

## PARADISE TOWN ANNEXATION PROCESS AND CHECKLIST

1. **ANNEXATION PETITION** – The process to annex and unincorporated area to Paradise Town is begun by filing an annexation petition with the town clerk.
  - A. An annexation petition needs to be written and signed, designating one of the petitioners as a contact sponsor (a sample annexation petition is attached).
  - B. The boundary description on the petition must match the boundary description on the mylar.
  - C. The petition must be accompanied by a plat or map (prepared by a licensed surveyor) of the area proposed for annexation. The following is a list of the size and quantity of maps that need to be filed with the annexation petition:
    1. 1 36” x 24” mylar of the map
    2. 2 36” x 24” copy of the mylar
    3. 10 8½ x 11” copies of the mylar
  - D. Deliver the petition and maps to the Town Clerk. The Town Clerk will sign a statement certifying the Petition for Annexation together with the annexation plat map was delivered to him/her on that specific date. A copy of the certificate will be given to the annexation contact sponsor.
  - E. Annexation fees to be paid to the Town upon filing the petition.
    1. Filing fee \$50.00
    2. Deposit \$500.00
      - a The deposit will cover any expenses incurred during the annexation process for professional and advertising services in excess of said deposit shall be paid before the annexation plat is recorded. Any refund due to the petitioners shall be returned by the Town after payment of said professional and advertising fees.
  - F. On the date of filing the petition, sponsors must deliver or mail a copy to Cache County Clerk Jill Zollinger, 179 North Main, Logan, Utah 84321.
2. **ACCEPTANCE OR REJECTION OF PETITION:**
  - A. After receiving the petition, at the next regularly scheduled meeting of the Town Council, the Council may deny the petition, require an annexation agreement, or accept the petition by resolution.
    1. If the petition is denied – notice is mailed to the sponsors and the Cache County Clerk.
    2. If an annexation agreement is required – petitioners will receive further instructions and an additional deposit may be required.

3. If the petition is accepted – the Town Clerk and Town Attorney will begin the process to certify the annexation petition.

### 3. CERTIFICATION:

- A. It is the responsibility of the Town Clerk to certify the petition.
- B. The Town Clerk will determine if the petition complies with the requirements set by State Law.
  1. If the petition fails to meet the requirements set by State law, then notification of rejection of the petition will be given to the Town Council, the contact sponsor, and the county Legislative Body. The notice will list the reasons for rejection.
    - a The petition may then be modified and re-filed. In such case, it will be treated as a new petition
  2. If the petition meets the requirements of State Law at the next regularly scheduled Council Meeting the Town Clerk will notify the Town Council of the certification.

### 4. NOTICES:

- A. It is the responsibility of the Town Clerk to comply with the noticing require
  1. Within 10 days after notifying the Town Council of the Certification, the Town will publish a copy of the Certification in the Herald Journal at least once a week for three consecutive weeks.
  2. Within 20 days after notifying the Town Council of Certification, the Town will send a copy of the Certification to the contact sponsor, Cache County Boundary Commission, Cache County Council, Cache County School District, Paradise Irrigation Company, Highline Canal Company, and all municipalities within ½ mile of the proposed area.

### 5. PROTESTS:

- A. A protest must state each reason for the protect and must be filed with the County Boundary Commission and the Town Clerk no later than 60 days after the Town has received the certification notice.
  1. If a protest is filed:
    - a The Town Council may deny the annexation petition, in which case notice will be sent within five days to the sponsor and the Cache County Boundary Commission.
    - b If the Town Council wants to continue with the process receipt of the Cache County Boundary Commission's decision on the protest.
  2. If no protest is filed the Town may continue the process for annexation.

**6. PUBLIC HEARING:**

- A. The public hearing can not be held until 40 days after the Certification.
- B. The Town will publish the notice of the public hearing in the Herald Journal at least seven days prior to the public hearing.

**7. DECISION:**

- A. After the public hearing has been held the Town Council has the following options;
  - 1. Deny the annexation request.
  - 2. Table the annexation for a future meeting.
  - 3. Adopt an ordinance annexing the property.

**8. FINALIZING THE ANNEXATION:**

- A. The town will post the ordinance in three public places.
- B. Any expenses not covered by the annexation deposit must be paid by the annexation petitioners.
- C. Within 30 days of passing the annexation ordinance the Town Clerk will record the plat map at the Cache County Recorder's Office.
- D. Within 30 days of passing the annexation ordinance the Town Clerk will file amended articles of incorporation with Lieutenant Governor.
- E. Within 45 days of passing the annexation ordinance the Town Clerk will file written notice of boundary change with state tax commission.

## PETITION FOR ANNEXATION

TO THE MAYOR AND TOWN COUNCIL OF PARADISE TOWN,  
CACHE COUNTY, STATE OF UTAH:

We, the undersigned owners of certain real property lying contiguous to the present municipal limits of Paradise Town hereby submit this petition for Annexation and respectfully represent the following:

1. That this petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated, 1953 as amended (UCA);
2. That The property subject to this petition is a contiguous unincorporated area contiguous to the boundaries of Paradise Town and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. That the signatures affixed hereto are those of the owners of private real property that:
  - a is located within the area proposed for annexation;
  - b covers a majority of the private land area within the area proposed for annexation; and
  - c is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;
  - d is described as follows:

### **(Legal description)**

4. That up to five of the signers of this petition have been designated as sponsors, one of whom is designated “contact sponsor”, with the mailing address of each sponsor being indicated;
5. That this petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
6. That this petition does not propose annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 UCA or a petition under Section 110-2-125 UCA if:

- a the request or petition was filed before the filing of the annexation petition; and
- b the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;

7. That the petitioners have caused an accurate plat of the above described property to be made by a competent, licensed surveyor, which plat is filed herewith; and

8. That the petitioners agree to pay the Town upon request and before the annexation process is completed for all expenses it has incurred due to the annexation. The petitioners understand if payment has not been made to the Town by specified dates it could delay the annexation process.

WHEREFORE, the Petitioners hereby request that this petition be considered by the governing body at its next regular meeting, or as soon thereafter as possible; that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

Sponsor name and phone	Address
Sponsor	Address

