

ORDINANCE NO. 26-11

**AN ORDINANCE OF ERDA CITY, UTAH, DENYING A PETITION BY JCDC, LLC
FOR DISCONNECTION OF CERTAIN PROPERTY
LOCATED AT 2808 ERDA WAY (PARCEL 01-441-0-0001) FROM THE CITY OF
AND FINDING THAT THE PROPOSED DISCONNECTION IS NOT JUST AND
EQUITABLE**

WHEREAS, the Erda City Council ("Council") met in regular session on September 10, 2026, to consider, among other things, an ordinance of Erda City, Utah, denying a petition by JCDC, LLC for disconnection of certain property located at 2808 Erda Way (Parcel 01-441-0-0001) from the City of and finding that the proposed disconnection is not just and;

WHEREAS, a Petition for Disconnection (the "Petition") was filed pursuant to Utah Code § 10-2-501 et seq., requesting the disconnection of certain property located at 2808 Erda Way (Parcel 01-441-0-0001) (the "Property"); and

WHEREAS, Utah Code § 10-2-501 et seq. establishes the procedures and standards governing municipal disconnection petitions; and

WHEREAS, the City has provided the notices, public hearing, and procedural opportunities required by Utah Code § 10-2-501 et seq., including an opportunity for interested persons to speak and submit documents regarding the proposed disconnection; and

WHEREAS, the Council conducted a public hearing regarding the Petition and received testimony, written comments, reports, exhibits, and other evidence from Petitioners, City staff, consultants, residents, and interested persons; and

WHEREAS, based upon the record and evidence set forth herein, the Council finds that Petitioners have not carried their burden to demonstrate that the proposed disconnection satisfies the applicable statutory requirements or that disconnection would be just and equitable under Utah Code § 10-2-501 et seq.; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ERDA CITY, UTAH, AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS.

The foregoing recitals are hereby incorporated into this Ordinance as legislative findings and determinations of the Council.

SECTION 2. FINDINGS OF FACT.

After reviewing the Petition and the entire administrative record, the Council makes the following findings:

A. Municipal Services.

1. Petitioners assert that Erda City provides limited municipal services and that many governmental services are provided through Tooele County or other service providers.
2. The evidence demonstrates that Erda City provides municipal governance and municipal services directly and through lawful contracts, interlocal agreements, and cooperative arrangements with other governmental entities and service providers.
3. The City performs planning, zoning, development review, budgeting, financial management, governmental administration, code enforcement, public meetings, recordkeeping, and other municipal functions for the benefit of residents and property owners.
4. The City has incurred and continues to incur financial and operational obligations in providing municipal governance and services.
5. The Council finds that the assertion that Erda City provides no meaningful municipal services is not supported by the evidence.

B. Service Delivery Following Disconnection.

1. Petitioners have failed to demonstrate that service delivery would materially improve if the Property were disconnected from Erda City.
2. The evidence does not establish that Tooele County or any other receiving service provider has committed to provide services superior to, more efficient than, or more reliable than those currently available within Erda City.
3. The anticipated benefits identified by Petitioners are speculative or unsupported by substantial evidence in the administrative record.
4. The Council finds that the proposed disconnection is unlikely to improve service delivery to affected landowners.

C. Community Cohesion and Orderly Development.

1. The Property is part of a larger community that shares common governmental, planning, and development interests with the remainder of Erda City.
2. The proposed disconnection would create fragmented jurisdictional boundaries and separate incorporated and unincorporated areas, complicating governance and planning.
3. The proposed disconnection would hinder coordinated land-use, transportation, and infrastructure planning, as well as future municipal development.
4. The Council finds that the proposed disconnection would undermine community cohesiveness and orderly growth.

D. Fiscal and Operational Impacts.

1. The proposed disconnection would remove taxable property from Erda City's municipal boundaries, reducing the tax base available to support ongoing municipal obligations.
2. The City would continue to bear ongoing governmental and operational obligations to remaining residents despite a reduction in revenues.
3. The evidence demonstrates that the proposed disconnection would adversely affect the City's financial condition, operational efficiency, and ability to provide services.
4. The Council finds that the proposed disconnection would impose substantial fiscal burdens upon the City and its remaining residents.

E. Justice and Equity.

1. The Council finds that approval of the Petition would unfairly shift financial and operational burdens to the remaining residents and taxpayers of Erda City.
2. The proposed disconnection would allow the disconnected territory to withdraw from the City, leaving the remaining residents responsible for ongoing municipal obligations and costs.
3. The Council finds that the adverse impacts upon Erda City and its residents substantially outweigh any claimed benefits to Petitioners.
4. Petitioners have failed to present substantial evidence demonstrating that the proposed disconnection is fair to all affected parties.
5. Petitioners have failed to demonstrate that the proposed disconnection serves the public interest.
6. The Council finds that the proposed disconnection is not just and equitable.

F. Compliance with Utah Law.

1. The Council finds that Petitioners have failed to satisfy the requirements necessary to justify approval of the proposed disconnection under Utah Code § 10-2-501 et seq., including the requirement to establish that the proposed disconnection is just and equitable.
2. The Council specifically finds that Petitioners have failed to establish that the proposed disconnection is just and equitable and in the best interests of the affected community as a whole.
3. The Council further finds that the proposed disconnection would result in material adverse impacts upon Erda City, its residents, and the orderly administration of municipal government.

SECTION 4. DETERMINATION.

Based upon the foregoing findings, the Study, and the administrative record as a whole, the City Council hereby determines that:

- A. Petitioners have failed to demonstrate that the proposed disconnection is just and equitable;
- B. Petitioners have failed to demonstrate that the benefits of the proposed disconnection outweigh the adverse impacts upon Erda City and its residents;
- C. The proposed disconnection would adversely affect municipal governance, financial stability, community cohesion, and coordinated planning efforts; and
- D. Approval of the Petition would not be in the public interest.

SECTION 5. DENIAL OF PETITION.

The Petition seeking disconnection of the Property is hereby DENIED.

SECTION 6. RECORD.

As used herein, the record means and includes the Petition, staff reports, consultant reports, public comments, exhibits, hearing materials, and all other evidence submitted to or considered by the Council and is hereby incorporated by reference as though fully set forth herein.

SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

This Resolution, assigned No. 26-11, shall take effect immediately on passage.

PASSED AND APPROVED by the Council this 10th day of September 2026

ERDA COUNCIL

By: _____

Sheldon B. Birch, Chair

ATTEST:

By: _____

Jennifer Poole, City Recorder