# APPLICATION FOR ANNEXATION BY RESOLUTION

(Chapter 27 - Lehi City Development Code)

For Office Use Only

File #:_____ Date Filed:_____ Receipt Number:_____ Planner:_____

*Fee: $200 base fee per annexation + $20 per acre up to 50 acres and $5 per acre thereafter for each applying property owner based on the number of acres they represent in the annexation.*

Name:_____ Authorized Agent (if applicable):_____

Address: _____City: _____State:_____ Zip: _____

Phone#: _____Cell#:_____Fax#: _____Email: _____

Name and Address of licensed land surveyor:_____

**Name of Proposed Annexation**:_____

**General Location of Proposed Annexation**:_____

What Percent of the Private Real Property within the Proposed Annexation is Represented by the Signatures of the Owners?_____

What Percent of the Value of Private Real Property within the Annexation Plat is Represented by the Signatures of the Owners?_____

Total Number of Acres Included in Annexation:_____ Total Number of Parcels Included in Annexation:_____

Zoning Requested:_____

## APPLICATION REQUIREMENTS

All fees and the application requirements listed below are required of all proposed annexations regardless of size. In addition to the following information, the applicant may be required to provide additional information if the staff, Reviewing Departments, Planning Commission, or City Council finds the information to be necessary to evaluate the merits of the proposed annexation.

(1) _____**Owners Request for Annexation** (p. 3 of the application)**:** This application must be accompanied by the signatures of each property owner included in the Annexation who is requesting that the City annex their property by resolution (the owner of real property shall be the record title owner according to the records of the county recorder on the date of the filling of the application).

(2) _____**Annexation Plat:** An annexation plat in a format acceptable for recording and drawn by a licensed land surveyor must accompany this application. The plat must include the following information:

(a) _____ A title block containing:

(i) ____ Name of the annexation

(ii) ____ Scale

(iii) ____ Surveyors certificate

(iv) ____ County surveyor's signature and the following verbiage above the county surveyor's signature block: "This plat has been reviewed by the County Surveyor and is hereby certified as a final local entity plat, pursuant to Utah County Ann. §17-23-20 as amended."

(v) ____ A signature block for the Mayor and the following verbiage above the Mayor's signature block: *"This is to certify that we the undersigned Lehi City Council have adopted a resolution of its intent to annex the tract of land shown herein and have subsequently adopted an ordinance annexing said tract into Lehi City, Utah and that a copy of the ordinance has been prepared for filing herewith all in accordance with Utah Code Section 10-2-418 as revised and that we have examined and do hereby approve and accept the annexation of the tract as shown as a part of said City and that said tract of land is to be known hereafter as the _____annexation".*

(b) _____ Identify on the plat each parcel included in the annexation and on each parcel label the following:

(i) ____ Owner's name

(ii) ____ Tax identification number

(iii) ____ Acreage

(iv) ____ Proposed zoning

(c) _____ All existing roads that are adjacent to the property being annexed must be included on the annexation plat. Roads adjacent to the annexation that are already in the City should also be shown.

(d) _____ If an existing road is being annexed, the annexation boundary should extend, as a minimum, 10 feet from the edge of existing pavement. (If the property being annexed has a deed line that extends across the street and beyond the requested 10 feet, the deed line should be the annexation boundary line).

(e) _____ The Centerline of existing pavement should be shown on all roads, within and adjacent to the annexation.

(f) _____ The location of existing City Boundaries.

(g) _____ One *(1) twenty-four by thirty-six (24 x 36) inch copies, and* *ten (10) eleven by seventeen (11 x 17)* *inch copies* of the proposed Annexation Plat shall be submitted to the City.

(h) _____ A mylar copy of the Annexation Plat must be submitted prior to the final public hearing before the City Council, and shall be prepared in ink by an engineer or land surveyor licensed to practice in the State of Utah. The mylar plat shall be of such size and material as is acceptable for filing in the office of the Utah County Recorder, but shall not be less than twenty-four by thirty-six (24 x 36) inches.

(3) _____ **Annexation Information Requirements:** Please prepare a statement that responds to the following questions as required by the Lehi City Development Code, Chapter 27.

(a) _____ In general, what is the topography, vegetation, and other natural features present on the property proposed to be annexed?

(b) _____ What is the existing land use(s) of the property proposed for annexation and those requested by the owners?

(c) _____ What is the current and potential (if the property were developed) population and residential density of the proposed area?

(d) _____ How will the proposed annexation comply with and achieve Lehi City's land use(s), goals and policies outlined in the Lehi City General Plan?

(e) _____ What are the current and potential (if the property were developed) demands for City provided facilities and services to the area proposed for annexation, including culinary water, irrigation water, wastewater, transportation facilities, drainage, fire protection, solid waste, parks and recreation, and police protection?

(f) _____ Are the water rights necessary for annexation, found in Section 27-040 of the Lehi Development Code available for dedication to Lehi City upon annexation?

