101 (ii) parcel boundary; or
102 (iii) natural geographic feature, including a river or ridge line.

103 (k) "Signed boundary clarification map" means a boundary clarification map that has
104 been:

105 (i) certified and signed by the state cadastral surveyor;
106 (ii) reviewed by each border legislative body; and
107 (iii) signed by the chair of each border legislative body.

108 (l) "Specified entities" means:

109 (i) each of the two border entities;
110 (ii) for each county in which the municipal boundary that is proposed to be clarified is
111 located:

112 (A) the county surveyor, if the county has a county surveyor;

113 (B) the county recorder; and

114 (C) the county's geographic information system department, or, if the county does not
115 have a geographic information system department, a similar department;

116 (iii) the State Tax Commission; and

117 (iv) the Office of the Lieutenant Governor.

118 (m) "State cadastral surveyor" means the surveyor whose position is established within
119 the Automated Geographic Reference Center under Section 63F-1-506.

120 (n) "State Geographic Information Database" means the database created under Section

121 63F-1-507.

122 (o) "Street" is as defined in Subsection 41-1a-102(21).

123 (2) In accordance with this section, the border legislative bodies of two border entities
124 may, with the state cadastral surveyor, clarify a common municipal boundary between the two
125 border entities.

126 (3) The state cadastral surveyor, in consultation with specified entities, may propose
127 for adoption by each border legislative body a boundary clarification map that, subject to
128 Subsection (7), clarifies the common municipal boundary between the two border entities.

129 (4) When researching a boundary discrepancy, the state cadastral surveyor:

130 (a) shall review historical and current boundary records and data provided by:

131 (i) each border entity;

132 (ii) for each county in which the municipal boundary that is proposed to be clarified is
133 located:

134 (A) the county surveyor, if the county has a county surveyor;

135 (B) the county recorder; and

136 (C) the county's geographic information system department, or, if the county does not
137 have a geographic information system department, a similar department; and

138 (iii) the State Tax Commission; and

139 (b) may use:

140 (i) information regarding taxation and delivery of municipal type services;

141 (ii) evidence gathered from geo-referenced aerial imagery if the imagery has a high
142 level of positional accuracy; or

143 (iii) the statewide parcel layer and other relevant data sets available from the county
144 and the State Geographic Information Database.

145 (5) When realigning a municipal boundary, the state cadastral surveyor:

146 (a) may not:

147 (i) split a residential unit; or

148 (ii) split a privately owned parcel, unless it was the intent of the original boundary to
149 split the parcel; and

150 (b) shall:

151 (i) use geo-referenced aerial imagery if the imagery has a high level of positional

152 accuracy;
153 (ii) use parcel boundaries;
154 (iii) move a boundary to a position that is most accurate after reviewing available
155 government boundary data, geo-referenced aerial imagery, and parcel boundaries; and
156 (iv) move a boundary to the street centerline, if:
157 (A) the boundary is parallel to the street with no privately owned property between the
158 boundary and the street centerline; and
159 (B) both border legislative bodies agree to move the boundary to the street centerline
160 under Subsection (11).
161 (6) Clarification of a municipal boundary does not affect property ownership.
162 (7) A boundary clarification map shall:
163 (a) contain and label a graphical representation depicting the location of the municipal
164 boundary:
165 (i) for the proposed clarification; and
166 (ii) according to the geographic information system data from:
167 (A) each of the two border entities;
168 (B) the State Geographic Information Database;
169 (C) the county's geographic information system department, or, if the county does not
170 have a geographic information system department, a similar department;
171 (D) the State Tax Commission; and
172 (E) the United States Census Bureau;
173 (b) contain a graphical representation depicting the location of the:
174 (i) Public Land Survey System section corners;
175 (ii) county parcels; and
176 (iii) street centerlines;
177 (c) show geo-referenced aerial imagery, as needed;
178 (d) contain accurate boundary information for the proposed clarification sufficient to
179 enable the county recorder to identify, for tax purposes, each tract or parcel included within the
180 boundary;
181 (e) be drawn to a scale so that all data are legible;
182 (f) be created on reproducible material that is:

