

# MEMORANDUM

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**DATE:** December 10, 2004

**SUBJECT:** Petition 400-04-11 – North Salt Lake Boundary Adjustment

**AFFECTED COUNCIL DISTRICTS:** Council District 3

**FROM:** Janice Jardine, Land Use Policy Analyst

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Ray McCandless, Principal Planner

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## OPTIONS AND MOTIONS:

1. **["I move that the Council"] Adopt a resolution for a voluntary boundary adjustment between North Salt Lake City and Salt Lake City as set forth in the resolution, subject to reasonable conditions to assure implementation of the development plan proposed by North Salt Lake City.**  
**Possible boundaries (to be determined by the City Council):**
    - a. 10 acres for the proposed housing development. (Recommended by Planning Commission)
    - b. 10 acres for the proposed housing development and 23 acres for the proposed cemetery. (Recommended by Planning staff)
    - c. All 80 acres. (Recommended by North Salt Lake City)
    - d. Other options that may be identified by Council Members.
  2. **["I move that the Council"] Close the public hearing and defer action to a future Council meeting in January. (Council meeting dates for January are the 4<sup>th</sup>, 11<sup>th</sup> and 18<sup>th</sup>.)**
  3. **["I move that the Council"] Deny the request for a voluntary boundary adjustment between North Salt Lake City and Salt Lake City.**
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The following information was provided previously for the Work Session on November 16, 2004. It is provided again for your reference.

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- A. North Salt Lake City owns 80 acres of property located in Salt Lake City on the Lake Bonneville Bench east of Beck Street above the gravel extraction businesses at approximately 405 West 2300 North.
- B. The requested voluntary boundary adjustment would allow North Salt Lake City to develop the property with a 10-acre housing subdivision and a 23-acre cemetery. The remaining 47-acres would be maintained as natural open space.
- C. The property is within Salt Lake City's municipal boundary and is zoned Open Space OS.
- D. The City's Open Space zone allows cemeteries as a permitted use. Residential uses are not permitted in this zoning classification.

## POTENTIAL OPTIONS:

Ideas, suggestions or options that have been identified through a variety of sources to this point are summarized below:

- A. Planning Commission recommendation:
  - 1. Reject the proposed boundary adjustment, with a strong recommendation that those who preside in the offices of the Salt Lake City Mayor and the Salt Lake City Council should be encouraged to exhaust the opportunities for negotiations that might suit the needs of both jurisdictions while preserving the maximum amount of open space.
- B. Planning staff options:
  - 1. Approve the boundary adjustment as requested.
  - 2. Deny the boundary adjustment.
  - 3. Deny the boundary adjustment and City purchase the entire 80 acres.
  - 4. Approve a boundary adjustment for the proposed housing (10 acres) and cemetery (23 acres) property and leave the remaining 47 acres in Salt Lake City and enter into an agreement that assures the remaining 47 acres will be preserved in perpetuity as natural open space.
- C. Other options:
  - 1. Approve a boundary adjustment for the proposed housing property only (10 acres) and leave the remaining 70 acres of property in Salt Lake City's municipal boundaries zoned Open Space.
  - 2. Defer action on the boundary adjustment, let the issue proceed to court and work at the Legislature to strengthen the State Statutes dealing with boundary adjustment and disconnection. (This option was identified by Representative Ralph Becker.)
  - 3. "Trade" the location of the boundary adjustment by:
    - Adjusting the municipal boundaries to place the Lake View gravel operation in North Salt Lake, and
    - Leaving the existing municipal boundary for the 80 acres the same keeping the property in Salt Lake City.

(The rationale is that the tax base generated by the gravel operation would off-set the tax base for the proposed 10-acres of residential property. This option has not been analyzed in detail. It would require, at a minimum, an agreement from the gravel business and/or property owners and an analysis of the tax benefit.)

## BUDGET RELATED FACTS:

The Administration has noted that there are potential budget impacts depending on the Council's final decision.

## MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

Council Members may wish to discuss with the Administration a related issue that has been raised regarding property owned by the Bates/Hunter family (approximately 20 acres). The Council could request that the Administration provide clarification on how the future of the Bates/Hunter property could be impacted by decisions on the North Salt Lake property.

- A. This property is located next to and south of the North Salt Lake property.
- B. The property is not included as part of this action.
- C. Representatives from the Hunter family have indicated an interest in selling or trading this property.
- D. There appears to be some question as to the development and access potential of this property.
- E. The Planning staff report notes:
  - 1. The 20-acres is the last portion of the Bates/Hunter family owned properties that originally extended north and west to Beck Street dating back to the late 1800's.

2. The property has been incrementally purchased by various gravel excavation companies.
3. The most recent purchase was in the mid 1980's by Staker Paving and Hughes (Lake View Rock Products) for gravel extraction operations.
4. Following completion of the Zoning Rewrite project and adoption of new zoning classifications and maps that zoned the property Open Space, the Bates/Hunter family filed an inverse condemnation lawsuit against Salt Lake City which is still active. (Case 99-09 10566)

**The Planning staff report notes:**

- A. This area is similar in function and importance to other open spaces found in the mountains and foothills around Salt Lake City such as City Creek Canyon and other undeveloped segments of the Lake Bonneville bench (Bonneville Shoreline Trail).
- B. The North Salt Lake property is geographically closer to North Salt Lake City and is likely to be used more often by North Salt Lake residents.
- C. From North Salt Lake City, the shoreline is accessed near the Eaglewood Golf Course.
- D. Salt Lake City residents must either hike or bike to the property from the south or drive to North Salt Lake City to access this area.
- E. From Salt Lake City, the area is accessed by pedestrians and the bicyclists via the Bonneville Shoreline Trail which extends along much of the east side of the City on the Lake Bonneville bench.

**KEY ELEMENTS:**

- A. State Statute regulates boundary line adjustments and disconnections between municipal jurisdictions. Both proceedings require action by the legislative body including a public hearing with published and written notice. (Please refer to the attached sections from the State Code for specific requirements.) The City Attorney's office has indicated that the basic difference between the two actions is:
  1. Boundary line adjustments are mutually agreed upon by the affected municipalities. The process includes:
    - a. Legislative body adopting a resolution, and
    - b. Holding a public hearing with public notice not less than 60 days after the adoption of the resolution.
  2. Disconnections, if not approved, can be determined in district court. The process includes:
    - a. Legislative body public hearing with public notice within 30 days after the last notice published in a newspaper of general circulation, and
    - b. Within 45 days of the public hearing, the Legislative body may grant approval of the disconnection by adopting an ordinance.
- B. The Planning Commission reviewed this issue on March 10, September 29 (subcommittee review) and October 27, 2004. Comments were received from North Salt Lake City representatives and the public. The Planning Commission voted to forward a negative recommendation to the City Council for the boundary adjustment noting that it was not consistent with the City's master plans for the area. The Commission further recommended that the City pursue negotiation that would meet the needs of both jurisdictions while preserving the maximum amount of open space. (Please see the Potential Options section of this memo, item A, for complete wording of the Planning Commission motion.)
- C. Information provided by the City of North Salt Lake for the boundary adjustment is summarized below. (Please refer to letter from North Salt Lake and supporting documents at the end of the Administration's transmittal for details.)
  1. In October 2002, the City of North Salt Lake contacted the Salt Lake City Attorney to begin discussion of a potential boundary adjustment for 80-acres of property owned by North Salt Lake City located on the high bench above the Beck Street gravel pits.

