

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1035

(Reference to proposed amendment dated 5/19/09; 4:23 p.m.)

1 Page 3, between lines 28 and 29, insert:

2 "Sec. 3. Section 9-463.05, Arizona Revised Statutes, is amended to
3 read:

4 9-463.05. Development fees; imposition by cities and towns;
5 infrastructure improvements plan; annual report;
6 limitation on actions; definitions

7 A. A municipality may assess development fees to offset costs to the
8 municipality associated with providing necessary public services to a
9 development. ~~, including COSTS SHALL INCLUDE ONLY~~ the costs of
10 infrastructure, improvements, real property, engineering and architectural
11 services, ~~AND financing, other capital costs and associated appurtenances,~~
12 ~~equipment, vehicles, furnishings and other personalty.~~

13 B. Development fees assessed by a municipality ~~under this section are~~
14 ~~subject to~~ MUST MEET the following requirements:

15 1. Development fees shall result in a beneficial use to the
16 development.

17 2. THE AMOUNT OF THE FEE MUST BE REASONABLY RELATED AND REASONABLY
18 ATTRIBUTABLE TO THE DEVELOPMENT'S SHARE OF INFRASTRUCTURE IMPROVEMENTS MADE
19 NECESSARY BY THE DEVELOPMENT.

20 3. THE DEVELOPMENT FEE SHALL NOT EXCEED A PROPORTIONATE SHARE OF THE
21 COSTS INCURRED OR TO BE INCURRED BY THE GOVERNMENTAL ENTITY IN PROVIDING
22 NECESSARY SERVICES TO DEVELOPMENT.

23 4. COSTS FOR CORRECTION OF EXISTING DEFECTS IN A PUBLIC FACILITY MAY
24 NOT BE INCLUDED IN THE IMPACT FEE.

25 5. COSTS FOR FACILITIES MADE NECESSARY BY A DEVELOPMENT SHALL BE BASED
26 ON THE SAME LEVEL OF SERVICE PROVIDED TO EXISTING RESIDENTS IN THE
27 MUNICIPALITY. TO THE EXTENT THAT THE INFRASTRUCTURE IMPROVEMENT PLAN
28 REQUIRES FACILITIES TO BE CREATED OR MODIFIED TO IMPROVE THE LEVEL OF
29 SERVICE PROVIDED TO EXISTING RESIDENTS IN THE MUNICIPALITY, THE COSTS OF NEW

1 OR MODIFIED FACILITIES SHALL BE APPORTIONED COMMENSURATELY AMONG DEVELOPMENT
2 AND EXISTING RESIDENTS.

3 6. THE MUNICIPALITY SHALL CALCULATE THE DEVELOPMENT FEE BASED ON THE
4 INFRASTRUCTURE IMPROVEMENTS PLAN, WHICH MUST BE ADOPTED BEFORE THE
5 COMMENCEMENT OF THE DEVELOPMENT FEE STUDY.

6 ~~2.~~ 7. Monies received from development fees assessed pursuant to this
7 section shall be placed in a separate fund and accounted for separately and
8 may only be used for the purposes authorized by this section. Monies
9 received from a development fee identified in an infrastructure improvements
10 plan adopted or amended pursuant to subsection D of this section shall be
11 used to provide the same category of necessary public service for which the
12 development fee was assessed. Interest earned on monies in the separate fund
13 shall be credited to the fund.

14 ~~3.~~ 8. The schedule for payment of fees shall be provided by the
15 municipality. **BASED ON THE COST IDENTIFIED IN THE INFRASTRUCTURE**
16 **IMPROVEMENTS PLAN,** the municipality shall provide a credit toward the payment
17 of a development fee for the required **OR AGREED TO** dedication of public
18 sites, improvements and other necessary public services included in the
19 infrastructure improvements plan and for which a development fee is assessed,
20 to the extent the public sites, improvements and necessary public services
21 are provided by the developer. The developer of residential dwelling units
22 shall be required to pay development fees when construction permits for the
23 dwelling units are issued, or at a later time if specified in a development
24 agreement pursuant to section 9-500.05. If a development agreement provides
25 for fees to be paid at a time later than the issuance of construction
26 permits, the deferred fees shall be paid no later than fifteen days after the
27 issuance of a certificate of occupancy. The development agreement shall
28 provide for the value of any deferred fees to be supported by appropriate
29 security, including a surety bond, letter of credit or cash bond.

