



ANNEXATION APPROVAL CHECKLIST

Annexation:

This document is only a general guideline for office staff use.

/ / Filed Notice of Intent with City Recorder – The Petitioner(s) filed a notice of intent to file a petition with the City Recorder (435-654-3223). Notice included an accurate map of the area proposed for annexation and a list of the names and addresses for the owners of real property within 300 feet of the proposed annexation.

/ / Sent Notice of Intent to Affected Entities – The Petitioner(s) sent a copy of the notice of intent to each affected entity. Notice included an accurate map of the area proposed for annexation.

Affected entities include:

- A county of the first or second class in whose unincorporated area the area proposed for annexation is located.
- A county of the third, fourth, fifth, or sixth class in whose unincorporated area the area proposed for annexation is located if the area includes residents or commercial or industrial development.
- A local district under UCA Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under UCA Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation.
- A school district whose boundary includes any part of an area proposed for annexation if the boundary is proposed to be adjusted because of the annexation.
- A municipality whose boundaries are within 1/2 mile of an area proposed for annexation.

/ / Application Submitted to County – The City Recorder submitted an application to the County Planning Department using the County's online portal. The application included the notice of intent, an accurate map of the area proposed for annexation, and a list of the names and addresses for the owners of real property within 300 feet of the proposed annexation.

/ / Envelopes Provided to County – The Petitioner(s) provided envelopes to the County Planning Department that met the following criteria:

- Unsealed
- Self-adhesive/sealable
- Stamped
- Return address left blank
- Addressed to each property owner of current record in the annexation area and within 300 feet of the area proposed to be annexed. Current mailing addresses can be obtained from the County Assessor's Office.
- Paid \$0.50 per letter for the office staff to attach information and provide verification that the letters were sent.

/ / Property Owners Notified – The County notified the owners of real property within the proposed annexation and the owners of real property within 300 feet of the proposed annexation.

/ / City Notified – The County notified the City and certify that the notice was mailed as required.

 / / Provided Petition – The City Recorder provided upon request an annexation petition to the petitioner(s).

 / / Filing Fees Paid – The Petitioner(s) paid filing fees to the City Treasurer (435-654-3223). Fees are based on the following formula:

Five (5) acres or less: \$1,000 application fee (Non-refundable)
 \$1,000 legal and engineering review deposit. *

More than five (5) acres: \$200 per acre application fee (Non-refundable)
 \$100 per acre (Not to exceed \$10,000) legal and engineering
 review deposit. *

* If the amount of the deposit reaches ¼ of the initial amount then the annexation process is put on hold. The hold is in place until the amount is increased to the initial amount of the deposit or a lesser amount is determined. The lesser amount is determined by staff based on how much of the process has been completed. All fees must be paid prior to the recording of the annexation plat map. Any deposit amount remaining, at the end of the annexation process, may be refunded.

Note: A fee for future parks and recreation infrastructure will be negotiated, during the annexation approval process, and must be paid prior to the recording of the annexation plat map.

 / / Concept Plan Submitted – If the proposed area is intended for development, a complete copy of the development concept plan was filed with the City Planner.

 / / Filed Petition with City Recorder – The Petitioner(s) filed the completed and signed annexation petition with the City Recorder. Petition accompanied by the following items:

- Map – An accurate and recordable map of the property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the property to be annexed.
- Copy of Notice of Intent - A copy of the notice of intent sent to affected entities and a list of the affected entities to which notice was sent.
- Timetable for Development – A representation as to the anticipated timetable for development, if applicable, for the property being annexed.
- Requested Zoning Designation – Requested zoning designation identified and depicted on the petition or a suitable map. Impact mitigation considerations in the annexation agreement will be based on the density permitted under the requested or applied zone requirements.
- Review and Analysis of Surrounding Property – Depending on the scope and intensity of the proposed development of the annexation area and the anticipated impact on adjacent lands, a review and analysis of the surrounding property.
- Water Disclosure – A full disclosure statement of all water owned or historically utilized on the property to be annexed.
- Sensitive Lands Analysis – A sensitive lands analysis of the full area being considered for annexation.
- Information for Annexation Impact Report – Such other information as may be required by the City Planner to enable the staff to prepare an annexation impact report.

