

Bond Case Briefs

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ANNEXATION - UTAH

Erda Community Association, Inc. v. Baugh

Supreme Court of Utah - November 20, 2025 - P.3d - 2025 WL 3237652 - 2025 UT 56

Sponsors who led campaign to incorporate new city filed petition for extraordinary relief against city recorder of neighboring city that was seeking to annex some of new city's land and against Lieutenant Governor challenging the proposed annexation on both statutory and constitutional grounds.

The Third District Court granted city recorder's motion to dismiss, finding that sponsors lacked standing. Sponsors appealed.

The Supreme Court held that:

- Rule authorizing extraordinary relief where "a person has failed to perform an act required by law as a duty of office, trust or station" did not apply to sponsors' statutory claims, and
- Sponsors had a plain, speedy, and adequate remedy available for their constitutional claims.

Rule authorizing extraordinary relief where "a person has failed to perform an act required by law as a duty of office, trust or station" did not apply to the statutory claims asserted by sponsors who led campaign to incorporate new city against city recorder of neighboring city that was seeking to annex some of new city's land; sponsors did not seek to compel city recorder to do her duty, which was to determine if annexation petition met statutory requirements and certify or reject it accordingly, but rather sponsors alleged that she had misinterpreted or misapplied those requirements and sought to compel her to withdraw certification and reject the petition.

Sponsors who led campaign to incorporate new city, and who challenged the proposed annexation of some of new city's land by neighboring city, had a plain, speedy, and adequate remedy available for their claims that former provision of annexation code that allowed annexation of an area proposed for incorporation was unconstitutional, namely a declaratory judgment action, and thus sponsors could not seek relief under rule governing petitions for extraordinary relief; though sponsors lacked statutory standing to challenge the proposed annexation under the annexation code, only traditional standing was required for their constitutional claims.