



Mendon City Corporation

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MENDON CITY ANNEXATION PROCESS

References: State Code 10-2-8 and Cache County Annexation Document

Responsible Party Designation: *Petitioner *County *City Council and/or Recorder *Other City Committees *Protests *Lieutenant Governor Yellow Highlight indicates a Document.

Pre-Petition Step: The **Petitioner** shall:

- Review Utah State Code Chapter 10-2-8 Annexation.
- Review Mendon City Code Chapter 12.20. Annexation Policy Plan (2019)
- Understand a petition may not propose to annex any part of an area proposed for annexation to a municipality in a previously filed petition that has not been acted on.
- Verify the area considered for annexation is generally located within the City's annexation area
- Verify the boundaries of the area shall be drawn in accordance with 10-2-806(5)

STEP 1: **Petitioner** files **NOTICE OF INTENT** with City.

- Notice MUST include an accurate, recordable map with the area to be proposed to be annexed clearly marked
- A copy of the **Notice of Intent** must be sent to each affected entity
- **City Recorder** verifies that the notice meets all requirements.

The **Petitioner** shall then submit to **Cache County** (pursuant to 10-2-806(2)(b)(ii))

- **Notice of Intent** with an accurate map of the area to be annexed if not previously provided.
- A **written request** to mail the required statutory notice, and
- **Payment of fees** to county for mailing the notice.

The **County** then within 20 days sends the **Statutory Notice** to the affected parties, and a **Certificate** and Copy of the **Statutory Notice** to the city.

STEP 2: **Petitioner** submits a written request to the **City Recorders Office** for an **ANNEXATION PETITION TEMPLATE**.

- **City Recorder** provides **Petitioner** with Mendon City Annexation Petition Template Packet.

STEP 3: Petitioner submits a **complete ANNEXATION PETITION** and all applicable fees to the **City Recorders Office**. The **Petition** must contain:

- **Signatures of the owners of all the publicly owned real property**, and/or the owners of all private real property that:
 - Is located within the area proposed for annexation
 - Covers a majority of private land area within the area proposed for annexation
 - Covers 100% of all the rural real property 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.
- The Petition must be accompanied by
 - **An accurate and recordable map**, prepared by a licensed surveyor
 - **A copy of the notice** sent to all affected entities
 - **A list of affected entities** to which notice was sent
 - Contain on the signature page a statement that states substantially the language contained in Utah Code 10-2-805(4)(a)(iii)(A)
 - **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 of each sponsor.
 - **Annexation Petition Filing Fee:** \$750 (non-refundable) and a \$500 professional fee deposit. (Deposit covers mailing costs, engineering fees, attorney fees etc. The balance of the deposit is refundable after completion of annexation. If fees exceed the deposit amount, the Petitioner will be billed accordingly.)

***Note: All documents must be submitted simultaneously.** They will **not** be accepted by the City Recorder in part.

The **Petitioner** must file the Petition with the **City Recorder**, and the **Petitioners Contact Sponsor** must deliver or mail a **completed copy** of the **Petition** to the **County Clerk on the date of filing** with the **City Recorder**.(per 10-2-806(3) & (6)).

The **City Recorder** presents the **Petition** to the **City Council** for review at the next scheduled meeting with is AT LEAST 14 days after the petition is filed. The **City Recorder** may also present the application to the **Land Use Authority** and **Planning and Zoning** for their review and recommendation to the **City Council**.

IF DENIED BY CITY COUNCIL: The **City Recorder** shall mail a written notice of the denial to the **Contact Sponsor** and the **County Clerk** within **5 days** of the denial.

IF ACCEPTED BY CITY COUNCIL: The **City Recorder** shall obtain the records they need from the county assessor, clerk, surveyor and recorder, and with the assistance of the **City Attorney, or City Staff**, determine whether the petition meets state law requirements (per 10-2-807(2)).

The **City Recorder** has **30 days** from the **City Council's** acceptance to certify or deny the petition (per 10-2-807(2)).