/ / Filed Petition with County Clerk – The Petitioner(s) delivered or mailed a copy of the petition, including a copy of the map, to the Wasatch County Clerk on the same date it was filed with Midway City.

/ / Filed Petition with Planning Commission Chair – The Petitioner(s) delivered or mailed a copy of the petition, including a copy of the map, to the chair of the Midway City Planning Commission on the same date it was filed with Midway City.

/ / Petition Reviewed by City Planner – Prior to City Council action on the petition, the petition and map were reviewed by the City Planner, who evaluated the feasibility of the subject expansion of the City's boundaries and prepared a written recommendation for consideration by the City Council.

/ / Petition Considered by City Council – The Midway City Council considered the petition at its next regularly scheduled meeting that was at least fourteen (14) days after the petition was filed.

- Petition Denied by City Council – The City Council denied the petition. The City Recorder mailed a written notice of denial, within five (5) days of the denial, to the contact sponsor and the County Clerk. Annexation process concluded.
- Petition Accepted by City Council (Motion) – The City Council accepted the petition for further consideration through a motion.
- Petition Accepted by City Council (Failure to Act) – The petition accepted for further consideration because the City Council failed to accept or deny it at its next regularly scheduled meeting, which was at least fourteen (14) days after the petition was filed.

/ / Records Obtained – The City Recorder obtained from the County Assessor, County Clerk, County Surveyor, and County Recorder the records needed to determine if the petition met the requirements for annexation.

/ / Certification of Petition – The City Recorder and City Attorney determined within thirty (30) days of acceptance for further consideration if the petition met the requirements for annexation.

- Petition Rejected – The Petition was rejected because the requirements for annexation were not met. The City Recorder mailed or delivered written notice of rejection, including reasons for rejection, to the City Council, the contact sponsor, and the County Council. The Petitioner(s) may modify the petition, to correct the deficiencies for which it was rejected, and file it again with the City Recorder (Treated as a newly filed petition).
- Petition Certified – Petition certified because the requirements for annexation were met. City Recorder mailed or delivered written notice of the certification to the City Council, the contact sponsor, and the County Council.

/ / Notice Received by Council – The notice of rejection or certification was received by the City Council.

/ / Notice of Certification Posted or Mailed (Combined Area) – The City Recorder posted one notice, and at least one additional notice per 2,000 population within the area proposed for annexation and the unincorporated area within 1/2 mile of the area proposed for annexation, in places within the combined area that were most likely to give notice to the residents within, and the owners of real property located within, the combined area, subject to a maximum of 10 notices or by mailing the notice to each residence within, and to each owner of real property located within, the combined area. The notice complied with the requirements of UCA 10-2-406(2).

/ / Notice of Certification Posted (Public Notice Website) – The City Recorder posted notice on the Utah Public Notice Website for three weeks, beginning no later than 10 days after the day on which the municipal legislative body received the notice of certification. The notice complied with the requirements of UCA 10-2-406(2).