2. In March 2003, Deputy City Attorney Lynn Pace responded indicating that the boundary adjustment is the appropriate legal process and requested additional information concerning North Salt Lake City's intended uses of the property.
  3. In April 2003, North Salt Lake City commenced a planning process to define the long-range plan for this property.
  4. On September 16, 2003, the North Salt Lake City Council adopted a General Plan Amendment for the property.
  5. Utah statutes allow municipal jurisdictions to cross county boundaries. With this boundary adjustment, the 80-acre parcel will be within the municipal jurisdiction of North Salt Lake City, but will remain within the jurisdiction of Salt Lake County.
  6. North Salt Lake City is the only jurisdiction that can provide basic public services, including street access, public water, storm drainage and sewer utilities, public safety (police, fire protection, paramedic services, etc.) schools, churches and supportive retail/commercial services for the development of open space and residential uses.
  7. Salt Lake City cannot physically provide any of the required and typical municipal services to this property.
  8. North Salt Lake City also owns two culinary water wells on the property that supply water to the residents of North Salt Lake.
  9. The City desires to protect the water resources through both ownership and jurisdictional regulation of development.
  10. The City has a desire to provide a city cemetery for its residents and to have jurisdictional regulation of the cemetery.
  11. The plan is an excellent example of the planning concept "saved by development" which allows the revenue from developing appropriate land uses to be available to ensure that other more sensitive lands remain in open space.
- D. The Administration's transmittal indicates that the public process included written notice of the Planning Commission hearings provided to all community council chairpersons, adjoining property owners, North Salt Lake City, the Bonneville Shoreline Trail Committee, the Forest Service, and Davis County.
- E. The Capitol Hill Community Council passed a resolution stating, in part, "In light of North Salt Lake's plan to develop a portion of the land for housing and landscaping the rest for a cemetery, the citizens of the Council voted unanimously to ask the City to retain jurisdiction over this property and preserve it as open space in conformance with the Council's Master Plan of 2001. (Capitol Hill Community Master Plan) The Master Plan strongly endorses the preservation of remaining open space areas with the Council's boundaries."
- F. The Mayor's Open Space Committee provided a letter to the Planning Commission identifying three points. (Summarized below)
1. The property should be preserved under the current open space zoning, specifically preserving it as naturalized open space.
  2. The Planning Commission express a position that facilitates the ability of Salt Lake City and North Salt Lake City to negotiate a preservation option. This could best be accomplished by the Planning Commission opting to not take a position and forward the matter to the City Council without further delay.
  3. Should events prevail that support negotiation or a negotiated agreement for a preservation strategy, members of MOSAC commit to developing a funding package which will assist in acquiring and permanently preserving this geo-antiquity.

## MASTER PLAN AND POLICY CONSIDERATIONS:

### A. Key elements from the North Salt Lake City Eastside Neighborhood Master Plan, September 16, 2003, are summarized below:

- a. The purpose of the General Plan Amendment is to:
  - Plan for a boundary adjustment with Salt Lake City.
  - Provide the land use, transportation and zoning plan for the property.
- b. Open Space Uses:
  - The southernmost 70 acres of the property is planned for open space uses that include a North Salt Lake City Cemetery, Wetlands Preservation Area, Wellhead Protection Area, Foothill Preservation Areas, Lime Canyon Trail, the Bonneville Shoreline Trail and Natural Open Space Areas.
- c. Pedestrian and Bicycle Trails:
  - The Bonneville Shoreline Trail is identified to be relocated from the current (unofficial) position bisecting the bench property to the edge of the foothills.
  - Two alternative trail alignments for the Bonneville Shoreline Trail are identified through the residential neighborhood. North Salt Lake City will dedicate a trail easement across the 80-acre parcel for the Bonneville Shoreline Trail at the new location. Additional studies are required of private property development alternative north of the 80-acre parcel before a final alignment can be selected.
  - A new Lime Canyon Trail is identified for pedestrian use to connect with a potential trail traversing the high bench reclamation area of the Staker gravel operation to Beck Street. North Salt Lake City will provide an easement for the Lime Canyon Trail for public use and access to Forest Service property and upper bench trails.
- d. Residential Uses:
  - Approximately 10-acres of property are identified for low-density residential uses on the flat bench and gently sloping foothills immediately adjacent to the Davis County boundary.
  - Proposed densities will range from three lots per acre on the bench to one lot per acre on the foothills, generating between 21 and 23 residential lots.
- e. Transportation Plan:
  - A residential collector street will provide vehicle access and terminate north of the Wetlands Preservation Area.
  - The street will provide access to the cemetery at a loop turn-a-bout.
  - A narrow road network will serve the cemetery, dedicated for exclusive use of cemetery patrons with the option to close access after visitation hours.
  - The high bench arterial provided with the development of Eagleridge Drive will take the higher volume of traffic from the upper bench to Highway 89 at Orchard Drive.
- f. Zoning Plan:
  - The residential neighborhood should be zoned Residential R1-12 to be consistent with development regulations of the upper east bench zoning patterns.
  - Open space uses should be zoned OS-Natural Open Space. Some modifications to this zoning district will be necessary to include cemetery use.

