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FILED

Jane Dee Hull
Secretary of State

CHAPTER 27

SENATE BILL 1150

AN ACT

AMENDING SECTION 9-471, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL ANNEXATION.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-471, Arizona Revised Statutes, is amended to
 3 read:

4 9-471. Annexation of territory; procedures; notice; petitions;
 5 access to information; restrictions

6 A. The following procedures are required to extend and increase the
 7 corporate limits of a city or town by annexation:

8 1. A city or town shall file in the office of the county recorder of
 9 the county in which the annexation is proposed a blank petition required by
 10 paragraph 4 of this subsection setting forth a description and an accurate
 11 map of all the exterior boundaries of the territory contiguous to the city
 12 or town proposed to be annexed. If state land is included in the territory,
 13 written approval of the state land commissioner and the selection board
 14 established by section 37-202 shall also be filed.

15 2. Signatures on petitions filed for annexation shall not be obtained
 16 for a waiting period of thirty days after filing the blank petition.

17 3. After filing the blank petition pursuant to paragraph 1 of this
 18 subsection, the governing body of the city or town shall hold a public
 19 hearing within the thirty day waiting period to discuss the annexation
 20 proposal. The public hearing shall be held in accordance with the provisions
 21 of title 38, chapter 3, article 3.1, except that, notwithstanding the
 22 provisions of section 38-431.02, subsections C and D, the following notices

1 of the public hearing to discuss the annexation proposal shall be given at
2 least six days before the hearing:

3 (a) Publication at least once in a newspaper of general circulation,
4 which is published or circulated in the city or town and the territory
5 proposed to be annexed, at least fifteen days before the end of the waiting
6 period.

7 (b) Posting in at least three conspicuous public places in the
8 territory proposed to be annexed.

9 (c) Notice by first class mail sent to the chairman of the board of
10 supervisors of the county in which the territory proposed to be annexed is
11 located.

12 (d) Notice by first class mail with an accurate map of the territory
13 proposed to be annexed sent to each owner of the real and personal property
14 as shown on the list furnished pursuant to subsection G of this section that
15 would be subject to taxation by the city or town in the event of annexation
16 in the territory proposed to be annexed.

17 4. Within one year after the last day of the thirty day waiting period
18 a petition in writing signed by the owners of one-half or more in value of
19 the real and personal property and more than one-half of the persons owning
20 real and personal property that would be subject to taxation by the city or
21 town in the event of annexation, as shown by the last assessment of the
22 property, may be circulated and filed in the office of the county recorder.

23 5. No alterations increasing or reducing the territory sought to be
24 annexed shall be made after a petition has been signed by a property owner.

25 6. THE PETITIONER SHALL DETERMINE AND SUBMIT A SWORN AFFIDAVIT
26 VERIFYING THAT NO PART OF THE TERRITORY FOR WHICH THE FILING IS MADE IS
27 ALREADY SUBJECT TO AN EARLIER FILING FOR ANNEXATION. The county recorder
28 shall not accept a filing for annexation ~~of any part of the same territory~~
29 ~~for which a filing for annexation has already been made pursuant to paragraph~~
30 ~~4 of this subsection~~ WITHOUT THE SWORN AFFIDAVIT.

31 B. All information contained in the filings, the notices, the
32 petition, tax and property rolls and other matters regarding a proposed or
33 final annexation shall be made available by the appropriate official for
34 public inspection during regular office hours.

35 C. Any city or town, the attorney general, the county attorney, or any
36 other interested party may upon verified petition move to question the
37 validity of the annexation for failure to comply with the provisions of
38 subsection A of this section. The petition shall set forth the manner in
39 which it is alleged the annexation procedure was not in compliance with the
40 provisions of subsection A of this section and shall be filed within thirty
41 days after adoption of the ordinance annexing the territory by the governing
42 body of the city or town and not otherwise. The burden of proof shall be
43 upon the petitioner to prove the material allegations of his verified
44 petition. No action shall be brought to question the validity of an

1 annexation ordinance unless brought within the time and for the reasons
2 provided in this subsection. All hearings provided by this section and all
3 appeals therefrom shall be preferred and heard and determined in preference
4 to all other civil matters, except election actions. In the event more than
5 one petition questioning the validity of an annexation ordinance is filed,
6 all such petitions shall be consolidated for hearing. If two or more cities
7 or towns show the court that they have demonstrated an active interest in
8 annexing any or all of the area proposed for annexation, the court shall
9 consider any oral or written agreements or understandings between or among
10 the cities and towns in making its determination pursuant to this subsection.

