

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 285

# **SENATE BILL 1040**

AN ACT

AMENDING SECTIONS 28-6701 AND 28-6702, ARIZONA REVISED STATUTES; RELATING TO COUNTY HIGHWAYS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-6701, Arizona Revised Statutes, is amended to  
3 read:

4 28-6701. Establishing, altering or abandoning local highway

5 A. The board of supervisors may establish, alter or abandon a highway  
6 in the county and other legal subdivisions and acquire real property for  
7 these purposes by purchase, donation, dedication, condemnation or other  
8 lawful means.

9 B. A highway in the county or any other legal subdivision may be  
10 established or altered by THE COUNTY ENGINEER'S RECOMMENDATION OR BY  
11 presentation of a petition that is signed by ten or more resident taxpayers  
12 of the county to the board of supervisors or to the board of supervisors by  
13 the governing body of a legal subdivision, that requests that a highway be  
14 established or altered and that gives the highway's beginning, end, general  
15 course and direction. The board of supervisors may either reject the  
16 RECOMMENDATION OR petition or act on the RECOMMENDATION OR petition as  
17 prescribed by this article.

18 C. The board of supervisors may abandon or vacate these highways by  
19 resolution as provided in chapter 20, article 8 of this title, EXCEPT THAT,  
20 NOTWITHSTANDING SECTION 28-7211, AT LEAST SIXTY DAYS BEFORE THE RESOLUTION IS  
21 EFFECTIVE PURSUANT TO SECTION 28-7213, THE BOARD OF SUPERVISORS SHALL GIVE  
22 WRITTEN NOTICE BY CERTIFIED MAIL TO THE OWNERS OF THE LAND ABUTTING THE  
23 HIGHWAY OR PORTION OF THE HIGHWAY TO BE ABANDONED OR VACATED. THE BOARD OF  
24 SUPERVISORS SHALL NOT RESOLVE TO ABANDON OR VACATE A HIGHWAY UNLESS A  
25 MAJORITY OF THE OWNERS OF THE LAND ABUTTING THE HIGHWAY OR PORTION OF THE  
26 HIGHWAY APPROVE OF THE ACTION TO ABANDON OR VACATE THE HIGHWAY.

27 D. THE COUNTY ENGINEER'S RECOMMENDATION PROCESS TO ESTABLISH OR ALTER  
28 A HIGHWAY AS DESCRIBED IN SUBSECTION B OF THIS SECTION DOES NOT APPLY TO THE  
29 ABANDONMENT OF A ROAD THAT WAS GRANTED UNDER REVISED STATUTE 2477 (43 UNITED  
30 STATES CODE SECTION 932) THAT WAS ENACTED BY THE UNITED STATES CONGRESS IN  
31 1866.

32 Sec. 2. Section 28-6702, Arizona Revised Statutes, is amended to read:

33 28-6702. Proposed highway survey; notice of hearing

34 A. On filing the petition prescribed in section 28-6701, the board of  
35 supervisors shall:

36 1. Direct the county engineer to make a survey of the proposed highway  
37 and to file with the board a report of the proposed highway and a map as  
38 surveyed that shows the legal subdivision of the lands traversed by the  
39 survey. If a survey and maps have already been made for any purpose, these  
40 data and maps may be used instead of conducting a survey pursuant to this  
41 section.

42 2. Set a date for a public hearing ~~on the petition~~.

43 3. Give notice to the public of the hearing by advertising once a week  
44 for two consecutive weeks in a newspaper of general circulation in the  
45 county. The notice shall state the purpose and the date of the hearing and

1 shall direct all persons desiring to object to the action requested in the  
2 RECOMMENDATION OR petition to file with the board of supervisors a statement  
3 in writing setting forth their objection or opposition, and to show cause why  
4 the RECOMMENDATION OR petition should not be granted.

5 B. ON RECEIPT OF A RECOMMENDATION BY THE COUNTY ENGINEER PURSUANT TO  
6 SECTION 28-6701, THE BOARD OF SUPERVISORS SHALL COMPLY WITH SUBSECTION A,  
7 PARAGRAPHS 2 AND 3 OF THIS SECTION.

APPROVED BY THE GOVERNOR APRIL 18, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2012.

Passed the House April 10, 2012,

by the following vote: 33 Ayes,

24 Nays, 3 Not Voting



Speaker of the House

  
Cheryl Laube  
Chief Clerk of the House

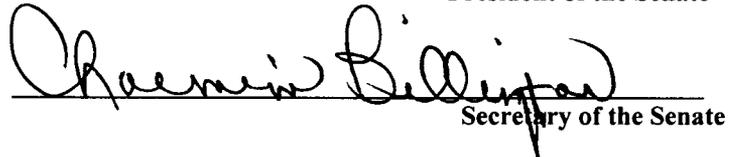
Passed the Senate February 2, 2012,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting



President of the Senate

  
Chaemin Billipad  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**S.B. 1040**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 12, 20 12

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting

Steve Frier  
President of the Senate

Charmian Bellisario  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

12<sup>th</sup> day of April, 20 12

at 10:59 o'clock A M.

Naomi Warm  
Secretary to the Governor

Approved this 18<sup>th</sup> day of

April

at 10:58 o'clock A. M.

Janice K. Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18<sup>th</sup> day of April, 20 12

S.B. 1040

at 3:46 o'clock P M.

Ken Blumenthal  
Secretary of State