

House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 146

HOUSE BILL 2330

AN ACT

AMENDING SECTIONS 9-471.02 AND 9-471.03, ARIZONA REVISED STATUTES; RELATING
TO THE EXTENSION OF CORPORATE LIMITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-471.02, Arizona Revised Statutes, is amended to
3 read:

4 9-471.02. Deannexation of land from one municipality and
5 annexation to another municipality; deannexation of
6 right-of-way from a municipality to a county

7 A. Notwithstanding any other ~~provision of law to the contrary,~~
8 territory may be deannexed and severed from one city or town and annexed to
9 another city or town ~~in accordance with the provisions of~~ UNDER this section
10 if the territory ~~which~~ THAT is deannexed is contiguous to the city or town
11 ~~which~~ THAT annexes the territory.

12 B. The governing body of a city or town ~~which~~ THAT intends to deannex
13 the territory shall by ordinance set forth the legal description of the
14 territory and shall declare the deannexation of the territory contingent ~~upon~~
15 ON the fulfillment of the conditions of this section.

16 C. The governing body of the city or town ~~which~~ THAT intends to annex
17 the territory shall by ordinance set forth the legal description of the
18 territory and shall declare the annexation of the territory contingent ~~upon~~
19 ON fulfillment of the conditions of this section.

20 D. The ordinance passed by each governing body shall be filed with the
21 COUNTY board of supervisors which shall set a hearing date of not less than
22 thirty nor more than sixty days from the date of the filing of the ordinances
23 and shall notify the governing body of each city or town of the hearing date
24 at least thirty days prior to the date.

25 E. The governing body of the city or town desiring to deannex
26 territory shall notify by letter the owner of any real property in the
27 territory to be deannexed at least twenty days before the hearing by the
28 COUNTY board of supervisors. ~~Such~~ THE notification shall specify that the
29 area is to be deannexed and annexed to another city or town and that ~~such~~ THE
30 property shall continue to be subject to any tax lawfully assessed against it
31 for the purpose of paying any indebtedness lawfully contracted by the
32 governing body of the city or town while the property was within the
33 corporate limits. The letter shall state that the property owner may protest
34 the action by letter to the COUNTY board of supervisors ~~prior to~~ BEFORE the
35 hearing or in person at the hearing. If property owners of fifty-one ~~percent~~
36 PER CENT or more of the land area of the territory to be deannexed protest
37 the action, ~~then~~ the COUNTY board of supervisors shall deny the deannexation
38 of the territory. ~~No such~~ IF THE action ~~so~~ IS denied ~~shall~~ IT MAY NOT be
39 resubmitted to the COUNTY board of supervisors for at least one year
40 following ~~such~~ THE denial.

41 F. ~~Upon~~ ON determining that the requirements of this section have been
42 satisfied, ~~and upon~~ ON the holding of the public hearing and ~~upon~~ ON
43 determination that the protests filed are insufficient as defined by this
44 section, the COUNTY board of supervisors shall order that the territory be

1 deannexed from one city or town and that the same territory be annexed to
2 another city or town as specified in the two ordinances authorized by this
3 section.

4 G. The land deannexed and annexed shall not ~~thereby~~ be exempt from the
5 payment of any taxes lawfully assessed against it for the purpose of paying
6 any indebtedness lawfully contracted by the corporate authorities of ~~such~~ THE
7 city or town while ~~such~~ THE land was within the limits ~~thereof~~ OF THE CITY OR
8 TOWN and ~~which~~ THAT remains unpaid, and for the payment of which ~~such~~ THE
9 land could be lawfully taxed.

10 H. ~~Whenever~~ IF the governing body ~~or~~ OF the city or town ~~which~~ THAT
11 has deannexed territory ~~shall levy~~ LEVIES a tax ~~upon~~ ON the property within
12 ~~such~~ THE city or town for the purpose of paying indebtedness incurred before
13 ~~such~~ THE deannexation, or any part thereof, and interest thereon, ~~such~~ THE
14 governing body ~~shall have the authority to~~ MAY levy a tax at the same rate
15 and for the same purpose on the ~~land so~~ deannexed TERRITORY. ~~In case~~ IF the
16 owner of any ~~land so~~ deannexed TERRITORY ~~shall pay~~ PAYS off and ~~discharge~~
17 DISCHARGES a portion of ~~such~~ THE indebtedness equal in amount to the same
18 proportion of the indebtedness ~~which~~ THAT the assessed value of ~~his~~ THE
19 OWNER'S land bears to the entire assessed value of all the property subject
20 to taxation for the payment of ~~such~~ THE indebtedness, calculated according to
21 the last assessment previous to ~~such~~ THE payment, ~~then such~~ THE land shall be
22 exempted from further taxation to pay ~~such~~ THE indebtedness. ~~Upon such~~ ON
23 payment being made, the canceled bonds or other evidences of payment of ~~such~~
24 THE portion of ~~such~~ THE indebtedness shall be deposited with the clerk of
25 ~~such~~ THE city or town and a certificate shall be given by ~~him~~ THE CLERK
26 stating that ~~such~~ THE payment has been made.

