



# WEST POINT CITY ANNEXATION PROCESS

## PETITIONER

### Pre-Petition Steps

1. Review West Point City Code Chapter 18.25 – Annexation Policy Plan (Attached hereto as Appendix A)
2. Understand that a petition may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.
3. Verify that the area considered for annexation is generally located within the City’s annexation area (map attached hereto as Appendix B) and meets the descriptions indicated in West Point City Code Chapter 18.25.
4. Verify that the boundaries of the area proposed for annexation shall, if possible, be drawn:
  - a. along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;
  - b. to eliminate islands and peninsulas of territory that is not receiving municipal-type services;
  - c. to facilitate the consolidation of overlapping functions of local government;
  - d. to promote the efficient delivery of services; and to encourage the equitable distribution of community resources and obligations.

### Filing Petition

1. Complete Annexation Petition, which must include:
  - a. An accurate map, prepared by a licensed surveyor, of the area proposed for annexation; and
  - b. Designation of up to five signers as sponsors, one of whom shall be designated as the Main Contact. Mailing addresses must be included.
  - c. Signatures of owners:
    - i. Signatures of owners of a majority of private real property located within the area proposed for *annexation (property must be equal to at least one third of the value of all private property located within the area proposed for annexation)*; AND
    - ii. Owners of 100% of the private land area within the area proposed for annexation if the area is within:
      1. An agricultural protection area created under UCA Title 17, Chapter 41; or
      2. Migratory bird production area created under UCA Title 23, Chapter 28 (*property must be equal to at least one third of the value of all private property located within the area proposed for annexation*)
2. File Petition with the West Point City Recorder during regular West Point City Hall business hours
3. Deliver or mail a copy of the Petition to the Davis County Clerk’s Office on the date of filing with the West Point City Recorder

## CITY

### After Receipt of Petition by City Recorder

1. Annexation Petition to be taken to the City Council at the next regularly scheduled meeting that is at least 14 days after the date Petition was filed with the City Recorder. At that time, the City Council may:
  - a. Accept the Petition for further consideration.
    - i. If the Petition is not acted upon at this meeting, the Petition is considered accepted for further consideration
  - b. Deny the Petition
    - i. If denied, the City Recorder shall, within five days after denial, mail written notice of denial to the Main Contact and County Clerk

### If Annexation Petition Accepted for Further Consideration

1. Within 30 days of acceptance, City Recorder shall:
  - a. Obtain any records from the County Assessor, Clerk, Surveyor, and Recorder necessary to determine whether the Petition meets the requirements of UCA 10-2-403(3), (4), and (5); and
  - b. Determine, with any necessary assistance from the City Attorney or City Staff, if the Petition meets those same requirements of UCA 10-2-403(3), (4), and (5)
    - i. If Petition is determined to meet requirements:
      1. City Record shall certify the Petition
      2. Mail or deliver written Notice of Certification to the City Council, the Main Contact, and the Davis County Board of Commissioners
    - ii. If Petition is determined as failing to meet requirements:
      1. City Recorder must reject the Petition
      2. Mail or deliver notice of rejection and the reasons for rejection to the City Council, Main Contact, and the Davis County Board of Commissioners.
        - a. If Petition is rejected, the Petition may be modified and re-filed as a newly filed petition (process starts all over).

### If Annexation Petition is Certified by City Recorder

1. The City Council has 30 days from receipt of Notice of Certification to advise the public and consider the Petition (UCA 10-4-206):
  - a. Beginning 10 days after Notice of Certification, notice is to be published at least once a week for three successive weeks (in the Standard Examiner) the area proposed for annexation and the unincorporated area within ½ mile of the proposed annexation area.
  - b. Within 20 days from receipt of Notice of Certification mail notice to each affected entity.
  - c. Notice must include the following:
    - i. State that a petition has been filed with West Point City proposing the annexation of an area to the City;
    - ii. State the date the City Council received Notice of Certification from the City Recorder

