



MEMORANDUM

To: Carly Castle
From: Nathan Bracken and Jennifer Bowen Crockett
Re: Annexation procedure for Moab
Date: July 18, 2022

1. Issue Notice of Intent to File an Annexation Petition
2. File Petition
3. Acceptance or Denial of the Petition
 - a. If denied petitioner can make changes and submit again
4. After acceptance / certification – Hold public hearing
 - a. If no protests
 - i. Within 30 days of the public hearing issue decision
 - ii. Within 60 days of the public hearing file information with Lt. Governor’s office
 - iii. After Lt. Governors approval file information with Grand County Recorder’s office
 - b. If protests
 - i. create a boundary commission
 - ii. boundary commission conducts feasibility study
 - iii. hold a hearing
 - iv. within 30 days issue decision either approving or disapproving annexation

1. Issue a Notice of Intent to File an Annexation Petition. § 10-2-403(2)(a).

- a. The person/persons requesting annexation (“**Petitioner**”) files with the city recorder or town clerk of the proposed annexing municipality (“**Municipality** or **Moab**”) a notice of intent to file a petition. (Notice language and map specified in § 10-2-403(2)(b)(iii)(B) & (C)).
- b. Petitioner sends a copy of the notice of intent to each affected entity. This includes Grand County and any municipality within ½ mile.

257 S. 200 E., SUITE 500 SALT LAKE CITY, UTAH 84111
TELEPHONE 801-413-1600 TOLL FREE 877-825-2064 FACSIMILE 801-413-1620
WWW.SMITHHARTVIGSEN.COM

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- c. Grand County then sends notices, within 20 days after receiving the notice, to all property owners within the area and within 300 feet of the area proposed to be annexed.
- d. Grand County then sends a certificate indicating the notice has been mailed.

2. Annexation Petition. § 10-2-403(2)(c).

- a. After receiving the certificate of mailing from the County the Petitioner requests a petition for annexation from Moab.
- b. Petition must be signed by (assuming no publicly owned land in proposed area):
 - i. Owners of 100% of rural real property within the area, if any;
 - ii. Owners of 100% of private property within the area if the area is within an agricultural protection area;
 - iii. Owners of private real property equal to at least 1/3 of the value of all real property in the area; and
 - iv. Signature page must contain language specified in § 10-2-403(3)(d).
- c. Petition needs to contain: [§ 10-2-403(3)(c)]
 - i. Accurate and recordable map, prepared by a licensed surveyor;
 - ii. Copy of notice sent along with list of people/entities to which notice was sent;
 - iii. Designate up to five sponsors, and at least one contact sponsor, with addresses for each; and
 - iv. To file the petition the Petitioner submits it to the Moab City Recorder while also mailing a copy to the Grand County Clerk.

3. Acceptance or Denial of Petition. § 10-2-405(1).

- a. The municipal legislative body may:
 - i. Deny the petition. [§ 405(1)(b)]
 - 1. Within 5 days after the denial, mail a written notice of the denial to both the contact sponsor and the Grand County Clerk.
 - ii. Accept the petition for further consideration.
 - 1. Within 30 days of acceptance petition is reviewed to make sure it meets the requirements of §§ 10-2-403(3) and (4). If the petition does meet the requirements it is accepted, if not it is rejected but can be refiled to correct deficiencies.

4. Following Acceptance/Certification of Petition § 10-2-406.

****at this point Moab may want to submit the petition to their planning commission for review****

- a. Within 10 days after the acceptance/certification of the petition Moab must publish notice of certification [specific requirements found at § 10-2-406 (2) and (3)]:
 - i. Within the area proposed for annexation by posting notice in the area most likely to give notice to residents or by mailing a copy to each residence;
 - ii. By publishing notice on the Utah Public Notice Website – for 3 weeks;
 - iii. Within 20 days after certification by mailing written notice to each effected entity; and
 - iv. Posting on Moab’s website for 3 weeks.
- b. If no timely protests are filed: § 10-2-407 (7)
 - i. Provide notice of a public hearing at least 7 days prior to the hearing by posting notice [specific requirements found at § 10-2-407(7)(a)] or 10 days prior to the hearing by mailing notice.
 - ii. Hold the public hearing.
 - iii. Approve the petition by adopting an ordinance.
 - iv. Within 60 days of adopting the ordinance, file a plat map and notice of impending boundary action with the Lt. Governor’s office who will then issue a certificate of annexation.
 - v. Submit the information listed in § 10-2-425(1)(b) and (c) to the Grand County recorder.
 - vi. Send notice of the annexation to each affected entity.
 - vii. File with the department of health a certified copy of the ordinance approving annexation and a copy of the approved final plat.
- c. If timely protests are filed:
 - i. Moab can deny the petition.
 - ii. If Moab does not deny the petition, a boundary commission will be created to conduct a feasibility study.
 - 1. The feasibility study must address 15 considerations [§ 10-2-413 (3)(a)].
 - 2. If the feasibility study does not adequately address the 15 considerations, the Petitioner may file a modified Petition.
 - iii. Within 30 days after the time for filing a protest has expired a hearing needs to be held
 - iv. At least 14 days prior to the date of hearing notice should be:
 - 1. posted in an area that is most likely to give notice to the residents or mail a notice to each real property owner/ resident in the combined area;
 - 2. posted on the notice on the Utah Public Notice website;

3. send written notice to the municipal legislative body of the proposed annexing municipality, the contact sponsor on the annexation petition, and each entity that filed a protest;
 4. posted on Moab's website; and
 5. posted on Grand County's website
- v. Hearing needs to be recorded.

5. Options for Boundary commission decision: § 10-2-416

- a. approve annexation (with or without conditions);
- b. make minor modifications to the proposed annexation and approve it; or
- c. disapprove the proposed annexation.

6. Adoption and Approval of Annexation § 10-2-425

- a. Within 30 days after the hearing the commission shall issue a written decision either approving or disapproving the annexation.
- b. Within 60 days of approval of the annexation, file a plat map and notice of impending boundary action with the Lt. Governor's office who will then issue a certificate of annexation [§ 67-1a-6.5].
 - i. The date the annexation takes effect is the issue date of this certificate.
- c. Submit the information listed in § 10-2-425(1)(b) and (c) to the Grand County recorder.
- d. Send notice of the annexation to each affected entity.
- e. File with the department of health a certified copy of the ordinance approving annexation and a copy of the approved final plat.