

TITLE 4. ANNEXATION*

Chapter 1. Master Annexation Declaration Policy, 4-1-1 to 4-1-3.

Chapter 2. General, 4-2-1 to 4-2-13.

Chapter 1. Master Annexation Declaration Policy

- 4-1-1. Description of Unincorporated Territory
- 4-1-2. Criteria Necessary for the City to Consider Annexation
- 4-1-3. Amendment

4-1-1. Description of Unincorporated Territory.

Clinton City does hereby declare that the property shown in Exhibit A through geographical location and proximity to available municipal services logically will become part of the incorporated City of Clinton through the annexation process.

History: 8/86

4-1-2. Criteria Necessary for the City to Consider Annexation. (1) A plan must be developed to show how all present and future development will be served by the necessary utilities (sewer, water, electricity, gas, etc).

(2) The applicants shall provide the following information regarding the area to be annexed:

- (a) The current and potential population of the area
- (b) Land uses proposed in addition to those presently existing. Breakdown by acreage and/or number of units into residential, commercial, industrial, agricultural, recreation, and transportation.
- (c) The assessed valuation of the current properties with a breakdown of landowners who sign and do not sign the annexation petition. A list of proposed uses with projected assessed valuation.
- (d) The potential demand for various municipal services including, but not limited to culinary water storage and delivery, police protection, fire protection, schools.
- (e) Recommendations or attitudes of other local government jurisdictions regarding this proposal.
- (f) An accurate map of the proposed annexation area, in addition to that required by State Law, showing the boundary of the area and property ownership lines, the topography of the area and major natural features, i.e.,

drainage channels, wooded areas, areas of high water table, etc.

(g) Identification of any special districts or county departments that are currently providing services. If the proposed area is receiving services that are to be assumed by Clinton, a statement should be included indicating that steps can be taken to assure an effective transition in the delivery of services.

(3) The proposed area shall be contiguous to the municipal boundary and shall be a substantial width to avoid a narrow "cherry stem" connection; the connection should be sufficient to assure access to the annexed area by a public street entirely within the municipality.

(4) A street shall not be used as a boundary between jurisdictions; boundary lines should occur away from streets at least the distance of the depth of a standard residential lot.

(5) Arterial and collector streets should remain within one jurisdiction for as great a distance as possible to ensure efficient street and utility maintenance.

(6) New annexations should create areas in which services can be provided efficiently. The annexation should not create topographically isolated areas, where provision of services would be costly or difficult.

(7) The pace and quality of growth shall be brought within the management capability of the City by well-conceived planning efforts. The Clinton City Comprehensive Plan shall be amended to address growth in the new annexation.

History: 8/86

4-1-3. Amendment. Should the residents of Hooper fail to incorporate as a separate city and should there be desires to petition for annexation into Clinton, Clinton City reserves the right to amend this declaration to include the area west of the present boundary, as shown in Exhibit A. Any amendment to this policy shall require the Hooper Town Council to be notified in the same manner as other affected entities.

History: 8/86

Chapter 2. General

- 4-2-1. Petitioners for Annexation--Compliance with State Law; Plats.
- 4-2-2. Referral to City Planning Commission.
- 4-2-3. Agreement.

- 4-2-4. Bonds of Petitioners.
- 4-2-5. Policy as to Property Subject to Annexation.
- 4-2-6. Securing Land for Public Sites.
- 4-2-7. Easements for Sewer and Water Lines.
- 4-2-8. Securing of Water Rights in Annexed Area.
- 4-2-9. Applicability of Zoning Regulations in Annexed Areas.
- 4-2-10. Fees and Charges.
- 4-2-11. Assumption of Outstanding Bonded Obligations.
- 4-2-12.. Streets.
- 4-2-13. Irrigation Ditches or Canals.

4-2-1. Petitioners for Annexation--Compliance with State Law; Plats. All petitions for annexation to the city shall comply with the requirements of the laws of the state governing annexation and shall be accompanied by a map or plat drawn on linen tracing cloth to a scale and size suitable to the city.

History: 9/84

4-2-2. Referral to City Planning Commission. All petitions for annexation shall be referred to the city planning commission for study and recommendation.

History: 9/84

4-2-3. Agreement. (1) The city council, after recommendations from the planning commission, shall determine what questions and problems are presented by each petition for annexation and shall invite the petitioners to consult concerning the equitable solution thereof. The parties in good faith shall endeavor to enter into a written memorandum of agreement covering the solution to such questions and such problems. The memorandum of agreement shall cover all points necessary to be considered in order to secure compliance with the annexation policy as set forth in this chapter. This memorandum shall not be considered a contract but shall be deemed an expression of opinion by the city council and by the petitioners that such is a just solution of the problems concerned.

(2) The agreement shall recite that if the city shall approve the same and shall approve the petition for annexation, the persons seeking annexation shall be willing to and shall comply with the terms of the agreement.

History: 9/84

4-2-4. Bonds of Petitioners. Before an annexation ordinance is passed by the city, the petitioners seeking

annexation shall execute and deposit with the city such bonds and executed agreements as shall adequately insure the performance of commitments contained in the memorandum of agreement, the provisions of the ordinance, and any other requirements that council may deem necessary to carry out its annexation policy.

History: 9/84

4-2-5. Policy as to Property Subject to Annexation. The general policy of the city with respect to property to be subject to annexation is hereby declared to be as follows:

(1) To annex contiguous territory for reasons deemed to be in the interest of the city and not otherwise.

(2) To annex enclaves.

(3) To annex territory only if no enclave will be created thereby.

(4) To annex territory if the city determines it is feasible to serve the area with utilities and other municipal services within a reasonable time.