- iii. Describe the area proposed for annexation in the annexation petition
  - iv. State that the complete Annexation Petition is available for inspection and copying at the office of the City Recorder;
  - v. State in conspicuous and plain terms that West Point City may grant the Petition and annex the area described in the Petition unless, within the time required under UCA 10-2-407(2)(a)(i)(A), a written protest to the Annexation Petition is filed with the Davis County Boundary Commission and a copy of the protest is delivered to the West Point City Recorder. The actual date of the deadline for filing a written protest must be specified rather than just by reference to statute;
  - vi. State the address of the Davis County Boundary Commission where a protest to the Annexation Petition may be filed; and
  - vii. State, IF the proposed annexation area is not already within their boundaries, that the area proposed for annexation to West Point City will also automatically be annexed to the North Davis Fire District and the Davis County Sheriff's Office, which are the local districts providing, respectively, fire protection, paramedic, emergency services, and law enforcement service. If this is the case, further language must also be included as outlined in UCA 10-2-406(vii) and (vii)
  - viii. Notice may not be included with any information unrelated to Petition
- d. The City Council may request the petitioner to provide additional information as outlined in WPCC 18.25.060.

## PROTESTS

### Protests to Annexation Petition

1. Protests may be filed by the legislative body or governing board of an affected entity:
  - a. Affected entity is defined as: the county, any local district, special service district, school district whose boundary includes any part of the proposed annexation area if the boundary is proposed to be adjusted as a result of the annexation, and any municipality whose boundaries are with ½ mile of the proposed annexation area
2. Filing a Protest:
  - a. Must be filed within 30 days of City Council's receipt of Notice of Certification
  - b. Must be filed with the Davis County Boundary Commission
  - c. A copy of the protest must be delivered or mailed to the West Point City Recorder on the date protest is filed
  - d. Protests must:
    - i. State each reason and justification for protest, as well as any other information deemed to be pertinent to the protest
    - ii. State the name and address of a contact person to receive notice from the Davis County Boundary Commission
    - iii. Contain other information that the Davis County Boundary Commission by rule requires
3. Receipt of Protest:
  - a. Davis County Clerk shall immediately notify Davis County Legislative Body of any protest and deliver protest to the Davis county Boundary Commission within five days of receipt.

- b. If a protest is filed within the 30 days, the City Council may, at a regular meeting thereafter, deny the Petition.
  - i. If City Council denies, written notice of denial shall be mailed within 5 days after denial to Petition Main Contact, Davis County Boundary Commission, and each entity that filed a protest.
  - ii. If not denied, the City Council cannot take action to approve until after receipt of the Davis County Boundary Commission's notice of a decision on a protest.
  - iii. If the Commission approves the Petition for Annexation, the City Council may:
    1. Deny the Petition
    2. Approve the Petition consistent with the Commission's decision

### **If No Protests Are Received**

1. If no protests are received within the 30 days following the City Recorder's Notice of Certification, then the City Council may approve the annexation, AFTER:
  - a. Noticing a public hearing with in the Standard Examiner and on the Utah Public Notice Website at least 7 days before the hearing
  - b. Holding the public hearing

## **ANNEXATION APPROVAL**

### **If Approved**

1. City Council shall grant the Petition and annex the area by ordinance
2. Within 30 days of adopting the ordinance, the City Council shall file the Lieutenant Governor a copy of approved final local entity plat, and notice of an impending boundary action (UCA 10-2-425(1)(a) and 67-1a-6.5).
3. Upon receipt of Lieutenant Governor's issuance of a Certificate of Annexation, the City Council shall:
  - a. Submit to Davis County Recorder the original:
    - i. Notice of impending boundary action
    - ii. Certificate of Annexation
    - iii. Approved final local entity plat
    - iv. Certified copy of ordinance approving the annexation
  - b. Send notice to each affected entity and any local district whose boundaries have been modified, pursuant to UCA to UCA 17B-1-416 and/or 17B-1-502(2). Notice must contain effective date:
    - i. Date of the Lieutenant Governor's Issuance of a Certificate of Annexation
  - c. File with the Department of Health (UCA 26-8a-414):
    - i. Certified copy of ordinance approve annexation
    - ii. Copy of the approved local entity plat