- 183 (i) permanent in nature; and
- 184 (ii) the size and type specified by the county recorder; and
- 185 (g) contain:
- 186 (i) the names of the two border entities;
- 187 (ii) the name of each county within which any property depicted on the map is located;
- 188 (iii) a north arrow, legend, and graphic scale of the drawing;
- 189 (iv) the date that the map was prepared;
- 190 (v) a signature block for the signatures of:
- 191 (A) the state cadastral surveyor; and
- 192 (B) each chair of the two border legislative bodies; and
- 193 (vi) a three-inch by three-inch block in the lower, right-hand corner for the county
- 194 recorder's use when recording the map.

195 (8) For the purpose of considering a boundary clarification map proposed by the state
196 cadastral surveyor, each border legislative body shall hold a public hearing and provide notice
197 in accordance with Subsection (9).

198 (9) (a) Each border legislative body shall give notice of the date, time, and place of:

199 (i) the first public hearing to consider adoption of the boundary clarification map
200 described in Subsection (8); and

201 (ii) each subsequent public meeting held to consider adoption of the boundary
202 clarification map.

203 (b) The notice of a public hearing or public meeting under Subsection (9)(a)(i) shall:

204 (i) be posted:

205 (A) (I) in at least three public locations within the border entity; or

206 (II) on the border entity's official website; and

207 (B) on the Utah Public Notice Website established in Section 63F-1-701;

208 (ii) be mailed at least 10 calendar days before the day on which the public hearing is
209 held to each affected property owner; and

210 (iii) include a copy of the boundary clarification map of sufficient quality that an
211 affected property owner may clearly determine the location of the proposed boundary
212 clarification.

213 (c) Each notice of a public hearing under Subsection (9)(a)(i) or a public meeting under

214 Subsection (9)(a)(ii) shall comply with the requirements of Section 52-4-202 in addition to the
215 requirements of this Subsection (9).

216 (10) (a) An affected property owner may, at or before the first public hearing described
217 in Subsection (9)(a)(i), submit a written request that the border legislative body postpone, up to
218 28 days after the day of the first public hearing, the decision on the boundary clarification map
219 if the request is to allow the affected property owner:

220 (i) time to gather additional evidence; and

221 (ii) to present the evidence described in Subsection (10)(a)(i) to the border legislative
222 body for its consideration.

223 (b) If a border legislative body receives a request under Subsection (10)(a), the border
224 legislative body shall:

225 (i) postpone the decision for the time requested, not to exceed 40 days after the day on
226 which the first public hearing is held; and

227 (ii) at a subsequent public meeting, allow each affected property owner submitting a
228 written request under Subsection (10)(a) to present any new evidence before the border
229 legislative body makes a decision on the boundary clarification map.

230 (11) (a) The border legislative body may adopt an ordinance approving the boundary
231 clarification map as the boundary of the municipality:

232 (i) upon conclusion of the public hearing under Subsection (8);

233 (ii) at the subsequent public meeting under Subsection (10)(b)(ii); or

234 (iii) upon conclusion of the public hearing under Subsection (11)(b)(ii)(B)(I).

235 (b) (i) If a border legislative body determines that the boundary clarification depicted in
236 the boundary clarification map is inaccurate, the border legislative body shall forward any new
237 information to the:

238 (A) other border legislative body; and

239 (B) state cadastral surveyor.

240 (ii) (A) After review of any new information received under Subsection (11)(b)(i), the
241 state cadastral surveyor may, in consultation with specified entities, prepare a revised boundary
242 clarification map for adoption by each of the two border legislative bodies.

243 (B) A border legislative body that receives a revised boundary clarification map under
244 Subsection (11)(b)(ii)(A) shall:

245 (I) hold a public hearing to consider the revised boundary clarification map; and
246 (II) give notice of the public hearing under Subsection (11)(b)(ii)(B)(I) in accordance
247 with Subsection (9).