### B. The 1999 Capitol Hill Community Master Plan Future Land Use Map identifies this property as Foothill Open Space. The Plan notes that the amount of open space in the foothills of the Capitol Hill Community affords a great recreational opportunity for residents and visitors. In addition to existing improved trail in City Creek Canyon, the development of the Shoreline trail and trails above the extractive industries on the foothill's western slope will provide additional opportunities for recreation in the Community. Action items in the Plan include:

1. Implementation of the Open Space Plan as it relates to the Capitol Hill Community.

2. Creation of a new zoning district for public lands in the foothills which prohibits the development of structures.
- C. The **1992 Open Space Master Plan** identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City. The Plan discusses the value of open space including recreational opportunities and preservation of wildlife habitat along the foothills and Bonneville bench areas. The Shoreline Trail Corridor shows a trail extending northward from 700 North. The Bonneville Shoreline Trail also connects north of Ensign Peak and with the communication tower road. The Plan also notes increased concerns of many residents and public officials regarding:
1. Conservation of the natural environment,
  2. Enhancement of open space amenities,
  3. Connecting various parts of the City to natural environments,
  4. Educating citizens on proper use of open space, and
  5. Continued urban encroachment would be very damaging to fragile ecosystems, wildlife habitat and scenic beauty.
- D. The Planning staff report notes:
1. The Open Space Plan Mountains/Foothill category includes the Wasatch Mountains, canyons and associated foothill areas. It also includes the Lake Bonneville Bench, slope-restricted undevelopable private property, City-owned foothill property and Federal/State/Local and private property.
  2. The Lake Bonneville shoreline is a prominent geologic feature that is visible along the foothills of the Wasatch Mountains and mountains of the west desert.
  3. From Salt Lake City, the area is accessed by pedestrians and the bicyclists via the Bonneville Shoreline Trail which extends along much of the east side of the City on the Lake Bonneville bench.
  4. From North Salt Lake City, the shoreline is accessed near the Eaglewood Golf Course.
  5. This area is similar in function and importance to other open spaces found in the mountains and foothills around Salt Lake City such as City Creek Canyon and other undeveloped segments of the Lake Bonneville bench (Bonneville Shoreline Trail).
  6. The North Salt Lake property is geographically closer to North Salt Lake City and is likely to be used more often by North Salt Lake residents.
  7. Salt Lake City residents must either hike or bike to the property from the south or drive to North Salt Lake City to access this area.
  8. In terms of watershed, aquifer recharge and views, the mountains are the most important open space component.
  9. The value of open space to wildlife habitat appears to be equally essential.
- E. The **1999 Beck Street Reclamation Framework and Foothill Area Plan** recognizes the importance of preserving the Lake Bonneville bench area above Beck Street. The Plan identifies this property as open space with the Bonneville Shoreline Trail extending north and south through the eastern side of the property. In addition to recommending the retention of existing open space and the formal designation of the Bonneville Shoreline Trail, the Plan calls for east-west trail linkages from the four canyons connecting the Bonneville Shoreline Trail on the bench with the Warm Springs Fault Trail at the Beck Street level. The Planning staff report notes that the Plan does not provide details of how the North Salt Lake property should (or should not) be developed or what specific open space land uses (natural or developed) are appropriate for this property. An east-west trail connection with the Cliff Face Trail is shown in this Plan. This connection is identified in the North Salt Lake Plan as the Lime Canyon Trail.

F. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:

1. Is aesthetically pleasing;
2. Contributes to a livable community environment;
3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
4. Forestalls negative impacts associated with inactivity.

G. The City's **Strategic Plan** and the **Futures Commission Report** express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Lisa Romney, Ed Rutan, Lynn Pace, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Ray McCandless, Marge Harvey, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Boundary Adjustment, North Salt Lake City property (80 acres), approximately 405 West 2300 North

**10-2-419. Boundary adjustment – Notice and hearing – Protest.**

(1) The legislative bodies of two or more municipalities having common boundaries may adjust their common boundaries as provided in this section.

(2) (a) The legislative body of each municipality intending to adjust a boundary that is common with another municipality shall:

- ✓ (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a common boundary;
- ✓ (ii) hold a public hearing on the proposed adjustment no less than 60 days after the adoption of the resolution under Subsection (2)(a)(i); and
- ✓ (iii) (A) publish notice at least once a week for three successive weeks in a newspaper of general circulation within the municipality; or

(B) if there is no newspaper of general circulation within the municipality, post at least one notice per 1,000 population in places within the municipality that are most likely to give notice to residents of the municipality.

(b) The notice required under Subsection (2)(a)(iii) shall:

(i) state that the municipal legislative body has adopted a resolution indicating the municipal legislative body's intent to adjust a boundary that the municipality has in common with another municipality;

(ii) describe the area proposed to be adjusted;

(iii) state the date, time, and place of the public hearing required under Subsection (2)(a)(ii);

(iv) state in conspicuous and plain terms that the municipal legislative body will adjust the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written protests to the adjustment are filed by the owners of private real property that:

(A) is located within the area proposed for adjustment;

(B) covers at least 25% of the total private land area within the area proposed for adjustment; and

(C) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment; and

(v) state that the area that is the subject of the boundary adjustment will, because of the boundary adjustment, be automatically annexed to a local district providing fire protection, paramedic, and emergency services, as provided in Section 17B-2-515.5, if:

(A) the municipality to which the area is being added because of the boundary adjustment is entirely within the boundaries of a local district:

(I) that provides fire protection, paramedic, and emergency services; and

(II) in the creation of which an election was not required because of Subsection 17B-2-214(3)(c); and

(B) the municipality from which the area is being taken because of the boundary adjustment is not within the boundaries of the local district; and

(vi) state that the area proposed for annexation to the municipality will be automatically withdrawn from a local district providing fire protection, paramedic, and emergency services, as provided in Subsection 17B-2-601(2), if:

(A) the municipality to which the area is being added because of the boundary adjustment is not within the boundaries of a local district:

(I) that provides fire protection, paramedic, and emergency services; and

(II) in the creation of which an election was not required because of Subsection 17B-2-214(3)(c); and

(B) the municipality from which the area is being taken because of the boundary adjustment is entirely within the boundaries of the local district.

✓ (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be within 14 days of the municipal legislative body's adoption of a resolution under Subsection (2)(a)(i).

✓ (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal legislative body may adopt an ordinance adjusting the common boundary unless, at or before the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with the city recorder or town clerk, as the case may be, by the owners of private real property that:

(a) is located within the area proposed for adjustment;

(b) covers at least 25% of the total private land area within the area proposed for adjustment; and



(c) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment.

(4) An ordinance adopted under Subsection (3) becomes effective when each municipality involved in the boundary adjustment has adopted an ordinance under Subsection (3).

Amended by Chapter 257, 2003 General Session

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*Last revised: Wednesday, May 26, 2004*

**10-2-501. Municipal disconnection -- Definitions -- Request for disconnection -- Requirements upon filing request.**

(1) As used in this part "petitioners" means persons who:

- (a) own title to real property within the area proposed for disconnection; and
- (b) have signed a request for disconnection proposing to disconnect that area from the municipality.