30 ~~4. 9. The amount of any development fees assessed pursuant to this~~
31 ~~section must bear a reasonable relationship to the burden imposed upon the~~
32 ~~municipality to provide additional necessary public services to the~~

1 ~~development.~~ The municipality, in determining the ~~extent of the burden~~
2 ~~imposed by the development~~ AMOUNT OF ANY DEVELOPMENT FEES ASSESSED PURSUANT
3 TO THIS SECTION, shall ~~consider, among other things, the contribution~~ DEDUCT
4 THE CONTRIBUTIONS made or to be made in the future ~~in cash or by taxes, fees~~
5 ~~or assessments by the property owner towards~~, AS DETERMINED IN SUBSECTION E,
6 PARAGRAPH 2, SUBDIVISION (g) OF THIS SECTION, FROM the capital costs of the
7 necessary public service covered by the development fee. THIS PARAGRAPH DOES
8 NOT APPLY TO ANY REVENUES OR PORTIONS OF REVENUES THAT ARE NOT DEDICATED AS A
9 CAPITAL CONTRIBUTION TO THE SAME CATEGORY OF NECESSARY PUBLIC SERVICE AS
10 IDENTIFIED BY THE MUNICIPALITY IN SUBSECTION E, PARAGRAPH 2, SUBSECTION (g)
11 OF THIS SECTION.

12 ~~5.~~ 10. If development fees are assessed by a municipality, ~~such~~ THE
13 fees shall be assessed in a nondiscriminatory manner.

14 ~~6.~~ 11. In determining and assessing a development fee applying to land
15 in a community facilities district established under title 48, chapter 4,
16 article 6, the municipality shall take into account all public infrastructure
17 provided by the district and capital costs paid by the district for necessary
18 public services and shall not assess a portion of the development fee based
19 on the infrastructure or costs.

20 12. THIS SECTION DOES NOT PROHIBIT THE MUNICIPALITY FROM SUPPORTING
21 PROJECTS IN THE INFRASTRUCTURE IMPROVEMENTS PLAN IN WHOLE OR IN PART WITH
22 REVENUES OTHER THAN IMPACT FEES. A MUNICIPALITY MAY WAIVE IMPACT FEES IN
23 WHOLE OR IN PART FOR A PARTICULAR DEVELOPMENT BUT TO THE EXTENT THAT IT DOES
24 SO, IT MUST PROVIDE THAT THE AMOUNT OF FUNDS THAT WOULD HAVE BEEN COLLECTED
25 THROUGH THE WAIVED IMPACT FEE SHALL BE REPLACED WITH OTHER SPECIFIED
26 REVENUES.

27 C. A municipality shall give at least sixty days' advance notice of
28 intention to assess a new or modified development fee and shall release to
29 the public a written report that identifies the methodology for calculating
30 the amount of the development fee, explains the relationship between the
31 development fee and the infrastructure improvements plan, includes
32 documentation that supports the assessment of a new or modified development

1 fee and identifies any index or indices to be used for automatic adjustment
2 of the development fee pursuant to subsection F of this section and the
3 timing of those adjustments. The municipality shall conduct a public hearing
4 on the proposed new or modified development fee at any time after the
5 expiration of the sixty day notice of intention to assess a new or modified
6 development fee and at least thirty days prior to the scheduled date of
7 adoption of the new or modified fee by the governing body. A development fee
8 assessed pursuant to this section shall not be effective until ~~seventy-five~~
9 **NINETY** days after its formal adoption by the governing body of the
10 municipality. Nothing in this subsection shall affect any development fee
11 adopted prior to July 24, 1982.