- / / Notice of Certification Posted (City Website) – The City Recorder posted notice on the City’s website for three weeks, beginning no later than 10 days after the day on which the municipal legislative body received the notice of certification. The notice complied with the requirements of UCA 10-2-406(2).
- / / Notice of Certification Provided to Effected Entity(s) – The City Recorder mailed or delivered written notice of certification to each effected entity within 20 days of the City Council receiving notice of certification. The notice complied with the requirements of UCA 10-2-406(2).
- / / Protest Filed with Boundary Commission – The effected entity(s), the owner(s) of rural real property, or the owner(s) of private real property located in a mining protection area filed a protest(s) with the Boundary Commission within 30 days of the City Council receiving notice of certification. The protester(s) mailed or delivered copy(s) of the protest(s) to the City Recorder on the same date that it was filed with the Boundary Commission.
- / / Petition Denied by City Council – Petition denied by the City Council at its next regular meeting after the expiration of the protest filing period.
- / / Notice of Denial Mailed – The City Recorder mailed written notice of denial within five (5) days of denial to the contact sponsor, the Boundary Commission, and each effected entity that filed a protest. Annexation process concluded.
- / / Public Hearing(s) Begun by Boundary Commission – The Boundary Commission began public hearings on the protest(s) within thirty (30) days after the expiration of the protest period.
- / / Decision of Boundary Commission – The Boundary Commission issued a written decision within thirty (30) days after the conclusion of the public hearing(s).
- Annexation Approved – The Boundary Commission approved the proposed annexation either with or without conditions.
 - Annexation Approved with Minor Modifications – The Boundary Commission approved the proposed annexation, making minor modifications, either with or without conditions.
 - Annexation Disapproved – The Boundary Commission disapproved the proposed annexation.
- / / Copy of Boundary Commission Decision Sent – The Boundary Commission sent a copy of their decision within 30 days after conclusion of the public hearing(s) to the County Council, the City Council, the contact person, and the effected entity(s) that filed the protest(s).
- / / Boundary Commission Decision Appealed – Decision of the Boundary Commission appealed to the District Court within 20 days after the decision.
- / / Notice Received by Council – Notice of the Boundary Commission decision was received by the City Council.
- / / Conditions Met for Approval – The following conditions were met before the annexation was considered for approval:
- Identification of Water Rights – Identification of useable water rights to be transferred to Midway City to serve the proposed development.
 - Water Improvements – Additional improvements as necessary which may be required to improve the water system.
 - Dedications – Dedication of necessary streets, trails, utilities, and rights-of-way consistent with the subdivision or PUD standards of the Municipal Code.

- Phasing – Phasing of the development and the annexed area to ensure adequacy of public facilities may be required.
- Payment of Fees – Payment of park land acquisition fees, dedication of open space or conservation areas, and payment of development impact fees.
- Affordable Housing – Provision of affordable housing in accordance with any affordable housing regulations as may be in effect at the time of petition filing.
- Site/Architectural Plans – Submittal of site plans and architectural plans for review.
- Flood Plain Management/Sensitive Lands – Flood plain management or preservation of environmentally sensitive lands including compliance with any sensitive land provisions of the Municipal Code.
- Historic and Cultural Resources – Analysis and survey of any historic and cultural resources located on the property.
- Fiscal Impact – Analysis of the fiscal impacts of the development as determined necessary by the City. The fiscal impact analysis format, including the revenue and cost assumptions, was approved by the City. If necessary, the City may retain a qualified consultant to perform the fiscal impact analysis, at the expense of the applicant.
- Surrounding Property - Review of surrounding property as described in Section 9.05.050 of the Municipal Code.
- Fees – Fees paid in lieu of satisfying certain conditions, as may be approved by the City Council.
- Health, Safety and Welfare – Any other conditions reasonably related to a health, safety, or welfare issue or negative impact of the annexation and any proposed development thereof.

 / / Reviewed by Staff Review Team – The petition and plat reviewed by the Staff Review Team. The Team shall consist of at least the City Engineer, Planning and Zoning Administrator, Director of Public Works, Fire Marshall, County Sheriff, representatives from applicable utility providers (HL&P, CenturyLink, Questar, Comcast/Xfinity), Midway Sanitation District, Midway Irrigation Company, and the Wasatch County School District Superintendent or their designees.

 / / Petition Referred to Planning Commission – The City Planner referred the petition to the Midway City Planning Commission.

 / / Report Submitted by Planning Department – Planning Department prepared a staff report based upon the review of the Staff Review Team. Report submitted to the Planning Commission.

 / / Annexation Agreement Prepared – Annexation agreement prepared by Midway City and the Petitioner(s).

 / / Notice of Public Hearing Published – If necessary, the Planning Commission published notice of the public hearing including the area proposed for annexation.

