

**EMERY TOWN
ANNEXATION POLICY PLAN
ORDINANCE NO. 09-14-04**

1. General Annexation Criteria of Emery Town.

In accordance with the provisions of 10-2-401.5, Utah Code Annotated, the Town of Emery hereby adopts the following criteria for consideration of possible future annexations. This annexation policy declaration is intended to incorporate all of the criteria required and suggested by Sections 10-2-401.5 et seq., Utah Code Annotated.

1. As part of its ongoing effort to plan and prepare for responsible growth, Emery Town has identified territory adjacent to its present city boundaries that could at some time in the future be a part of Emery Town. The areas proposed for future annexation is not bordered by other municipalities. Areas to be annexed must fall within the areas designated for future annexation in the Annexation Policy Plan of Emery Town and shown on the attached expansion area map. Even though property proposed for annexation is located within the annexation expansion area, there is no guarantee that the annexation request will be approved by Emery Town.

2. The character of the community is mixed residential, commercial, industrial, and agricultural. Areas to be annexed should be compatible with this character.

3. Areas to be annexed must be contiguous to the corporate limits of Emery Town at the time of submission of an annexation request.

4. Areas to be annexed shall not be located within the corporate limits of another incorporated city or be part of a previously filed annexation petition that has not been either denied, accepted, or approved.

5. Emery is concerned about the interests of all affected entities and has considered written comments from affected entities in finalizing this document. When feasible, the town favors annexation along boundaries of water, sewer improvements, special service districts, school districts, or other taxing entities.

The town also favors (a.) eliminating and/or not creating islands and peninsulas of unincorporated territory; (b.) consolidating overlapping functions of government; (c.) promoting efficient delivery of services; (d.) encouraging the equitable distribution of community resources and obligations; and (e.) giving consideration to the tax consequences to property owners within the area to be annexed, as well as the property owners within the municipality in order to prevent double taxation and to ascertain that the annexation will not be a tax liability to the taxpayers

within the municipality.

The town does not favor the annexation of areas for which it does not have the capability nor the intention to provide municipal services.

6. It is not Emery Town's intent to annex territory for the sole purpose of acquiring revenue.

7. There has been no exclusion of urban development within this policy plan. No urban developments, as defined in 10-2-401.(1)(i) UAC, exist within 2 mile of the municipal boundary.

8. The annexation petition must comply with the requirements of Section 10-2-403, Utah Code Annotated.

2. Procedures for submission of an annexation request.

The following steps reflect a general summary of the requirements and procedures for processing an annexation request in Emery Town:

1. An annexation petition accompanied by an annexation plat must be submitted to the Municipal Recorder. Said petition shall:

(a) be signed by private property owners of record which cover a majority of the area to be annexed. Said owners shall also represent at least one-third (1/3) of the assessed valuation of the private aggregate properties to be annexed, as reflected on the last assessment roles.

(b) represent an area contiguous to the existing corporate limits of Emery Town and shown to be within the areas designated for annexation in the Annexation Policy Plan of Emery Town.

(c) include an annexation plat prepared by a surveyor licensed in the State of Utah.

(d) designate up to five (5) of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor. Each sponsor (s) mailing address shall be included.

(e) comply with any other applicable provision of 10-2-403, Utah Code Annotated, not stated within.

2. The Municipal Recorder, upon receipt of a properly prepared annexation petition accompanied by the proper plat shall impose such fees to recover the costs of processing said petition, as have been established by the Town Council; and at that time shall place the petition on the agenda for consideration at a regular Town Council meeting within fourteen days of its receipt.

3. The Town Council shall review the annexation petition and accept or deny the petition.

4. If accepted, the Municipal Recorder shall within 30 days, certify that it meets the

above requirements and send the required notices, including a written notice to the Town Council. If denied, the Municipal Recorder shall send the required notices.

5. The Town Council, within ten (10) days after receipt of the recorders notice of certification, shall publish a notice of the proposed annexation at least once a week for three(3) consecutive weeks. Within twenty(20) days after the receipt of the recorders notice of certification, the Town Council must mail written notice of the proposed annexation to each affected entity as defined in state law. The notice shall explain how a written protest is to be filed within thirty (30) days after the date of the Town Council receipt of the certification notice.

6. If no protest is filed during the designated protest period, the Town Council may set a public hearing, after a minimum 7-day notice, and consider an ordinance to grant the proposed annexation. If a protest is filed, the County Boundary Commission shall hold a hearing on the protest within thirty (30) days. The Town Council may deny the proposed annexation at its next regularly scheduled meeting. Required notices will be sent if the petition is denied.

7. Upon receipt of the County Boundary Commissions decision, the Town Council may deny or approve the proposed annexation subject to the Boundary Commissions decision.