(2) (a) Petitioners proposing to disconnect an area within and lying on the borders of a municipality shall file with that municipality's legislative body a request for disconnection.

(b) Each request for disconnection shall:

(i) contain the names, addresses, and signatures of the owners of more than 50% of the real property in the area proposed for disconnection;

(ii) give the reasons for the proposed disconnection;

(iii) include a map or plat of the territory proposed for disconnection; and

(iv) designate between one and five persons with authority to act on the petitioners' behalf in the proceedings.

(3) Upon filing the request for disconnection, petitioners shall:

(a) cause notice of the request to be published once a week for three consecutive weeks in a newspaper of general circulation within the municipality;

(b) cause notice of the request to be mailed to each owner of real property located within the area proposed to be disconnected; and

(c) deliver a copy of the request to the legislative body of the county in which the area proposed for disconnection is located.

Amended by Chapter 279, 2003 General Session

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*Last revised: Wednesday, May 26, 2004*

**10-2-502.5. Hearing on request for disconnection -- Determination by municipal legislative body -- Petition in district court.**

(1) Within 30 calendar days after the last publication of notice required under Subsection 10-2-501(3)(a), the legislative body of the municipality in which the area proposed for disconnection is located shall hold a public hearing.

(2) At least seven calendar days before the hearing date, the municipal legislative body shall provide notice of the public hearing:

(a) in writing to the petitioners and to the legislative body of the county in which the area proposed for disconnection is located; and

(b) by publishing a notice in a newspaper of general circulation within the municipality or, if there is none, then by posting notice of the hearing in at least three public places within the municipality.

(3) In the public hearing, any person may speak and submit documents regarding the disconnection proposal.

(4) Within 45 calendar days of the hearing, the municipal legislative body shall:

(a) determine whether to grant the request for disconnection; and

(b) if the municipality determines to grant the request, adopt an ordinance approving disconnection of the area from the municipality.

(5) (a) A petition against the municipality challenging the municipal legislative body's determination under Subsection (4) may be filed in district court by:

(i) petitioners; or

(ii) the county in which the area proposed for disconnection is located.

(b) Each petition under Subsection (5)(a) shall include a copy of the request for disconnection.

Renumbered and Amended by Chapter 279, 2003 General Session

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*Last revised: Wednesday, May 26, 2004*

**10-2-502.7. Court action.**

- (1) After the filing of a petition under Section 10-2-502.5 and a response to the petition, the court shall, upon request of a party or upon its own motion, conduct a court hearing.
- (2) At the hearing, the court shall hear evidence regarding the viability of the disconnection proposal.
- (3) The burden of proof is on petitioners who must prove, by a preponderance of the evidence:
  - (a) the viability of the disconnection;
  - (b) that justice and equity require that the territory be disconnected from the municipality;
  - (c) that the proposed disconnection will not:
    - (i) leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years;
    - (ii) make it economically or practically unfeasible for the municipality to continue to function as a municipality; or
    - (iii) leave or create one or more islands or peninsulas of unincorporated territory; and
  - (d) that the county in which the area proposed for disconnection is located is capable, in a cost-effective manner and without materially increasing the county's costs of providing municipal services, of providing to the area the services that the municipality will no longer provide to the area due to the disconnection.
- (4) In determining whether petitioners have met their burden of proof with respect to Subsections (3)(c)(i) and (ii), the court shall consider all relevant factors, including the effect of the proposed disconnection on:
  - (a) the municipality or community as a whole;
  - (b) adjoining property owners;
  - (c) existing or projected streets or public ways;
  - (d) water mains and water services;
  - (e) sewer mains and sewer services;
  - (f) law enforcement;
  - (g) zoning; and
  - (h) other municipal services.
- (5) The court's order either ordering or rejecting disconnection shall be in writing with findings and reasons.