12 D. Before the assessment of a new or modified development fee, the
13 governing body of the municipality shall adopt or amend an infrastructure
14 improvements plan. The municipality shall conduct a public hearing on the
15 infrastructure improvements plan at least thirty days before the adoption or
16 amendment of the plan. The municipality shall release the plan to the
17 public, make available to the public the documents used to prepare the plan
18 and provide public notice at least sixty days before the public hearing,
19 subject to the following:

20 1. An infrastructure improvements plan ~~may~~ **MUST** be adopted
21 ~~concurrently with~~ **NOT MORE THAN TWELVE MONTHS BEFORE** the report required by
22 subsection C of this section, ~~and the municipality may provide for and~~
23 ~~schedule the notices and hearings required by this subsection together with~~
24 ~~the notices and hearings required by subsection C of this section.~~ **THE**
25 **INFRASTRUCTURE IMPROVEMENTS PLAN MUST BE ADOPTED BEFORE THE START OF A**
26 **DEVELOPMENT IMPACT FEE STUDY AS REQUIRED BY SUBSECTION C OF THIS SECTION.**

27 2. A municipality may amend an infrastructure improvements plan
28 without a public hearing if the amendment addresses only elements of
29 necessary public services that are included in the existing infrastructure
30 improvements plan. The municipality shall provide public notice of those
31 amendments at least fourteen days in advance of their effective date.

1 E. For each necessary public service that is the subject of a
2 development fee, the infrastructure improvements plan shall:

3 1. Estimate future necessary public services that will be required as
4 a result of new development IN THE AREA, AS DEFINED IN THE INFRASTRUCTURE
5 IMPROVEMENTS PLAN, IN WHICH THE DEVELOPMENT FEE WILL BE ASSESSED and the
6 basis for the estimate, INCLUDING A COMPARISON OF THE NECESSARY PUBLIC
7 SERVICES PROVIDED TO EXISTING DEVELOPMENT AND THE NECESSARY PUBLIC SERVICES
8 TO BE PROVIDED TO NEW DEVELOPMENT.

9 ~~2. Forecast the costs of infrastructure, improvements, real property,
10 financing, other capital costs and associated appurtenances, equipment,
11 vehicles, furnishings and other personalty that will be associated with
12 meeting those future needs for necessary public services and estimate the
13 time required to finance and provide the necessary public services.~~

14 2. SPECIFICALLY CONTAIN THE FOLLOWING ITEMS:

15 (a) AN ANALYSIS OF THE TOTAL CAPACITY, THE LEVEL OF CURRENT USAGE AND
16 COMMITMENTS FOR USAGE OF CAPACITY OF THE EXISTING CAPITAL IMPROVEMENTS.

17 (b) A DESCRIPTION OF ALL OR THE PARTS OF THE CAPITAL IMPROVEMENTS OR
18 FACILITY EXPANSIONS AND THEIR COSTS NECESSITATED BY AND ATTRIBUTABLE TO
19 DEVELOPMENT IN THE SERVICE AREA BASED ON THE APPROVED LAND USE ASSUMPTIONS.

20 (c) A DESCRIPTION OF THE EXISTING LEVEL OR QUANTITY OF USE,
21 CONSUMPTION, GENERATION OR DISCHARGE OF A SERVICE UNIT FOR EACH CATEGORY OF
22 CAPITAL IMPROVEMENTS OR FACILITY EXPANSIONS ADDRESSED IN THE INFRASTRUCTURE
23 IMPROVEMENTS PLAN.