 / / Public Hearing Held by Planning Commission – If necessary, the Planning Commission held a public hearing at a planning commission meeting regarding the petition for annexation.

 / / Consideration of Petition and Annexation Agreement by Planning Commission – The Planning Commission considered the petition and annexation agreement.

- Petition/Agreement Recommended for Denial by Planning Commission – The Planning Commission recommended that the petition and agreement be denied.

- Petition/Agreement Recommended for Acceptance by Planning Commission – The Planning Commission recommended that the petition and agreement be approved.
- Petition/Agreement Recommended for Acceptance with Conditions by Planning Commission – The Planning Commission recommended that the petition and agreement be approved with conditions.
- No Recommendation by Planning Commission – The Planning Commission made no recommendation regarding the petition and agreement.

 / / Notice of Public Hearing Published – At least 7 days prior to the hearing, the City Recorder posted one notice, and at least one additional notice per 2,000 population within the area proposed for annexation and the unincorporated area within 1/2 mile of the area proposed for annexation, in places within the combined area that are most likely to give notice to the residents within, and the owners of real property located within, the combined area, subject to a maximum of 10 notices or by mailing the notice to each residence within, and to each owner of real property located within, the combined area.

 / / Notice of Public Hearing Posted (Public Notice Website) – At least 7 days prior to the hearing, the City Recorder posted notice of the hearing on the Utah Public Notice Website.

 / / Notice of Public Hearing Posted (City Website) – At least 7 days prior to the hearing, the City Recorder posted notice of the hearing on the City’s website.

 / / Public Hearing Held by City Council – The City Council held the public hearing at a city council meeting regarding an ordinance granting the annexation and a resolution approving the annexation agreement.

 / / Consideration of Ordinance and Resolution by City Council – The City Council considered the ordinance granting the annexation and a resolution approving the annexation agreement.

- Ordinance/Resolution Disapproved – The City Council disapproved the ordinance and resolution. Annexation process concluded.
- Ordinance/Resolution Approved – The City Council approved the ordinance and resolution consistent with any Boundary Commission decision.
- Ordinance/Resolution Approved with Conditions – The City Council approved the ordinance and resolution, with conditions, consistent with any Boundary Commission decision.

 / / Ordinance and Resolution Signed by City – The City Mayor signed, and the City Recorder attested, the ordinance and resolution.

 / / Ordinance Signed by City Attorney – The City Attorney signed the ordinance approving it as to form.

 / / Ordinance Published – The City Recorder published a summary of the ordinance in a newspaper of general circulation within the City.

 / / Ordinance Posted – The City Recorder posted the signed ordinance in three public places within the City.

 / / Annexation Map Approved by Surveyor – The surveyor who prepared the annexation map reviewed, approved, and signed it.

 / / Annexation Map Approved by County Surveyor – The County Surveyor reviewed, approved, and signed the annexation map.

 / / Notice of Impending Boundary Action Prepared – The City Recorder prepared a notice of an impending boundary action stating the name of the local entity, type of boundary action and a statement, signed by the approving authority, that all requirements have been met.

- / / Filed with Lieutenant Governor – The City Recorder emailed a notice of an impending boundary action, a certified copy of the ordinance, and a copy of the approved final local entity plat with the Lieutenant Governor (annexations@utah.gov) within 60 days of ordinance adoption.

- / / AutoCAD Files Obtained – The Developer obtained a digital copy of the AutoCAD files of the final local entity plat.

- / / Annexation Documents Recorded – Upon the Lieutenant Governor's issuance of a certificate, the City Recorder and Petitioner(s) recorded with the County Recorder the original notice of impending boundary action with legal description, the original certificate of annexation with legal description, the original approved final local entity plat, a certified copy of the ordinance approving the annexation with legal description, and the original resolution approving the annexation agreement with the original annexation agreement including legal description.

- / / Notice of Enactment Sent to Effected Entities – The City Recorder sent a notice of the enactment of the annexation, stating its effective date (Certificate issuance date), to each effected entity.

Annexation Process Concluded