Renumbered and Amended by Chapter 279, 2003 General Session

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**10-2-506. Taxes to meet municipal obligations.**

- (1) If the court orders a disconnection of territory from a municipality, the court shall also order the county legislative body to levy taxes on the property within the disconnected territory that may be required to pay the territory's proportionate share of the municipal obligations accrued while the territory was part of the municipality.
- (2) Any tax levy ordered by the court under Subsection (1) shall be collected by the county treasurer in the same manner as though the disconnected territory were a municipality.
- (3) The county treasurer shall pay to those entities named by the court the revenue received from that tax levy.

Amended by Chapter 132, 1996 General Session

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**10-2-507. Decree – Filing of documents – Notice requirements.**

(1) Upon entering a disconnection order, the court shall file a certified copy of the order and a transparent reproducible copy of the map or plat in the county recorder's office.

(2) The municipality shall file amended articles of incorporation in the lieutenant governor's office, as provided in Section 10-1-117, and the county recorder's office within 30 days after, as the case may be:

(a) adoption of an ordinance approving disconnection under Subsection 10-2-502.5(4)(b); or

(b) entry of a court order under Section 10-2-502.7 ordering disconnection.

(3) The amended articles of incorporation shall:

(a) describe the postdisconnection geography of the municipality; and

(b) specify the postdisconnection population of the municipality.

(4) The lieutenant governor shall comply with the requirements of Subsection 10-1-117(3).

(5) Any cost incurred by the municipality in complying with this section may be charged against the disconnected territory.

(6) The legislative body of each municipality that has had territory disconnected shall comply with the notice requirements of Section 10-1-116.

Amended by Chapter 279, 2003 General Session

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Utah Code Section 10-2-508

Page 1 of 1

**10-2-508. Disconnection completed.**

Disconnection is complete when the lieutenant governor certifies the amended articles of incorporation as required by Section 10-1-117.

Amended by Chapter 279, 2003 General Session

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Utah Code Section 10-2-509

Page 1 of 1

**10-2-509. Costs.**

Each party to the court action for disconnection shall pay its own witnesses and petitioners shall pay all other costs.