24 (d) A DEFINITIVE TABLE DESCRIBING THE SPECIFIC LEVEL OR QUANTITY OF
25 USE, CONSUMPTION, GENERATION OR DISCHARGE OF A SERVICE UNIT FOR EACH CATEGORY
26 OF CAPITAL IMPROVEMENTS OR FACILITY EXPANSIONS AND AN EQUIVALENCY OR
27 CONVERSION TABLE ESTABLISHING THE RATIO OF A SERVICE UNIT TO VARIOUS TYPES OF
28 LAND USES, INCLUDING RESIDENTIAL, MULTIRESIDENTIAL, COMMERCIAL AND
29 INDUSTRIAL, THAT SHALL BE COMPARABLE TO THE EXISTING LEVEL OR QUANTITY OF
30 USE, CONSUMPTION, GENERATION OR DISCHARGE FOR EACH CATEGORY OF CAPITAL
31 IMPROVEMENTS OR FACILITY EXPANSIONS AS DESCRIBED IN SUBDIVISION (c) OF THIS
32 PARAGRAPH.

1 (e) THE TOTAL NUMBER OF PROJECTED NEW SERVICE UNITS NECESSITATED BY
2 AND ATTRIBUTABLE TO DEVELOPMENT WITHIN THE SERVICE AREA BASED ON THE APPROVED
3 LAND USE ASSUMPTIONS AND CALCULATED IN ACCORDANCE WITH GENERALLY ACCEPTED
4 ENGINEERING OR PLANNING CRITERIA.

5 (f) THE PROJECTED DEMAND FOR CAPITAL IMPROVEMENTS OR FACILITY
6 EXPANSIONS PROJECTED OVER A REASONABLE PERIOD OF TIME, NOT TO EXCEED TEN
7 YEARS.

8 (g) A DESCRIPTION AND ESTIMATE OF THE AMOUNTS OF ALL MONIES OTHER THAN
9 DEVELOPMENT FEES THAT WILL BE USED FOR CAPITAL IMPROVEMENTS OR FACILITY
10 EXPANSIONS THAT ARE THE SUBJECT OF THE INFRASTRUCTURE IMPROVEMENT PLAN THAT
11 MAY INCLUDE ESTIMATED STATE SHARED REVENUES, HIGHWAY USER REVENUES, FEDERAL
12 REVENUES, AD VALOREM PROPERTY TAXES, GRANTS, DONATIONS, CONSTRUCTION
13 CONTRACTING OR SIMILAR EXCISE TAXES, THE CAPITAL RECOVERY PORTION OF UTILITY
14 FEES ATTRIBUTABLE TO DEVELOPMENT IN THE SERVICE AREA BASED ON THE APPROVED
15 LAND USE ASSUMPTIONS AND ANY OTHER SOURCES OF REVENUE.

16 (h) TO THE EXTENT THAT BONDS ARE ANTICIPATED TO FINANCE CAPITAL
17 IMPROVEMENTS OR FACILITY EXPANSIONS THAT ARE THE SUBJECT OF THE
18 INFRASTRUCTURE IMPROVEMENT PLAN, A DESCRIPTION AND ESTIMATE OF THE SOURCES
19 AND AMOUNTS OF ALL ANTICIPATED REVENUES THAT WILL BE USED TO REPAY THE BONDS.

20 F. A municipality may automatically adjust a development fee on an
21 annual basis without a public hearing if the adjustment is based on a
22 nationally recognized index applicable to the cost of the necessary public
23 service that is the subject of the development fee and the adjustment
24 mechanism is identified in the report required by subsection C of this
25 section. The municipality shall provide public notice of those adjustments
26 at least thirty days in advance of their effective date.

27 G. Each municipality that assesses development fees shall submit an
28 annual report accounting for the collection and use of the fees. The annual
29 report shall include the following:

30 1. The amount assessed by the municipality for each type of
31 development fee.

1 2. The balance of each fund maintained for each type of development
2 fee assessed as of the beginning and end of the fiscal year.

3 3. The amount of interest or other earnings on the monies in each fund
4 as of the end of the fiscal year.