History: 9/84

4-2-6. Securing Land for Public Sites. (1) The city shall not require the donation of land for public sites; however, the city shall be granted the option to secure land for public sites, as it may determine, which option may be exercised between the time of annexation and acceptance of any subdivision plat. The city shall acquire such sites at their fair unimproved value as of the time of annexation and as determined by competent appraisal in the event mutual agreement cannot be reached. If the property is to be appraised, each party shall appoint a disinterested appraiser and they in turn shall choose a disinterested third party. The decision of a majority shall be binding. The cost thereof shall be borne equally. The city shall be responsible for the cost of any off-site improvements with respect to such sites.

(2) A similar option shall be granted to the appropriate school district with respect to public school sites, the terms thereof to be agreed upon between the annexing parties and the school district. The purchase price of such land shall include the necessary improvements.

History: 9/84

4-2-7. Easements for Sewer and Water Lines. Easements, or the fee title, as determined by the city, shall be donated for storm sewer lines down natural

drainage areas, and for sanitary sewer and water lines, the course thereof to be determined by the city.

History: 9/84

4-2-8. Securing of Water Rights in Annexed Area.

The city shall have the option to secure, either by purchase or exchange, any and all water rights in the area to be annexed.

History: 9/84

4-2-9. Applicability of Zoning Regulations in Annexed Areas.

The zoning of areas to be annexed shall be governed and controlled at all times by the zoning regulations of the city.

History: 9/84

4-2-10 Fees and Charges. (1) There shall be paid to the city by the owners of land petitioning for annexation such sum of money as the city council may require, giving due consideration to (1) the projected utilities service or facilities expected to be required, (b) the reasonably expected cost of providing utility service lines or facilities to serve such lands with municipal utility service, and (c) the cost of facilities, utilities and services already installed which would serve or be in a position to serve the area sought to be annexed. Such payment shall be made on or before five (5) years from the effective date of annexation, in one (1) sum or in such installments as the council shall determine, and if in installments, the council shall further determine the amounts and due dates of each thereof. Upon application and upon a showing of hardship or other extenuating circumstance satisfactory to the council, and if in the judgment of the council it shall appear that its interest will not suffer substantial prejudice thereby, the council may from time to time extend the time of payment of all or any part of such obligation; however, no extension for more than two (2) years shall be granted at any one (1) time. Further, no extension shall be granted at any time without a partial payment of the obligation in such amount and at such time as the council shall determine.

(2) To secure such payments the petitioners shall enter into a written contract granting the city a lien on the petitioners' lands. The contract may contain such other reasonable provisions relating to the installation of municipal utility service lines and facilities and the furnishing of municipal utility service as the council shall deem fair and proper and agree upon with the petitioners. The contract shall be acknowledged by the parties and recorded. Upon request, and upon payment in full of that portion of the entire sum of money fairly

allocable to a particular portion of the land subject to such lien, partial releases of the lien upon such portion of the lands shall be executed, acknowledged and delivered by the city; however, such releases in the judgment of the city will not adversely affect the adequacy of the security remaining for the unpaid balance of the total sum to be paid. Further, the partial release of lands, in the judgment of the city, will not be contrary to the interests of the city from the standpoint of the orderly development of the lands involved.

(3) In the event territory annexed includes lands of owners who have not joined in the petition for annexation, and who have not agreed to pay or executed a contract agreeing to pay the sums specified in subsection (1) of this section, allocable to their respective lands, the city council may establish municipal utility connection fees as a prerequisite to the rendering of municipal utility service to the lands. The connection fee shall be, as near as practicable, the monetary equivalent of the money payable by petitioners in connection with such annexation, due regard being given, as aforesaid, to the expected requirements for utility service or facilities and the expected cost of providing utility service shall be rendered to the lands or the occupants thereof or facilities constructed therefore unless such connection fee for such utilities or facilities serving the lands shall first be paid.

(4) In lieu of the establishment of such equivalent connection fees, the city may charge and collect from the owners of such lands and their grantees and successors in interest, a sum equivalent to the per acre annexation charge currently being made at the time, as a condition precedent to the approval of any subdivision plat or the issuance of any building permit for any type of construction, giving due regard to the intended development, the requirements for services and facilities and the cost or estimated cost of providing the same.

(5) No money shall be payable and no utility connection fees in lieu thereof shall be charged or payable with respect to the annexation of lands owned, or the beneficial use of which is preempted by or dedicated to the public, by any tax exempt, governmental, charitable, educational or religious body or organization. In the event the lands ever cease to be owned by or devoted to any exempt use as above recited, then in such event the city may charge and collect the fees or charges provided for and in accordance with subsection (3) of this section with respect thereto.

(6) After annexation and within a reasonable time after request therefore, the annexation fees aforesaid having

been paid or agreed to be paid within the time specified by the city council, the city shall provide utility service lines at a point on or which it determines to be reasonably accessible to the newly annexed lands.

History: 9/84

4-2-11. Assumption of Outstanding Bonded Obligations. Outstanding bonded obligations involving special service districts, schools, etc., shall be paid by the annexing parties or assumed under mutually satisfactory agreements between and among the city, the district and the annexers.

History: 9/84

4-2-12. Streets. (1) In territory traversed or to be traversed by major streets, forming a part of the major street system, rights of way, as required by the city, shall be provided. An agreement covering the improvement of such major streets shall be reached prior to annexation.

(2) Existing streets and roads shall be brought to a standard of improvement mutually agreed upon by the annexers and the city.

History: 9/84

4-2-13. Irrigation Ditches or Canals. In areas traversed by existing irrigation ditches or canals, the annexers, so far as is practicable, shall cause the same to be covered or enclosed in a suitable conduit.

History: 9/84

**Cross-reference: UCA §10-2-401 to §424*