

28 **10-2-402. Annexation -- Limitations.**

29 (1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be
30 annexed to the municipality as provided in this part.

31 (b) An unincorporated area may not be annexed to a municipality unless:

32 (i) it is a contiguous area;

33 (ii) it is contiguous to the municipality;

34 (iii) annexation will not leave or create an unincorporated island or unincorporated
35 peninsula:

36 (A) except as provided in Subsection 10-2-418(3); or

37 (B) unless the county and municipality have otherwise agreed; and

38 (iv) for an area located in a specified county with respect to an annexation that occurs
39 after December 31, 2002, the area is within the proposed annexing municipality's expansion
40 area.

41 (2) Except as provided in Section 10-2-418, a municipality may not annex an
42 unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

43 (3) (a) An annexation under this part may not include part of a parcel of real property
44 and exclude part of that same parcel unless the owner of that parcel has signed the annexation
45 petition under Section 10-2-403.

46 (b) A piece of real property that has more than one parcel number is considered to be a
47 single parcel for purposes of Subsection (3)(a) if owned by the same owner.

48 (4) A municipality may not annex an unincorporated area in a specified county for the
49 sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to
50 annex the same or a related area unless the municipality has the ability and intent to benefit the
51 annexed area by providing municipal services to the annexed area.

52 (5) (a) As used in this subsection, "expansion area urban development" means:

53 (i) for a specified county, urban development within a city or town's expansion area; or

54 (ii) for a county of the first class, urban development within a city or town's expansion

55 area that:

56 (A) consists of 50 or more acres;

57 (B) requires the county to change the zoning designation of the land on which the
58 urban development is located; and

59 (C) does not include commercial or industrial development that is located within a
60 mining protection area as defined in Section 17-41-101, regardless of whether the commercial
61 or industrial development is for a mining use as defined in Section 17-41-101.

62 ~~[(5)]~~ (b) ~~[The legislative body of a specified county]~~ A county legislative body may not
63 approve expansion area urban development ~~[within a municipality's expansion area]~~ unless:

64 ~~[(a)]~~ (i) the county notifies the ~~[municipality]~~ city or town of the proposed
65 development; and

66 ~~[(b)(i)]~~ (ii) (A) the ~~[municipality]~~ city or town consents in writing to the development;
67 ~~[or]~~

68 ~~[(ii)(A)]~~ (B) within 90 days after the county's notification of the proposed
69 development, the ~~[municipality]~~ city or town submits to the county a written objection to the
70 county's approval of the proposed development~~[-; and (B)]~~ and the county responds in writing to
71 the ~~[municipality's objections]~~ city or town's objection~~[-]; or~~

72 (C) the city or town fails to respond to the county's notification of the proposed
73 development within 90 days after the day on which the county provides the notice.

74 (6) (a) An annexation petition may not be filed under this part proposing the
75 annexation of an area located in a county that is not the county in which the proposed annexing
76 municipality is located unless the legislative body of the county in which the area is located has
77 adopted a resolution approving the proposed annexation.

78 (b) Each county legislative body that declines to adopt a resolution approving a
79 proposed annexation described in Subsection (6)(a) shall provide a written explanation of its
80 reasons for declining to approve the proposed annexation.

81 (7) (a) As used in this Subsection (7), "airport" means an area that the Federal Aviation

82 Administration has, by a record of decision, approved for the construction or operation of a
83 Class I, II, or III commercial service airport, as designated by the Federal Aviation
84 Administration in 14 C.F.R. Part 139.

85 (b) A municipality may not annex an unincorporated area within 5,000 feet of the
86 center line of any runway of an airport operated or to be constructed and operated by another
87 municipality unless the legislative body of the other municipality adopts a resolution
88 consenting to the annexation.

89 (c) A municipality that operates or intends to construct and operate an airport and does
90 not adopt a resolution consenting to the annexation of an area described in Subsection (7)(b)
91 may not deny an annexation petition proposing the annexation of that same area to that
92 municipality.

93 (8) (a) As used in this subsection, "project area" means a project area as defined in
94 Section 63H-1-102 that is in a project area plan as defined in Section 63H-1-102 adopted by
95 the Military Installation Development Authority under Title 63H, Chapter 1, Military
96 Installation Development Authority Act.

97 (b) A municipality may not annex an unincorporated area located within a project area
98 without the authority's approval.

99 (c) (i) Except as provided in Subsection (8)(c)(ii), the Military Installation
100 Development Authority may petition for annexation of the following areas to a municipality as
101 if it was the sole private property owner within the area:

102 (A) an area within a project area;

103 (B) an area that is contiguous to a project area and within the boundaries of a military
104 installation;

105 (C) an area owned by the Military Installation Development Authority; and

106 (D) an area that is contiguous to an area owned by the Military Installation
107 Development Authority that the Military Installation Development Authority plans to add to an
108 existing project area.

- 109 (ii) If any portion of an area annexed under a petition for annexation filed by the
110 Military Installation Development Authority is located in a specified county:
- 111 (A) the annexation process shall follow the requirements for a specified county; and
112 (B) the provisions of Subsection [10-2-402\(6\)](#) do not apply.