248 (12) An ordinance adopted under Subsection (11)(a) is not effective until:
249 (a) each border legislative body involved in the boundary clarification has adopted an
250 ordinance under Subsection (11)(a); and

251 (b) the lieutenant governor issues a certificate of boundary clarification under Section
252 67-1a-6.6.

253 (13) Each border legislative body that enacts an ordinance under this section approving
254 the boundary clarification shall:

255 (a) within 30 days after the day on which the last border legislative body involved in
256 the boundary clarification has enacted an ordinance under Subsection (11)(a), file with the
257 lieutenant governor:

258 (i) a notice of an impending boundary clarification, as defined in Section 67-1a-6.6,
259 that meets the requirements of Subsection 67-1a-6.6(3);

260 (ii) a copy of the signed boundary clarification map; and

261 (iii) a copy of the ordinance approving the boundary clarification; and

262 (b) upon the lieutenant governor's issuance of a certificate of boundary clarification
263 under Section 67-1a-6.6, submit to the county recorder:

264 (i) a copy of the notice of an impending boundary clarification;

265 (ii) a copy of the certificate of boundary clarification;

266 (iii) the signed boundary clarification map; and

267 (iv) the ordinance approving the boundary clarification.

268 (14) A boundary clarification under this section is completed and takes effect on the
269 date of the lieutenant governor's issuance of a certificate of boundary clarification under
270 Section 67-1a-6.6.

271 (15) Each specified entity shall update its records and data to reflect a clarified
272 boundary completed under Subsection (14).

273 (16) Nothing in this section may be construed to give authority to modify the boundary
274 of a municipality when any of the following statutes is a more applicable statute to modify the
275 municipal boundary:

276 (a) Part 4, Annexation;

277 (b) Part 5, Restriction of Municipal Limits; or

278 (c) Section 10-2-419.

279 Section 2. Section **63F-1-506** is amended to read:

280 **63F-1-506. Automated Geographic Reference Center.**

281 (1) There is created the Automated Geographic Reference Center as part of the
282 division.

283 (2) The center shall:

284 (a) provide geographic information system services to state agencies under rules
285 adopted in accordance with Section 63F-1-504 and policies established by the division;

286 (b) provide geographic information system services to federal government, local
287 political subdivisions, and private persons under rules and policies established by the division;

288 (c) manage the State Geographic Information Database; and

289 (d) establish standard format, lineage, and other requirements for the database.

290 (3) (a) There is created a position of surveyor within the center.

291 (b) The surveyor under this Subsection (3) shall:

292 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional
293 Engineers and Land Surveyors Licensing Act;

294 (ii) provide technical support to the office of lieutenant governor in the lieutenant
295 governor's evaluation under Section 67-1a-6.5 of a proposed boundary action, as defined in
296 Section 17-23-20;

297 (iii) research and propose a clarification of a municipal boundary under Section
298 10-2-801, as needed;

299 [~~(iii)~~] (iv) as requested by a county surveyor, provide technical assistance to the county
300 surveyor with respect to the county surveyor's responsibilities under Section 17-23-20;

301 [~~(iv)~~] (v) fulfill the duties described in Section 17-50-105, if engaged to do so as
302 provided in that section;

303 [~~(v)~~] (vi) assist the State Tax Commission in processing and quality assurance of
304 boundary descriptions or maps into digital format for inclusion in the State Geographic
305 Information Database;

306 [~~(vi)~~] (vii) coordinate with county recorders and surveyors to create a statewide parcel

307 layer in the State Geographic Information Database containing parcel boundary, parcel
 308 identifier, parcel address, owner type, and county recorder contact information; and
 309 [~~(vii)~~] (viii) facilitate and integrate the collection efforts of local government and
 310 federal agencies for data collection to densify and enhance the statewide Public Land Survey
 311 System reference network in the State Geographic Information Database.

