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ANNEXATION - UTAH

Erda Community Association Inc. v. Grantsville City

Court of Appeals of Utah - September 12, 2024 - P.3d - 2024 WL 4156722 - 2024 UT App 126

Sponsors for incorporation of new city brought action against neighboring city, seeking to invalidate, under Municipal Land Use, Development, and Management Act (MLUDMA) and state and federal constitutions, neighboring city's annexation of 550 acres of land that would have been part of new city, which annexation occurred before public vote on new city's incorporation.

The Third District Court denied sponsors' motion for summary judgment and granted neighboring city's competing summary judgment motion, finding that sponsors lacked standing, had failed to exhaust administrative remedies, and that annexation occurred within statutory window. Sponsors appealed.

The Court of Appeals held that:

- Sponsors lacked both statutory standing under Annexation Code and legally protectible interest that would allow them to seek declaratory relief for alleged violation of Code under Declaratory Judgment Act;
- Sponsors lacked statutory standing for judicial review under MLUDMA;
- Remand was warranted for district court to determine if sponsors had standing to challenge Code for purported state constitutional violations; and
- Sponsors were not required to exhaust administrative remedies prior to bringing action to challenge Code for purported state constitutional violations.

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