5 4. The amount of development fee monies used to repay:

6 (a) Bonds issued by the municipality to pay the cost of a capital
7 improvement project that is the subject of a development fee assessment.

8 (b) Monies advanced by the municipality from funds other than the
9 funds established for development fees in order to pay the cost of a capital
10 improvement project that is the subject of a development fee assessment.

11 5. The amount of development fee monies spent on each capital
12 improvement project that is the subject of a development fee assessment and
13 the physical location of each capital improvement project.

14 6. The amount of development fee monies spent for each purpose other
15 than a capital improvement project that is the subject of a development fee
16 assessment.

17 H. Within ninety days following the end of each fiscal year, each
18 municipality shall submit a copy of the annual report to the city
19 clerk. Copies shall be made available to the public on request. The annual
20 report may contain financial information that has not been audited.

21 I. A municipality that fails to file the report required by this
22 section shall not collect development fees until the report is filed.

23 J. Any action to collect a development fee shall be commenced within
24 two years after the obligation to pay the fee accrues.

25 K. NOTWITHSTANDING ANY OTHER LAW, BEGINNING JUNE 1, 2009 THROUGH MAY
26 31, 2012, A MUNICIPALITY SHALL NOT IMPOSE OR ASSESS ANY DEVELOPMENT FEES
27 PURSUANT TO THIS SECTION. BEGINNING JUNE 1, 2012, A MUNICIPALITY MAY IMPOSE
28 A DEVELOPMENT FEE OR MODIFY AN EXISTING DEVELOPMENT FEE PURSUANT TO THIS
29 SECTION.

30 ~~L.~~ L. For the purposes of this section:

31 1. "FACILITY EXPANSION" MEANS THE EXPANSION OF THE CAPACITY OF AN
32 EXISTING FACILITY THAT SERVES THE SAME FUNCTION AS AN OTHERWISE NECESSARY NEW

1 CAPITAL IMPROVEMENT IN ORDER THAT THE EXISTING FACILITY MAY SERVE
2 DEVELOPMENT. FACILITY EXPANSION DOES NOT INCLUDE THE REPAIR, MAINTENANCE,
3 MODERNIZATION OR EXPANSION OF AN EXISTING FACILITY TO BETTER SERVE EXISTING
4 DEVELOPMENT.

5 2. "FIRE SERVICES" MEANS FACILITIES NECESSARY FOR HOUSING AND
6 MAINTAINING PERSONNEL, VEHICLES AND EQUIPMENT USED FOR FIRE SUPPRESSION OR
7 TO PROVIDE EMERGENCY MEDICAL SERVICES AND VEHICLES OR OTHER APPURTENANCES
8 NECESSARY FOR PROVIDING OR ADMINISTERING FIRE SERVICES. FIRE SERVICES DO NOT
9 INCLUDE ANY AIR VEHICLE.

10 3. "Infrastructure improvements plan" means one or more written plans
11 that individually or collectively identify each public service that is
12 proposed to be the subject of a development fee and otherwise complies with
13 the requirements of this section, and may be the municipality's capital
14 improvements plan.

15 4. "LAND USE ASSUMPTIONS" INCLUDES A DESCRIPTION OF THE SERVICE AREA
16 AND PROJECTIONS OF CHANGES IN LAND USES, DENSITIES, INTENSITIES AND
17 POPULATION IN THE SERVICE AREA OVER AT LEAST A TEN-YEAR PERIOD.

18 5. "NECESSARY PUBLIC SERVICES" MEANS NEW OR EXISTING FACILITIES THAT
19 ARE MODIFIED TO INCREASE SERVICE CAPACITY AND THAT:

20 (a) ARE MADE NECESSARY BY DEVELOPMENT.

21 (b) HAVE A LIFE EXPECTANCY OF TEN YEARS OR LONGER.

22 (c) ARE OWNED AND OPERATED BY THE MUNICIPALITY.