- 312 (4) The division may:
 313 (a) make rules and establish policies to govern the center and its operations; and
 314 (b) set fees for the services provided by the center.

315 (5) The state may not sell information obtained from counties under Subsection
 316 (3)(b)[~~(v)~~](vii).

317 Section 3. Section **63F-1-507** is amended to read:

318 **63F-1-507. State Geographic Information Database.**

319 (1) There is created a State Geographic Information Database to be managed by the
 320 center.

- 321 (2) The database shall:
 322 (a) serve as the central reference for all information contained in any GIS database by
 323 any state agency;
 324 (b) serve as a clearing house and repository for all data layers required by multiple
 325 users;
 326 (c) serve as a standard format for geographic information acquired, purchased, or
 327 produced by any state agency; and
 328 (d) include an accurate representation of all civil subdivision boundaries of the state.

329 (3) The boundary of a political subdivision within the database is the official boundary
 330 of the political subdivision for administrative purposes.

331 [~~(3)~~] (4) Each state agency that acquires, purchases, or produces digital geographic
 332 information data shall:

- 333 (a) inform the center of the existence of the data layers and their geographic extent;
 334 (b) allow the center access to all data classified public; and
 335 (c) comply with any database requirements established by the center.

336 [~~(4)~~] (5) At least annually, the State Tax Commission shall deliver to the center
 337 information the State Tax Commission receives under Section 67-1a-6.5 relating to the creation

338 or modification of the boundaries of political subdivisions.

339 ~~[(5)]~~ (6) The boundary of a political subdivision within the State Geographic
340 Information Database is the official boundary of the political subdivision for purposes of
341 meeting the needs of the United States Bureau of the Census in identifying the boundary of the
342 political subdivision.

343 Section 4. Section **63I-2-210** is amended to read:

344 **63I-2-210. Repeal dates -- Title 10.**

345 (1) Section 10-2-801 is repealed July 1, 2014.

346 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

347 Section 5. Section **63I-2-267** is amended to read:

348 **63I-2-267. Repeal dates -- Title 67.**

349 Section 67-1a-6.6 is repealed July 1, 2014.

350 Section 6. Section **67-1a-6.5** is amended to read:

351 **67-1a-6.5. Certification of local entity boundary actions.**

352 (1) As used in this section:

353 (a) "Applicable certificate" means:

354 (i) for the impending incorporation of a city, town, local district, or conservation
355 district, a certificate of incorporation;

356 (ii) for the impending creation of a county, school district, special service district,
357 community development and renewal agency, or interlocal entity, a certificate of creation;

358 (iii) for the impending annexation of territory to an existing local entity, a certificate of
359 annexation;

360 (iv) for the impending withdrawal or disconnection of territory from an existing local
361 entity, a certificate of withdrawal or disconnection, respectively;

362 (v) for the impending consolidation of multiple local entities, a certificate of
363 consolidation;

364 (vi) for the impending division of a local entity into multiple local entities, a certificate
365 of division;

366 (vii) for the impending adjustment of a common boundary between local entities, a
367 certificate of boundary adjustment; and

368 (viii) for the impending dissolution of a local entity, a certificate of dissolution.

369 (b) "Approved final local entity plat" means a final local entity plat, as defined in
370 Section 17-23-20, that has been approved under Section 17-23-20 as a final local entity plat by
371 the county surveyor.

372 (c) "Approving authority" [~~has the same meaning~~] is as defined in Section 17-23-20.

373 (d) "Boundary action" [~~has the same meaning~~] is as defined in Section 17-23-20.

374 (e) "Center" means the Automated Geographic Reference Center created under Section
375 63F-1-506.

376 (f) "Community development and renewal agency" [~~has the same meaning~~] is as
377 defined in Section 17C-1-102.

378 (g) "Conservation district" [~~has the same meaning~~] is as defined in Section 17D-3-102.

