



Mendon City Corporation

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84325

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www.mendoncity.org

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** (typically a letter 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 **fully 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 *(and application of City Code 12.20)* at the next scheduled meeting with is AT LEAST 14 days after the petition is filed. The **City Recorder** **must** also present the application to the **Land Use Authority** and *may present the application to* **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 6.)

- 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.**

EXAMPLE NOTICE OF INTENT LETTER

NOTICE OF INTENT TO FILE A PETITION FOR ANNEXATION INTO MENDON CITY UTAH

Date: _____

To: [City Recorder name/Address] and Affected Entities

Pursuant to Utah Code Ann. 10.2.403, I/we, the undersigned, hereby give notice of the intent to file a petition for annexation into Mendon City.

1. **Property Location:** [Address or general location description]
2. **Size of Area:** _____ acres (approximate)
3. **Parcel Number(s):** _____
4. **Map Attachment:** An accurate map showing the property proposed for annexation is attached hereto.

Sponsor Information (Please Print)

- **Name:** _____
- **Address:** _____
- **Phone:** _____
- **Email:** _____

Signature of Primary Contact Sponsor: _____

MENDON CITY
PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF MENDON CITY, CACHE COUNTY,
STATE OF UTAH:

We, the undersigned owners of the real property described in Schedule A attached to this Petition which property lies contiguous to the present municipal limits of Mendon City hereby submit this Petition for Annexation and respectfully represent the following:

1. That this petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated, 1953, as amended (U.C.A.);
2. That the property is a contiguous, unincorporated area contiguous to the boundaries of Mendon City and the annexation thereof will not leave nor create an unincorporated island or peninsula;
3. That the signatures affixed hereto represent the following owners:
 - a. 100% of all public entities owning an interest in the property;
 - b. 100% of all private owners of portions of “rural property” within the property (Rural property is defined as property zoned primarily for manufacturing, commercial, or agricultural purposes and which does not include residential units with a density greater than one unit per acre);
 - c. 100% of all private owners of those portions of the property that are located within an agricultural protection area; and
 - d. A majority of all private owners of those portions of the property that are equal in value to at least 1/3 of the total value of the property.
4. That the signers of this petition have designated the “Sponsors” and “Contact Sponsor” listed in Schedule B attached to this Petition (every petition must have at least one Sponsor and one Contact Sponsor).
5. That this petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
7. That the petitioners have attached to this Petition a recordable plat map of the property which has been prepared by a licensed surveyor;
8. That the petitioners have attached to this Petition a copy of the Notice of Intent previously filed with the City Recorder and mailed out by Cache County;
9. That the petitioners have attached to this Petition a list of the “affected entities” to which the Notice of Intent was sent; and

10. That the petitioners request the property, if annexed, be zoned as follows:

WHEREFORE, the Petitioners hereby request that this petition be considered by the Mendon City Council at its next regular meeting that is at least 14 days since the date of filing of this Petition, or as soon thereafter as possible; that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation petitioned.

DATED this _____ Day of _____, _____.

Signatures of all petitioners follow. If a petitioner is a company or other entity, please list the position of the person who is signing on behalf of the company or entity.

SIGNATURE PAGE

Notice:

• **There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.**

• **If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.**

• **This page may be copied and distributed to signers as long as each signature is notarized.**

Petitioner Name: _____ Signature: _____
Position (if an entity): _____

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Position (if an entity): _____

Petitioner Name: _____ Signature: _____
Position (if an entity): _____

Petitioner Name: _____ Signature: _____
Position (if an entity): _____

Petitioner Name: _____ Signature: _____
Position (if an entity): _____

NOTARY PUBLIC:

State of Utah
Cache County

On this _____ day of the month of _____

Notary Public Signature _____

SCHEDULE A
Property Proposed to be Annexed

For each parcel of property proposed to be annexed, list the following information. If more space is needed, attach another Schedule A.

Parcel Identification Number: _____
Owner(s) of record: _____
Total area of parcel: _____
Current value of parcel based on County tax assessment: _____
Current zoning classification of the parcel: _____
Current type of use of the parcel: _____

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SCHEDULE B
Sponsors and Contact Sponsor

Sponsors are petitioners who have the responsibility to act on behalf of all other petitioners signing the Petition to deliver any required notices and information to the applicable governmental entities and third parties throughout the annexation process. The Contact Sponsor is a Sponsor to whom governmental entities will send all required legal notices for all petitioners signing the Petition. The Contract Sponsor has the responsibility to inform all other Sponsors and petitioners of any notices received. At least one Sponsor and one Contact Sponsor must be listed (may be the same person), but no more than five may be listed.

CONTACT SPONSOR:

Sponsor Name:

Sponsor Mailing Address:

Sponsor Email Address:

Sponsor Telephone Number:

Sponsor Signature:

ADDITIONAL SPONSORS (optional):

Sponsor Name:

Sponsor Mailing Address:

Sponsor Email Address:

Sponsor Telephone Number:

Sponsor Signature:

Sponsor Name:

Sponsor Mailing Address:

Sponsor Email Address:

Sponsor Telephone Number:

Sponsor Signature:

Sponsor Name:

Sponsor Mailing Address:

Sponsor Email Address:

Sponsor Telephone Number:

Sponsor Signature:

parcel_number	owner_name	owner_address1
12-036-0010	KENNETH BRUCE & JANNA KAY, CO-TRS KIDMAN	6333 W CENTER ST