27 I. NOTWITHSTANDING ANY OTHER LAW, A PUBLIC RIGHT-OF-WAY THAT IS
28 PARTIALLY LOCATED WITHIN A CITY OR TOWN AND PARTIALLY LOCATED WITHIN THE
29 UNINCORPORATED AREA OF A COUNTY MAY BE DEANNEXED AND SEVERED FROM THE CITY OR
30 TOWN AND RETURNED TO THE COUNTY PURSUANT TO SECTION 9-471.03. THE COUNTY
31 BOARD OF SUPERVISORS SHALL NOTIFY THE CITY OR TOWN IF THE ORDER OF THE COUNTY
32 BOARD OF SUPERVISORS ORDERING THE DEANNEXATION OF THE PUBLIC RIGHT-OF-WAY IS
33 APPROVED.

34 ~~I.~~ J. A copy of the order of the COUNTY board of supervisors ordering
35 the deannexation and annexation of any land described in any city or town,
36 certified by the clerk of the ~~court~~ BOARD, shall be filed for record in the
37 recorder's office of the county in which ~~such~~ THE land is situated. ~~Such~~ THE
38 record, or a copy of ~~such~~ THE order or decree, certified by the clerk of ~~such~~
39 ~~court~~ THE BOARD, shall be proof of the deannexation and annexation of ~~such~~
40 THE land.

1 Sec. 2. Section 9-471.03, Arizona Revised Statutes, is amended to
2 read:

3 9-471.03. Return of certain land to county; procedures

4 A. Notwithstanding any other law, territory may be deannexed, severed
5 and returned to the county by a city or town if the territory is a county
6 owned park, a park operated on public lands by a county as part of a
7 management agreement or land owned by a flood control district.

8 B. NOTWITHSTANDING ANY OTHER LAW, A PUBLIC RIGHT-OF-WAY THAT IS
9 PARTIALLY LOCATED WITHIN A CITY OR TOWN AND PARTIALLY LOCATED WITHIN THE
10 UNINCORPORATED AREA OF A COUNTY MAY BE DEANNEXED AND SEVERED FROM THE CITY OR
11 TOWN AND RETURNED TO THE COUNTY.

12 ~~B.~~ C. The governing body of a city or town that intends to return the
13 territory OR PUBLIC RIGHT-OF-WAY to the A county shall set forth by ordinance
14 the legal description of the territory OR PUBLIC RIGHT-OF-WAY and shall
15 declare the deannexation and return of the territory OR PUBLIC RIGHT-OF-WAY
16 contingent on the fulfillment of the conditions of this section.

17 D. THE BOARD OF SUPERVISORS THAT INTENDS TO RECEIVE THE TERRITORY OR
18 PUBLIC RIGHT-OF-WAY SHALL SET A PUBLIC HEARING TO DETERMINE IF THE PUBLIC
19 INTEREST IS SERVED. THE DETERMINATION MUST INCLUDE AN ANALYSIS OF THE
20 IMPACTS OF THE REQUESTED DEANNEXATION.

21 ~~E.~~ E. IF THE BOARD OF SUPERVISORS THAT INTENDS TO RECEIVE THE
22 TERRITORY OR PUBLIC RIGHT-OF-WAY DETERMINES THAT THE PUBLIC INTEREST IS
23 SERVED BY RECEIVING THE TERRITORY OR PUBLIC RIGHT-OF-WAY, the board of
24 supervisors ~~of the county that intends to receive the returned territory~~
25 shall set forth by ordinance the legal description of the territory OR PUBLIC
26 RIGHT-OF-WAY and shall declare the return of the territory OR PUBLIC
27 RIGHT-OF-WAY contingent on fulfillment of the conditions of this section.

28 ~~F.~~ F. The board of supervisors shall set a public hearing not less
29 than thirty nor more than sixty days after the date the ordinance is filed.
30 THE BOARD OF SUPERVISORS SHALL NOTIFY BY CERTIFIED MAIL EACH OWNER OF REAL
31 PROPERTY SUBJECT TO TAXATION ADJACENT TO THE TERRITORY OR PUBLIC RIGHT-OF-WAY
32 THAT IS PROPOSED TO BE DEANNEXED AT LEAST TWENTY DAYS BEFORE THE HEARING. On
33 the holding of the public hearing, the board of supervisors may order that
34 the territory OR PUBLIC RIGHT-OF-WAY be returned as specified in the
35 ordinance authorized by the city or town.

APPROVED BY THE GOVERNOR APRIL 22, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2014.

Passed the House February 25, 2014

Passed the Senate April 17, 2014

by the following vote: 59 Ayes,
0 Nays, 1 Not Voting

by the following vote: 28 Ayes,
0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

17 day of April, 20 14

at 2:35 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 23rd day of

April

at 4:32 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 23rd day of April, 20 14

at 9:40 o'clock a M.

[Signature]
Secretary of State

H.B. 2330