379 (h) "Interlocal entity" [~~has the same meaning~~] is as defined in Section 11-13-103.

380 (i) "Local district" [~~has the same meaning~~] is as defined in Section 17B-1-102.

381 (j) "Local entity" means a county, city, town, school district, local district, community
382 development and renewal agency, special service district, conservation district, or interlocal
383 entity.

384 (k) "Notice of an impending boundary action" means a written notice, as described in
385 Subsection (3), that provides notice of an impending boundary action.

386 (l) "Special service district" [~~has the same meaning~~] is as defined in Section
387 17D-1-102.

388 (m) "State Geographic Information Database" means the database created under
389 Section 63F-1-507.

390 (2) Within 10 days after receiving a notice of an impending boundary action, the
391 lieutenant governor shall:

392 (a) (i) issue the applicable certificate, if:

393 (A) the lieutenant governor determines that the notice of an impending boundary action
394 meets the requirements of Subsection (3); and

395 (B) except in the case of an impending local entity dissolution, the notice of an
396 impending boundary action is accompanied by an approved final local entity plat;

397 (ii) send the applicable certificate to the local entity's approving authority;

398 (iii) return the original of the approved final local entity plat to the local entity's
399 approving authority;

400 (iv) send a copy of the applicable certificate and approved final local entity plat to:

401 (A) the State Tax Commission;

402 (B) the center; and

403 (C) the county assessor, county surveyor, county auditor, and county attorney of each

404 county in which the property depicted on the approved final local entity plat is located; and

405 (v) send a copy of the applicable certificate to the state auditor, if the boundary action

406 that is the subject of the applicable certificate is:

407 (A) the incorporation or creation of a new local entity;

408 (B) the consolidation of multiple local entities;

409 (C) the division of a local entity into multiple local entities; or

410 (D) the dissolution of a local entity; or

411 (b) (i) send written notification to the approving authority that the lieutenant governor

412 is unable to issue the applicable certificate, if:

413 (A) the lieutenant governor determines that the notice of an impending boundary action

414 does not meet the requirements of Subsection (3); or

415 (B) the notice of an impending boundary action is:

416 (I) not accompanied by an approved final local entity plat; or

417 (II) accompanied by a plat or final local entity plat that has not been certified as a final

418 local entity plat by the county surveyor under Section 17-23-20; and

419 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is

420 unable to issue the applicable certificate.

421 (3) Each notice of an impending boundary action shall:

422 (a) be directed to the lieutenant governor;

423 (b) contain the name of the local entity or, in the case of an incorporation or creation,

424 future local entity, whose boundary is affected or established by the boundary action;

425 (c) describe the type of boundary action for which an applicable certificate is sought;

426 and

427 (d) (i) contain a statement, signed and verified by the approving authority, certifying

428 that all [~~requirements applicable to the~~] boundary action requirements have been met; or

429 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy

430 of the court order approving the dissolution of the municipality.

431 (4) The lieutenant governor may require the approving authority to submit ~~[a paper or~~
 432 ~~electronic copy of]~~ a notice of an impending boundary action and approved final local entity
 433 plat ~~[in conjunction with the filing of the original of those documents.]~~ in:

434 (a) a paper format;

435 (b) an electronic format; or

436 (c) any combination of a paper or electronic format.

437 (5) (a) The lieutenant governor is the repository for legal documents regarding the
 438 boundary of a political subdivision.

439 ~~[(5)(a)]~~ (b) The lieutenant governor shall:

440 (i) keep, index, maintain, and make available to the public each notice of an impending
 441 boundary action, approved final local entity plat, applicable certificate, and other document that
 442 the lieutenant governor receives or generates under this section;

443 (ii) make a copy of each document listed in Subsection (5)~~[(a)(i)]~~(b)(i) available on the
 444 Internet for 12 months after the lieutenant governor receives or generates the document;

445 (iii) furnish a paper copy of any of the documents listed in Subsection (5)~~[(a)(i)]~~(b)(i)
 446 to any person who requests a paper copy; and

447 (iv) furnish a certified copy of any of the documents listed in Subsection
 448 (5)~~[(a)(i)]~~(b)(i) to any person who requests a certified copy.

