

NEW OGDEN VALLEY PARKS DISTRICT

Combination and Annexation Outline of Procedures

Step 1 – The Weber County Service Area #5 (Liberty Park) (“Liberty Park”) Board will initiate procedures to change its name to *Ogden Valley Parks Service Area*, which will be the surviving district, pursuant to the procedures set forth in Utah Code Ann. § 17B-1-105(4).

Step 2 – The Eden Park Service District (“Eden Park”) and Liberty Park will enter an Interlocal Agreement pursuant to which each district agrees to prosecute, in accordance with law, a boundary adjustment that will effectually merge Eden Park into the newly named Ogden Valley Parks Service Area (“Ogden Valley”). The Interlocal Agreement will call for the transfer of all of Eden Park’s assets, liabilities, and responsibilities to Ogden Valley Parks Service Area, effective on completion of the boundary adjustment.

Step 3 – Eden Park and Ogden Valley Parks Service Area Boards will each adopt a resolution to make a BOUNDARY ADJUSTMENT, pursuant to Utah Code Ann. § 17B-1-417, whereby Ogden Valley assumes the area of Eden Park, except for one strategic parcel upon which at least one registered voter resides.

Step 4 – Eden Park and Ogden Valley Parks Service Area Boards will jointly publish NOTICE of the resolutions, and jointly hold a PUBLIC HEARING within 60 days of the resolution with the following provisions:

1. Pursuant to Utah Code Ann. § 17B-1-417(3), within 14 days of the resolution, publish notice once a week for two successive weeks in a newspaper of general circulation within the local district; *OR* post notice in at least four conspicuous places within the local district; **AND** publish on the Utah Public Notice Website for two weeks. The notice shall contain the following elements:
 - a. The Boards’ intent to adjust boundaries;
 - b. Description of the affected area;
 - c. Date, time, and location of public hearing (weekday no earlier than 6 pm);
 - d. Provide a local phone number where additional information can be obtained;
 - e. Explain the financial and service impacts on property owners;
 - f. State in “conspicuous and plain terms” that the adjustment will be approved unless written protests are filed at or before the public hearing by:
 - i. Property owners with 50% of the land area AND 50% of the assessed land value; OR
 - ii. Registered voters equal to 50% of the votes cast in the last general election for the office of governor.

(Election Data below per Weber County Clerk/Auditor at weberelections.com)
2. Pursuant to Utah Code Ann. §§ 17B-1-417(4), (5), and (6), Following the Public Hearing, both district Boards:
 - a. Adopt a resolution approving the boundary adjustment; and
 - b. File a copy of the notice and revised plat of the new boundary with the Lieutenant Governor’s office.
 - c. Upon receipt of the Lieutenant Governor’s certificate approving the new boundary, files the certificate with the Weber County Recorder’s Office. THIS BECOMES THE EFFECTIVE DATE OF THE NEW PARK DISTRICT.

Step 5 – Ogden Valley Parks Service Area Board accepts the voluntary **resignation of ½ of the Ogden Valley Parks Service Area Board**, keeping a quorum, and accepts recommendations for **members of the Eden Park Board to fill those positions**, pursuant to the procedures governing midterm vacancies in Utah Code Ann. §§ 17B-1-303(5) and 20A-1-512 (in the case of elected board member positions).

Step 6 – Complete the dissolution process for Eden Park, beginning with the withdrawal of the single remaining parcel in the district, pursuant to Utah Code Ann. § 17B-1-501, *et seq.*, followed by the actual dissolution of the district pursuant to Utah Code Ann. § 17B-1-1301, *et seq.*

Step 7 – Begin the ANNEXATION PROCESS to include the balance of the entire valley in the Ogden Valley Parks Service Area.

Proposed Ogden Valley Parks Service Area boundary –

All of voting precincts CYN 1, VLY 1, VLY 2, VLY 3, HTV 1 and HTV 2 generally from the county lines on the north, east and south of the valley, and west to the peaks of the mountains, and including the canyon.

<https://weber.maps.arcgis.com/apps/webappviewer/index.html?id=5e57837564d047c0a2cc0ed80daf57a9>

(map of precinct boundaries)

1. Initiate annexation procedures using option b below [both are viable options, however Commissioner Gibson has pledged his support for option b below provided that we show that this is a Valley-wide effort and option b is much less costly and time consuming]:
 - a. By petition signed by (a) the owners of private real property that is located within the proposed annexation area and covers at least 10% of the total private land area and is equal in assessed value to 10% of the assessed value of all private land within the area, or (b) the owner of all the publicly owned property if all the real property within the proposed annexation area is owned by a non-federal public entity, pursuant to Utah Code Ann. § 17B-1-403(1).
 - b. By resolution of the County Commission adopts a resolution to annex proposed unincorporated land into Ogden Valley, pursuant to Utah Code Ann. § 17B-1-403(1)(b). (If any areas to be annexed are incorporated, Utah Code Ann. § 17B-1-503(1) authorizes the boundary adjustment procedures found in Utah Code Ann. § 17B-1-417 to be utilized by the district and the municipality to the same extent as a boundary adjustment between two districts, as set forth In Steps 3 and 4 above.)
2. The Ogden Valley Parks Service Area has 45 days to hold a public hearing. Generally, the same notice provisions as Step 4 above **EXCEPT**:
 - a. Post notice in 4 conspicuous places in the annexed area no less than 10 and no more than 30 days prior to the hearing; **AND**
 - b. Mail to **each property owner in the proposed annexed area** per the county tax rolls a notice of the public hearing specifying:
 - i. the financial impact on the typical property owner as a result of the annexation; and
 - ii. explaining that each property owner has the right to protest the annexation in writing within 30 days FOLLOWING the hearing.
3. The PUBLIC HEARING must have a quorum of the Ogden Valley Parks Service Area Board present to answer questions from the public regarding the annexation and hear comments, pursuant to Utah Code Ann. §§ 17B-1-409(2) and (3); 17B-1-410.
4. Following the public hearing, the Board must wait 30 days for any written protests. The annexation will not occur and an election may be held if protests are received from:
 - a. Property owners with 10% of the land area AND 10% of the assessed land value in the annexed area; or registered voters in the annexed area equal to 10% of the votes cast in the last general election for the office of governor.

Should that happen, the Ogden Valley Parks Service Area Board may hold an election to determine annexation should sufficient protests be received to stop the annexation. The election shall be decided by a simple majority. Utah Code Ann. § 17B-1-412.

5. The process for recording and the effective date is the same as Step 4 above. Utah Code Ann. § 17B-1-414.

Step 8 – The Ogden Valley Board accepts the resignation of 1/3 of its members and recommends residents of the Annexed Area for appointment. The Board may also consider expanding the size of the Board, by a two-thirds vote of the Board, pursuant to Utah Code Ann. § 17B-1-302(4). Committees to manage each park's operations are appointed by the Board.

Step 9 – Board decides if elections are to be pursued to fill board positions. If so Board files a petition for this change to the County Commission.

Step 10 – Hunstville Town joins the park district, additional members from the Town are added to the board, such that equal representation is maintained for all areas of the Valley.