11 D. The annexation shall become final after the expiration of thirty
12 days from the adoption of the ordinance annexing the territory by the city
13 or town governing body, provided the annexation ordinance has been finally
14 adopted in accordance with procedures established by statute, charter
15 provisions, or local ordinances, whichever is applicable, subject to the
16 review of the court to determine the validity thereof if petitions in
17 objection have been filed.

18 E. For the purpose of determining the sufficiency of the percentage
19 of the value of property under this section, such values of property shall
20 be determined as follows:

21 1. In the case of property assessed by the county assessor, values
22 shall be the same as shown by the last assessment of the property.

23 2. In the case of property valued by the department of revenue, values
24 shall be appraised by the department in the manner provided by law for
25 municipal assessment purposes.

26 F. For the purpose of determining the sufficiency of the percentage
27 of persons owning property under this section, the number of persons owning
28 property shall be determined as follows:

29 1. In the case of property assessed by the county assessor, the number
30 of persons owning property shall be as shown on the last assessment of the
31 property.

32 2. In the case of property valued by the department of revenue, the
33 number of persons owning property shall be as shown on the last valuation of
34 the property.

35 3. If an undivided parcel of property is owned by multiple owners,
36 such owners shall be deemed as one owner for the purposes of this section.

37 4. If a person owns multiple parcels of property, such owner shall be
38 deemed as one owner for the purposes of this section.

39 G. The county assessor and the department of revenue, respectively,
40 shall furnish to the city or town proposing an annexation within thirty days
41 after a request therefor a statement in writing showing the owner, the
42 address of each owner and the appraisal and assessment of all such property.

43 H. Territory is not contiguous for the purposes of subsection A,
44 paragraph 1 of this section unless:

1 1. It adjoins the exterior boundary of the annexing city or town for
2 at least three hundred feet.

3 2. It is, at all points, at least two hundred feet in width, exclusive
4 of highways.

5 3. The distance from the existing boundary of the annexing city or
6 town where it adjoins the annexed territory to the furthest point of the
7 annexed territory from such boundary is no more than twice the width of the
8 annexed territory.

9 I. A city or town shall not annex territory if as a result of such
10 annexation unincorporated territory is completely surrounded by the annexing
11 city or town.

12 J. Notwithstanding any provisions of this article to the contrary, any
13 town incorporated prior to 1950 which had a population of less than two
14 thousand persons by the 1970 census and which is bordered on at least three
15 sides by Indian lands may annex by ordinance territory owned by the state
16 within the same county for a new townsite which is not contiguous to the
17 existing boundaries of the town.

18 K. The provisions of subsections H and I of this section shall not
19 apply to territory which is surrounded by the same city or town or which is
20 bordered by the same city or town on at least three sides.

21 L. A city or town annexing an area shall adopt zoning classifications
22 which permit densities and uses no greater than those permitted by the county
23 immediately before annexation. Subsequent changes in zoning of the annexed
24 territory shall be made according to existing procedures established by the
25 city or town for the rezoning of land.

26 M. The annexation of territory within six miles of territory included
27 in a pending incorporation petition filed with the county recorder pursuant
28 to section 9-101.01, subsection C shall not cause an urbanized area to exist
29 pursuant to section 9-101.01 which did not exist prior to the annexation.

30 N. Notwithstanding any other provision of this section, a county
31 right-of-way with no taxable real property may be annexed to an adjacent city
32 or town by mutual consent of the governing bodies of the county and city or
33 town if the property annexed is adjacent to the annexing city or town for the
34 entire length of the annexation and if the city or town and county each
35 approve the proposed annexation as a published agenda item at a regular
36 public meeting of their governing bodies.

APPROVED BY THE GOVERNOR MARCH 25, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 25, 1996