Enacted by Chapter 48, 1977 General Session

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Utah Code Section 10-2-510

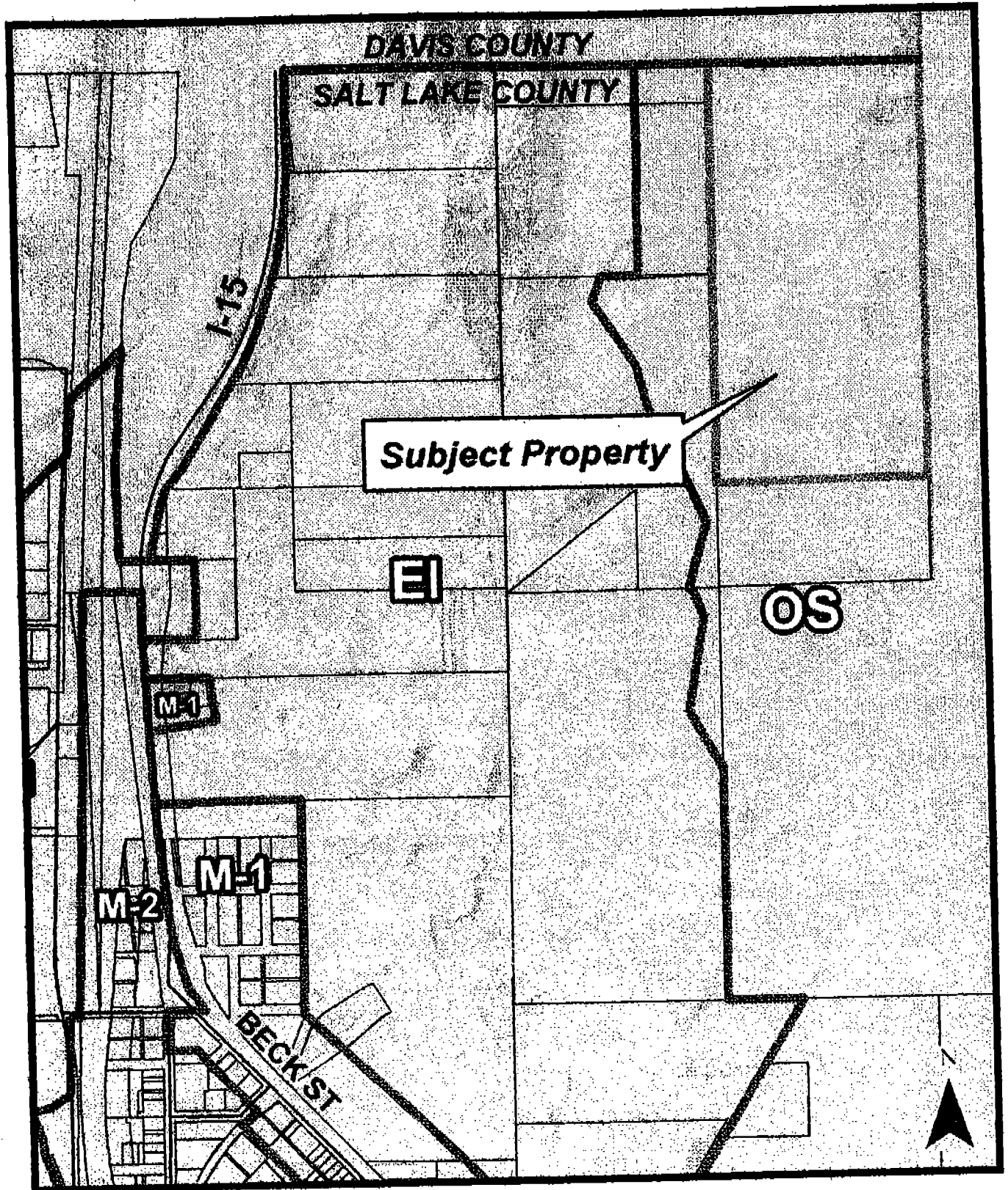
Page 1 of 1

**10-2-510. Boundary adjustment procedure not affected.**

This part shall not be construed to abrogate, modify, or replace the boundary adjustment procedure provided in Section 10-2-419.

Amended by Chapter 389, 1997 General Session

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RESOLUTION NO. \_\_\_\_\_ OF 2004

(BOUNDARY ADJUSTMENT WITH  
NORTH SALT LAKE CITY)

WHEREAS, municipalities are authorized by § 10-2-419 of the UTAH CODE to adjust their common boundaries; and

WHEREAS, North Salt Lake City has filed a request to adjust the common boundary between North Salt Lake City and Salt Lake City in the foothill area located immediately east of the Beck Street gravel pits; and

WHEREAS, North Salt Lake City has submitted a proposed development plan for the property in question if Salt Lake City agrees to the boundary adjustment; and

WHEREAS, the City Council of Salt Lake City finds that a boundary adjustment with North Salt Lake City, pursuant to the development plan proposed, would be in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Salt Lake City, Utah:

The City Council intends to adopt an ordinance to adjust the boundary between Salt Lake City and North Salt Lake City, subject to reasonable conditions to assure implementation of the development plan proposed by North Salt Lake City, as follows:

1. Pursuant to this boundary adjustment, certain property which is located within the municipal limits of Salt Lake City will become part of North Salt Lake City. That property is more particularly identified on the map attached hereto as Exhibit "A."

2. The Salt Lake City Council will hold a public hearing on the proposed boundary adjustment no less than 60 days after the adoption of this resolution.

3. Upon conclusion of the public hearing, the Salt Lake City Council may adopt an ordinance adjusting the common boundary between Salt Lake City and North Salt Lake City, unless written protests are filed with the City Recorder as set forth in UTAH CODE § 10-2-419(3).

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

SALT LAKE CITY COUNCIL

By: \_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date 12-10-04  
By [Signature]