449 ~~[(b)]~~ (c) The lieutenant governor may charge a reasonable fee for a paper copy or
 450 certified copy of a document that the lieutenant governor provides under this Subsection (5).

451 (6) (a) The center is the repository for geographic information system data regarding
 452 the boundary of a political subdivision.

453 (b) The center shall update the State Geographic Information Database with:

454 (i) a boundary action under this section; and

455 (ii) a boundary clarification as defined in Section 10-2-801.

456 (c) A political subdivision boundary in the State Geographic Information Database is
 457 the official boundary of the political subdivision for administrative purposes.

458 Section 7. Section **67-1a-6.6** is enacted to read:

459 **67-1a-6.6. Certification of municipal boundary clarifications.**

460 (1) As used in this section:

461 (a) "Approving authority" means a border legislative body as defined in Section

462 10-2-801.

463 (b) "Center" means the Automated Geographic Reference Center created under Section
464 63F-1-506.

465 (c) "Clarification" is as defined in Section 10-2-801.

466 (d) "Local entity" means a border entity as defined in Section 10-2-801.

467 (e) "Notice of an impending boundary clarification" means a written notice described
468 in Subsection (3).

469 (f) "Signed boundary clarification map" is as defined in Section 10-2-801.

470 (2) Within 10 days after the day on which the lieutenant governor receives the last of
471 the two notices of an impending boundary clarification from the local entities involved in a
472 boundary clarification, the lieutenant governor shall:

473 (a) (i) issue a certificate of boundary clarification, if:

474 (A) the lieutenant governor determines that each of the two notices of an impending
475 boundary clarification meet the requirements of Subsection (3); and

476 (B) at least one of the notices of an impending boundary clarification is accompanied
477 by a signed boundary clarification map;

478 (ii) email or send the certificate of boundary clarification to each local entity's
479 approving authority; and

480 (iii) email or send a copy of the certificate of boundary clarification and signed
481 boundary clarification map to:

482 (A) the State Tax Commission;

483 (B) the center; and

484 (C) for each county in which the property depicted on the signed boundary clarification
485 map is located:

486 (I) the county assessor;

487 (II) the county surveyor;

488 (III) the county auditor; and

489 (IV) the county attorney; or

490 (b) (i) email or send written notification to the approving authority that the lieutenant
491 governor is unable to issue a certificate of boundary clarification, if:

492 (A) the lieutenant governor determines that the notice of an impending boundary

493 clarification does not meet the requirements of Subsection (3); or
494 (B) the notice of an impending boundary clarification is not accompanied by a signed
495 boundary clarification map; and
496 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is
497 unable to issue a certificate of boundary clarification.
498 (3) Each notice of an impending boundary clarification shall:
499 (a) be directed to the lieutenant governor;
500 (b) contain the name of each local entity whose boundary is modified by the boundary
501 clarification;
502 (c) request the lieutenant governor to issue a certificate of boundary clarification; and
503 (d) contain a statement, signed and verified by the approving authority, certifying that
504 all boundary clarification requirements have been met.
505 (4) The lieutenant governor may require the approving authority to submit a notice of
506 an impending boundary clarification and a signed boundary clarification map in:
507 (a) a paper format;
508 (b) an electronic format; or
509 (c) a combination of Subsections (4)(a) and (b).
510 (5) (a) The lieutenant governor shall comply with the requirements of Subsection
511 67-1a-6.5(5) as if the boundary clarification were a boundary action.
512 (b) The center shall comply with the requirements of Subsection 67-1a-6.5(6) as if the
513 boundary clarification were a boundary action.

Legislative Review Note
as of 2-8-10 2:51 PM

Office of Legislative Research and General Counsel

S.B. 199 - Municipal Boundary Clarification

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