- If the Petition is certified, the **City Recorder** must mail or deliver written notification to the **City Council**, the **Contact Sponsor**, and the **County Council**. The day the written **NOTIFICATION OF CERTIFICATION** is mailed or hand delivered is the day of certification.
- If the Petition fails to meet state law requirements, the **Recorder** and **City Attorney** may reject the petition and then mail or deliver notification of the rejection and reasons to the **Petition Sponsor**.

If the petition is denied or rejected, the **Sponsor** may correct the deficiencies for which it was rejected and refile the petition with the **City Recorder**. The process then restarts at STEP 3 and is treated as a new Petition.

STEP 4: The **City Council** must advise the public of the **Notice of Certification** and **intent to consider** the Petition (UAC 10-2-808). (Class B Notice requirements apply)

- Within 10 days after the day the **Notice of Certification** is issued, notice is to be provided to the area proposed for annexation and unincorporated property within ½ mile.
- Notice must be posted with 10 days in an **area reasonably likely to be seen by residents**, the **City website** (for 3 weeks) and **Utah Public Notice Website** (for 3 weeks)
- Notice must be **mailed to each affected** entity within 20 days after the Certification is issued.

The Notice must include the following:

- **State that a petition has been filed** with Mendon City proposing the annexation of an area to the City
- **State the petition as has been certified** by the City Recorder
- **Describe the area** proposed for annexation
- **State the complete Annexation Petition is available** for inspection and copying at the City Recorders Office during regular business hours.
- **State in plain terms that Mendon City Council may grant the Petition and annex the area** described **UNLESS** no later than 30 days after the day of certification **a written protest is filed** with the **Cache County Boundary Commission** (state address of Boundary Commission) and a copy of the protest is delivered to the **Mendon City Recorder**. (The actual date of the deadline for filing must be specified rather than just by reference to statute)
- **This notice may not be included with any information unrelated to the Petition.**

STEP 5: If Certified, the **County Council Boundary Commission**, and/or the **owner of rural real property** in the area proposed for annexation, may file a **Protest** within 30 days of the Recorder certifying the petition (10-2-810(1), (2), & (3)). (If no **Protest** is filed, continue to STEP 5.)

- If a **Protest** is filed, the **Boundary Commission** must schedule a public hearing no later than 60 days after the City Recorder certifies the annexation.
 - The **Boundary Commission** shall issue a decision on the protest within 30 days of the public hearing (per 10-2-811).
- If a **Protest** is filed within 30 days of certification, the **City Council may deny the annexation petition** or wait for the **Boundary Commission** to provide notice of its decision.
- The **City Council** shall take action no earlier than 30 days but no later than 60 days after receipt of the **Boundary Commission's** decision to deny or approve the petition with or without the recommendations of the **Boundary Commission**, unless the City Council is waiting for judicial review of the decision.

If no **Protests** are received, within 30 days after the date of Certification, then the **City Council** may hold a **Public Hearing** and approve the annexation.

- **Notice of the Public Hearing must be:**
 - Posted at least 7 days before the hearing on the Utah Public Notice Website and the City Website.
 - Mailed to each residence and property owner in the affected area
 - Posted in an area reasonably likely to be seen by residents (Class B Notice requirements apply)

STEP 6: Within 60 days of an annexation action, the **City Council and/or City Recorder** must file a **NOTICE OF IMPENDING BOUNDARY ACTION** with the **State Lieutenant Governor's Office** which includes:

- A copy of an approved final city plat map,
- A copy of a resolution accepting the boundary change.

The **State Lieutenant Governor's Office** issues a **Certificate of Annexation** upon which the **Recorders Office** will:

- Submit to the recorder of **Cache County**
 - The original notice of boundary action,
 - The original certificate of annexation or boundary adjustment,
 - The original approved final local entity plat map,
 - And a **notarized copy of the ordinance** approving the annexation or boundary adjustment.
- **Send notice** of the annexation to each affected entity

Annexation is completed and takes effect on the date of the **Lieutenant Governor's Office** issuance of the **Certificate of Annexation**.