(4) _____ **Notification:** As a courtesy to property owners the applicant shall provide the City with **stamped and preaddressed envelopes (#10 business size)** for each owner of record of each parcel located entirely or partly within three hundred (300) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County or adjacent municipalities, together with a **mailing list for those owners**. The names and addresses shall be as shown on the most recently available Utah County tax assessment rolls. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate.

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## APPLICANT CERTIFICATION

I certify under penalty of perjury that this application and all information submitted as a part of this application is true, complete and accurate to the best of my knowledge. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Lehi City may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Lehi City Development Code and that items and checklists contained in this application

are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. I also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

Signature:_____, Title:_____Date:_____

***Attendance at Planning Commission and City Council meetings is <u>required</u> by the applicant or a representative. It is the applicant's responsibility to call for meeting dates and times.***

# OWNERS REQUEST FOR ANNEXATION
# FOR

_____
(Annexation Name)

We the undersigned hereby certify that we are the owners of said real property to be annexed, and that said land is contiguous to the Corporate limits of Lehi City, and we do hereby request that Lehi City consider annexation of said land by resolution. The requested zoning is _____. Total number of acres_____.

***Name:***_____Address:_____

Phone:_____ Tax I.D./Parcel #(s):_____ Proposed Zone District Assignment:_____

Signature:_____

***Name:***_____Address:_____

Phone:_____ Tax I.D./Parcel #(s):_____ Proposed Zone District Assignment:_____

Signature:_____

***Name:***_____Address:_____

Phone:_____ Tax I.D./Parcel #(s):_____ Proposed Zone District Assignment:_____

Signature:_____

***Name:***_____Address:_____

Phone:_____ Tax I.D./Parcel #(s):_____ Proposed Zone District Assignment:_____

Signature:_____

***Name:***_____Address:_____

Phone:_____ Tax I.D./Parcel #(s):_____ Proposed Zone District Assignment:_____

Signature:_____

Each owner and signer for himself says: I have personally signed this Application; I am aware of the request for Annexation and understand the terms and conditions of this Application; I am an owner of a portion of the property above mentioned and located at or near Lehi, Utah County, State of Utah, and my post office address is correctly written after my name.

(Attach additional sheets as necessary)

# POLICIES, PROCEDURES AND STEPS FOR ANNEXING PROPERTY BY RESOLUTION

## What Is Annexation By Resolution?

According to Utah State Code Section 10-2-418 a municipality may annex an unincorporated area which is an island within or a peninsula contiguous to the municipality through an alternative resolution process instead of by petition. Furthermore, a municipality may annex a portion of an island or peninsula, leaving unincorporated the remainder of the unincorporated island or peninsula through a resolution process if the municipal legislative body determines that not annexing the entire unincorporated island or peninsula is in the municipality's best interest.

## General Annexation Requirements

There are various requirements and procedures for annexation, most of which are dictated by state statute, that applicants should be aware of prior to submission of a request for annexation. This checklist is intended *for information purposes only*. For a detailed list of requirements and procedures, please refer to the Utah State Code, Lehi City Development Code and the Lehi City General Plan.

A. All annexation requests must meet the following general requirements:
   1. The area must be a contiguous area.
   2. The area must be contiguous to Lehi City.
   3. The request cannot propose the annexation of all or part of an area proposed for annexation in a previously filed petition that is still pending approval, denial or rejection.

B. All annexation requests, either by petition or resolution, must be filed in the office of the City Recorder at 153 North 100 East.

C. Prior to filing the request with the City Recorder, it is advised that the sponsor review the application and required materials with a member of the Planning Staff to ensure that the application is complete.

## Annexation Agreement

Prior to final approval of any annexation, the proponent of an annexation and Lehi City will enter into an annexation agreement specifying the terms and conditions of the annexation. Each annexation agreement will be based on a site-specific basis and the elements of the agreement may, and probably will, differ on each annexation. Because each annexation agreement may differ, each annexation will be processed on a case-by-case basis with no precedent set by previous annexation agreements.

## Water Rights Conveyance Requirements

A. All property annexed to Lehi City, or property already within the boundaries of Lehi City, for which the owner initiates an application for a zoning district map amendment, an application for Area Plan approval, an application for a Planned Residential Design or Planned Unit Development approval, or an application for subdivision or site plan approval which would increase the need for water service from Lehi City, shall provide water rights in an amount sufficient to satisfy the needs of the existing and future uses and occupants to be supplied by the Lehi City water system as provided by these guidelines. The owner of any property annexed into the City shall convey to the City in accordance with these guidelines water rights that entitle such owner to an annual quantity and rate of flow sufficient to meet the water use requirements of proposed future development of such annexed property. These water rights conveyance requirements shall be considered as a condition precedent to the approval of annexation. The amount of water rights to be conveyed shall be determined according to the following schedule:

