



# ANNEXATION APPROVAL CHECKLIST

## Annexation:

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

    /    /     **Filing Fees Paid** – Petitioner(s) paid filing fees to City Treasurer (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) \$200 per acre legal and engineering review deposit. *

\* If the amount of the deposit reaches  $\frac{1}{4}$  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.

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

    /    /     **Filing of Petition with City Recorder** – Petitioner(s) filed completed and signed annexation petition with City Recorder (654-3223). Petition accompanied by the following items:

- Plat Map** – An accurate certified survey plat 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.
- Certification of Delivery or Mailing** - Certification that a notice of intent to annex, with an accurate map of the proposed annexation area attached, was hand delivered or mailed to all owners of real property within the annexation area and all owners of real property located within 300 feet of that area.
- 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 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 any and all waters 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.

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

    /    /     Filing of Petition with Planning Commission Chair – Petitioner(s) delivered or mailed a copy of the petition, including a copy of the plat 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 plat was 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.

    /    /     Consideration of Petition by City Council – 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 – City Council denied the petition. City Recorder mailed a written notice of denial, within five (5) days of denial, to the contact sponsor and County Clerk. Annexation process concluded.
- Petition Accepted by City Council (Motion) – City Council accepted the petition for further consideration through a motion.
- Petition Accepted by City Council (Failure to Act) – 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.

    /    /     Obtain Records – 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 – 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 – Petition rejected because requirements for annexation were not met. City Recorder mailed or delivered written notice of rejection, including reasons for rejection, to the City Council, contact sponsor and County Council. 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 certification to the City Council, contact sponsor and County Council.

    /    /     Notice Received by Council – Notice of rejection or certification received by City Council.

- /    /     Notice of Certification Published – City Council published the notice of certification for at least once a week for three successive weeks in a newspaper of general circulation, beginning no later than 10 days after receipt of the notice of certification. Notice included requirements of Utah Code 10-2-406(2)(a).
- /    /     Notice of Certification to Effected Entity(s) – City Recorder mailed or delivered written notice of certification to each effected entity within 20 days of the City Council receiving notice of certification. Notice included requirements of Utah Code 10-2-406(2)(a).
- /    /     Protest Filed with Boundary Commission – Effected entity(s) filed a protest(s) with the Boundary Commission within 30 days of the City Council receiving notice of certification. Effected entity(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 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, Boundary Commission and each effected entity that filed a protest. Annexation process concluded.
- /    /     Public Hearing(s) by Boundary Commission – Boundary Commission began public hearings on the protest(s) within thirty (30) days after expiration of the protest period.
- /    /     Decision of Boundary Commission – Boundary Commission issued a written decision within thirty (30) days after the conclusion of public hearings.
- Annexation Approved – Boundary Commission approved the proposed annexation either with or without conditions.
  - Annexation Approved with Minor Modifications – Boundary Commission approved the proposed annexation, making minor modifications, either with or without conditions.
  - Annexation Disapproved – Boundary Commission disapproved the proposed annexation.
- /    /     Copy of Boundary Commission Decision Sent – Boundary Commission sent a copy of their decision, within 30 days after conclusion of public hearings, to the County Council, City Council, contact person and 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 Boundary Commission decision received by City Council.
- /    /     Conditions Met for Approval – The following conditions met before the annexation 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 might be required in order 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 insure adequacy of public facilities might 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 lands provisions of the Municipal Code.
- Historical 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 might 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.

    /    /     Review by Staff Review Team – 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 – City Planner referred the petition to the Midway City Planning Commission.

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

    /    /     Annexation Agreement – Annexation agreement prepared by Midway City and 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 – Planning Commission considered the petition and annexation agreement.

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

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

    /    /     Notice of Public hearing Published – City Council Published, at least 7 days prior to the hearing, a notice of the public hearing. The notice was published in a newspaper of general circulation within the municipality and the area proposed for annexation. The notice was also published on the Utah Public Notice Website.

    /    /     Public Hearing Held by City Council – 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 – City Council considered the ordinance granting the annexation and a resolution approving the annexation agreement.

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

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

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

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

    /    /     Ordinance Posted – 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 – County Surveyor reviewed, approved and signed the annexation map.

    /    /     Notice of Impending Boundary Action Prepared – 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.

    /    /     Filing with Lieutenant Governor – 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 30 days of ordinance adoption.

    /    /     AutoCAD Files Obtained – Developer obtains a digital copy of the AutoCAD files of the final local entity plat. The files may be on a CD-ROM or flash drive.

    /    /     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 to Effected Entities – 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