3. Extension of Needed Municipal Services in Developed and Developing Unincorporated Areas and Payment of the Same.

1. In areas where municipal services are not presently extended, services will be extended on an as-needed basis at the cost of the developer. All extensions of municipal services must comply with all town ordinance and policy criteria and will be paid for by the individual developer or property owner.

2. An annexation agreement will be prepared between the town and future developers outlining specific circumstances relating to water, sewer, streets, electricity, telecommunications, fiber optic/broadband, and other specific improvements prior to annexation approval.

Water rights, of the type and quantity acceptable to Emery Town, that can be utilized for underground water rights (culinary, secondary) shall be required to be conveyed to Emery Town as a condition of development, subdivision approval or issuance of a building permit on property annexed into the Emery Town limits. It is the intent that land annexed to Emery Town be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of said land when development occurs. The water rights conveyance requirements of development shall be in addition to any requirement that may be imposed upon development of the land after annexation and in addition to appropriate Emery Town impact fees. Water requirements, as referenced by the previous paragraph, will be established on a case by case basis utilizing, among other things, Division of Drinking Water standards. Specific requirements will be contained in the annexation agreement, but the general guideline of one (1) acre foot of water per residential building permit will be a minimum standard.

The annexation will allow developers of the annexed property access to culinary water,

sewer, and other services, provided all developments meet Town specifications and comply with all applicable development ordinances and all improvements are installed pursuant to Emery Town Standards.

The manner in which these amenities are developed will have a bearing on how they will be financed. Property taxes with increased valuation of property and sales tax will contribute to the general fund to help defray the added expenses the town may incur by annexing these properties. In summary, the newly annexed developing areas shall finance the extension of needed municipal services, such as new utilities, streets, curb and gutters, sidewalks, and other capital improvements as development occurs.

Upon annexation, the newly annexed areas shall receive the following services:

- a) Fire Protection
- b) Police Protection
- c) Planning and Zoning
- d) Snow removal and Street maintenance on deeded dedicated streets
- e) Curb side garbage collection
- f) Other Services provided by the town

It is not anticipated that the annexation will cause any adverse consequences to the residents in the town or in the area annexed, except there may be a slight reduction in general services to the town residents in the present town limits as general services are expanded into the newly annexed territory.

It is anticipated that the residents in the territory to be annexed will experience an increase in their property tax because of the difference in the certified tax rates in the County and Emery Town. It is further anticipated that as newly annexed territory property taxes are received by the town, the town will increase the total level of services within the total community. Additionally, persons in the newly annexed territory may experience reductions in their fire insurance rates and property insurance rates.

As areas grow and become more populated, the demand and need for services increase. Once this policy plan is adopted and areas begin to develop, continual planning by Emery Town will allow development to occur in an economical manner, since homes, buildings, streets, and other amenities will be developed in accord with Emery Town specifications. The plan and time frame for the extension of municipal services will be determined by the interest of the property owners to subdivide and develop their property.

ADOPTED THIS 14TH DAY OF SEPTEMBER, 2004


_____, Mayor

Attest: 

Municipal Recorder

ORDINANCE No. 07-13-04

AN ORDINANCE ESTABLISHING DEFINITION AND REGULATION OF GROUP HOMES AND/OR DRUG REHABILITATION FACILITIES WITHIN THE MUNICIPALITY OF EMERY TOWN; TO PRESERVE THE RIGHTS OF PERSONS WITH A DISABILITY OR ELDERLY PERSONS TO LIVE IN THE DWELLING OF THEIR CHOICE, CONSISTENT WITH FEDERAL AND STATE LAW AND SOUND LAND USE MANAGEMENT; TO ELIMINATE ANY DIFFERENTIATION BETWEEN RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY OR ELDERLY PERSONS AND OTHER RESIDENTIAL USES BY REGULATING ALL RESIDENTIAL USES IN THE SAME MANNER; TO ENHANCE THE QUALITY OF LIFE FOR ALL CITIZENS OF EMERY TOWN BY PROTECTING RESIDENTIAL AREAS FREE FROM INDUSTRIAL OR COMMERCIAL USES, AND PRESERVING THE CHARACTER AND VIABILITY OF RESIDENTIAL NEIGHBORHOODS.

WHEREAS the municipality has had requests to establish group homes and/or drug rehabilitation facilities which will have major impact on the public welfare of the residents;

NOW THEREFORE BE IT ORDAINED by the governing body of Emery Town that: The aforementioned Ordinance No. 07-13-04 be adopted in its entirety (Sections 1 through 7) effective immediately.

DATED this 13th day of July, 2004.



Michael J. Williams
Mayor

Attest:



Judi Riddle
Recorder



