

Article 1: Public Improvement and Assessment Proceedings

**Division 14: Utility Improvement Districts —
Annexation Initiated by the Council**
*(“Utility Improvement Districts —
Annexation Initiated by the Council”
added 1–20–1970 by O–10214 N.S.)*

§61.1401 Resolution for Annexation to Improvement District: Contiguity of Area to be Annexed

The Council by resolution may initiate proceedings for the annexation of territory within the City contiguous to an improvement district to such improvement district.
(“Resolution for Annexation to Improvement District: Contiguity of Area to be Annexed” added 1–20–1970 by O–10214 N.S.)

§61.1402 Contents of Resolution

The resolution proposing annexation shall:

- (a) Declare that proceedings have been initiated by the Council pursuant to this ordinance to annex territory within the City to an improvement district and the name of the improvement district involved.
- (b) State the reason for proposing the annexation.
- (c) Set forth a description of the area proposed to be annexed to the improvement district with reference to such improvement district. Such description shall be made by reference to a map on file with the City Clerk which map shall govern for all details as to the extent of the area proposed to be annexed.
- (d) State the terms and conditions of the annexation.
- (e) State that the holders of title to any of the land sought to be annexed may file with the City Clerk, at any time prior to the hearing, written protests to the annexation or the annexation upon such terms and conditions.

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- (f) Fix the time and place of a meeting at which the Council will receive written protests that have heretofore been filed with the City Clerk and hear from any and all persons interested in the proposed annexation.

(“Contents of Resolution” added 1–20–1970 by O–10214 N.S.)

§61.1403 Publication of Annexation Resolution

The City Clerk shall cause the text of the resolution proposing annexation to be published once at least ten (10) days prior to the time of hearing in the City Official Newspaper.

(“Publication of Annexation Resolution” added 1–20–1970 by O–10214 N.S.)

§61.1404 Posting of Annexation Resolution

The City Clerk shall also cause a copy of the resolution proposing annexation to be posted in three (3) public places within the improvement district and three (3) public places in the area proposed to be annexed at least fifteen (15) days prior to the hearing.

(“Posting of Annexation Resolution” added 1–20–1970 by O–10214 N.S.)

§61.1405 Mailing of Resolution

The City Clerk shall also cause the resolution to be mailed at least fifteen (15) days prior to the hearing to each holder of title to taxable land within the improvement district and within the area proposed to be annexed thereto as such ownership is shown on the last equalized county assessment roll.

(“Mailing of Resolution” added 1–20–1970 by O–10214 N.S.)

§61.1406 Hearing on Resolution: Who May Appear: Continuance

The Council shall proceed with the hearing at the time and place fixed therefor, and any interested person may appear and be heard at such hearing. The hearing may be continued from time to time by the Council.

(“Hearing on Resolution: Who May Appear: Continuance” added 1–20–1970 by O–10214 N.S.)

§61.1407 Effect of Protests by Owners of One–Half of Value of Territory to be Annexed

If, prior to the hearing, written protests have been filed by the holders of title to one–half of the value of the taxable land proposed to be annexed as shown by the last equalized county assessment roll, and have not been withdrawn as provided in

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Section 61.1408 hereof, further proceedings shall not be taken, and the Council shall terminate the annexation proceedings by a resolution so stating.

(“Effect of Protests by Owners of One–Half of Value of Territory to be Annexed” added 1–20–1970 by O–10214 N.S.)

§61.1408 Determination of Benefits: Resolution of Approval of Annexation: Contents of Resolution

Any written protest may be withdrawn at any time prior to the conclusion of the hearing by the person or persons who have filed same. If at the conclusion of the hearing there remain on file written protests, if any, which represent less than one–half of the value of the taxable land proposed to be annexed, and, if at the conclusion of the hearing the Council finds and determines from the evidence presented at the hearing that the area proposed to be annexed to the improvement district involved will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the Council may by resolution approve such annexation.

The resolution shall describe the territory annexed which shall be made by reference to a map on file with the City Clerk, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the Council.

(“Determination of Benefits: Resolution of Approval of Annexation: Contents of Resolution” added 1–20–1970 by O–10214 N.S.)

§61.1409 Disapproval of Annexation Resolution for Determination of No Benefit

If the Council finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the Council shall by resolution disapprove such annexation.

(“Disapproval of Annexation Resolution for Determination of No Benefit” added 1–20–1970 by O–10214 N.S.)

§61.1410 Effective Date of Annexation

On and after the date the City Council adopts the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

(“Effective Date of Annexation” added 1–20–1970 by O–10214 N.S.)

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§61.1411 Taxability of Annexed Area: Liability for Debt Outstanding at Time of Annexation

The taxable land in the annexed area shall be subject to taxation after the annexation thereof for all purposes of the improvement district, including, without limitation, compliance with the terms and conditions of annexation and for the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation, as if the annexed area had always been a part of the improvement district.

(“Taxability of Annexed Area: Liability for Debt Outstanding at Time of Annexation” added 1-20-1970 by O-10214 N.S.)

§61.1412 Enforcement of Terms and Conditions

The Council may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

(“Enforcement of Terms and Conditions” added 1-20-1970 by O-10214 N.S.)