| Zone District Classification | Culinary Water Rights Required Per Acre (in acre feet) | Irrigation Water Rights Required Per Acre (in acre feet) | Total Acre Feet per Acre Required |
|---|---|---|---|
| A-5 | 0.09 | 3.60 | 3.69 |
| A-1 | 0.45 | 3.24 | 3.69 |
| R-1-22 | 0.79 | 2.90 | 3.69 |
| RA-1 | 1.13 | 2.56 | 3.69 |
| R-1-15 | 1.13 | 2.56 | 3.69 |
| R-1-12 | 1.35 | 2.34 | 3.69 |
| R-1-10 | 1.58 | 2.11 | 3.69 |
| R-1-Flex | 1.58 | 2.11 | 3.69 |
| R-1-8 | 1.80 | 1.89 | 3.69 |
| R-2 | 2.70 | 1.90 | 4.60 |
| R-2.5 | 4.05 | 1.90 | 5.95 |
| R-3 | 5.40 | 1.90 | 7.30 |
| C, C-1, NC, CR, BP | 1.35 | 1.25 | 2.60* |
| PC | 1.80 | 1.89 | 3.69* |
| MU (Commercial) | 1.35 | 1.25 | 2.60* |
| MU (Residential) | 1.80 | 1.89 | 3.69* |
| HCD (Commercial) | 1.35 | 1.25 | 2.60* |
| HCD (Residential) | 1.80 | 1.89 | 3.69* |
| TH-5 | NA | NA | NA |

* Evaluation of the uses of the property may increase/decrease these required amounts.

B. For the irrigation portion of the water rights conveyance, sufficient shares of water from sources other than Lehi Irrigation Company may be substituted, as they are equivalent to a like amount of Lehi Irrigation Company shares as determined by the City Engineer. The following is a conversion chart showing the equivalent value of some other sources:

| **Water Company** | **Shares Required to Equal One (1) Share of Lehi Irrigation Company Shares** |
|---|---|
| Deer Creek | 2.60 |
| Provo Late, Mitchell Hollow | 1.00 |
| Provo Full | 0.75 |
| North Bench | 2.00 |
| Spring Creek | 1.5 |

C. Subsequent to an annexation, if a zone district map amendment is requested to a zone district requiring more water shares as indicated above, or a request for development approval requiring more water service from Lehi City, additional water shall be required at that time consistent with these guidelines.

D. Prior to acceptance of water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity or rate of flow or have not been approved for change to municipal purposes within the City of Lehi by the State Engineer. In determining the quantity of water available under the water rights requirements, the City will evaluate the priority of the water rights and the historic average quantities of water available to the water rights as determined by the

State Engineer. The City will require an application for approval of the change of use and/or change of point of diversion as applicable with the State Engineer in order to quantify and verify the water rights.

## Water Right Transfer Procedures

A. The procedures in this section pertain to all transfers of water rights to Lehi City such as transfers related to annexations, zone changes, etc.

B. General Requirements. The water right dedication for an annexation is based on the zoning designation assigned at the time of annexation. Should the zone be changed subsequent to annexation, an adjustment will be made in order to conform to the water dedication schedule for the new zone. Acre-feet will be rounded up if the shares/water rights do not exactly match the required amount. Lehi Irrigation Company shares shall be used as the standard in determining the number of shares of water stock to be dedicated. Owner warrants good and marketable title to the Stock/Water Rights and warrants that Stock/Water Rights will be transferred free of all liens, encumbrances and security interests. Owner shall pay all debts, taxes, charges and assessments against said Stock/Water Rights existing as of the date that the Owner transfers Stock/Water Rights to Lehi City.

C. Irrigation Company Shares. If the irrigation shares can be used directly in the Lehi pressurized irrigation system, the shares shall be transferred into the name of Lehi City through the Irrigation Company and the certificates delivered to Lehi City. If the irrigation company shares cannot be used directly in the Lehi pressurized irrigation system, the change application procedure in item #4 must be followed. When the change application is final, Owner must transfer the shares into the name of Lehi City through the Irrigation Company and deliver the certificates to Lehi City.

D. Fee in Lieu of Future Assessments. Shares of stock in mutual irrigation companies are subject to payment of an annual fee to cover assessments levied by the irrigation company board of directors pursuant to Utah Code Annotated 16-4-4 et seq. If the city incurs pumping costs in order to use the irrigation water in the city system, then there shall be an additional assessment. In consideration for the City's additional obligation created herein for all future assessments levied by the irrigation company, Owner agrees to make a one time payment to Lehi City equal to the most recent assessment levied against the shares being transferred to the City multiplied by 15.

E. Non-irrigation Company Shares. The Owner must prepare, submit, pay appropriate fees and receive approval from State Engineer's Office for a Joint Change of Water for said water right to be used from an existing City source for municipal use as approved by the Lehi City Engineer. (This will allow quantification and verification of the right by the State Engineer's Office.) The decision on the change application shall be considered final when the time for filing a request for reconsideration with the Utah State Engineer's office (20 days after issuance of the Utah State Engineer's decision) and the time for filing a judicial review action in the district court (30 days after the later of the issuance of the Utah State Engineer's decision or a denial of a request for reconsideration) has run and no judicial review action has been filed. When the change application is final, Owner must:

1. Prepare warranty deed to transfer title to Lehi City
2. Record warranty deed at the Utah County Recorder's Office
3. Transfer title to Lehi City at the State Engineer's Office
4. Deliver recorded warranty deed to Lehi City