23 (d) PROVIDE FIRE SERVICES, POLICE SERVICES, TRANSPORTATION SERVICES,
24 WATER SYSTEM SERVICES OR WASTEWATER TREATMENT PROJECT SERVICES.

25 6. "POLICE SERVICES" INCLUDES FACILITIES NECESSARY FOR PROVIDING OR
26 ADMINISTERING POLICE SERVICES. POLICE SERVICES DO NOT INCLUDE ANY AIR
27 VEHICLE.

28 7. "SERVICE AREA" MEANS THE AREA WITHIN THE CORPORATE BOUNDARIES OR
29 EXTRATERRITORIAL JURISDICTION, AS DETERMINED UNDER THIS TITLE, OF THE
30 MUNICIPALITY AND THAT IS TO BE SERVED BY THE CAPITAL IMPROVEMENTS OR
31 FACILITIES EXPANSIONS PRESCRIBED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN.

1 8. "SERVICE UNIT" MEANS A STANDARDIZED MEASURE OF CONSUMPTION, USE,
2 GENERATION OR DISCHARGE ATTRIBUTABLE TO AN INDIVIDUAL UNIT OF DEVELOPMENT
3 CALCULATED IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING OR PLANNING
4 STANDARDS AND BASED ON HISTORICAL DATA AND TRENDS APPLICABLE TO THE POLITICAL
5 SUBDIVISION IN WHICH THE INDIVIDUAL UNIT OF DEVELOPMENT IS LOCATED DURING THE
6 PREVIOUS TEN YEARS.

7 9. "TRANSPORTATION SERVICES" INCLUDES THE ARTERIAL OR COLLECTOR
8 STREETS, BRIDGES, RIGHTS-OF-WAY, TRAFFIC SIGNALS AND LANDSCAPING.
9 TRANSPORTATION SERVICES DO NOT INCLUDE TRAINS, LIGHT RAIL OR PARK AND RIDE
10 PARKING LOTS.

11 10. "WASTEWATER TREATMENT PROJECT SERVICES" INCLUDES THE COLLECTION,
12 TREATMENT OR DISPOSAL OF WASTEWATER.

13 10. "WATER SYSTEM SERVICES" INCLUDES FACILITIES FOR THE COLLECTION,
14 TRANSPORTATION, TREATMENT, PURIFICATION AND DISTRIBUTION OF WATER OR THE
15 ACQUISITION OF WATER RIGHTS.

16 Sec. 4. Section 9-500.05, Arizona Revised Statutes, is amended to
17 read:

18 9-500.05. Development agreements; public safety; definitions

19 A. A municipality, by resolution or ordinance, may enter into
20 development agreements relating to property in the municipality and to
21 property located outside the incorporated area of the municipality. If the
22 development agreement relates to property located outside the incorporated
23 area of the municipality, the development agreement does not become operative
24 unless annexation proceedings to annex the property to the municipality are
25 completed within the period of time specified by the development agreement or
26 any extension of such time.

27 B. A development agreement shall be consistent with the municipality's
28 general plan or specific plan, if any, as defined in section 9-461,
29 applicable to the property on the date the development agreement is executed.

30 C. A development agreement may be amended, or cancelled in whole or in
31 part, by mutual consent of the parties to the development agreement or by
32 their successors in interest or assigns.

1 D. No later than ten days after a municipality enters into a
2 development agreement, the municipality shall record a copy of the agreement
3 with the county recorder of the county in which the property subject to the
4 development agreement is located, and the recordation constitutes notice of
5 the development agreement to all persons. The burdens of the development
6 agreement are binding on, and the benefits of the development agreement inure
7 to, the parties to the agreement and to all their successors in interest and
8 assigns.

9 E. Section 32-2181 does not apply to development agreements under this
10 section.

11 F. Notwithstanding any other law, a municipality may provide by
12 resolution or ordinance for public safety purposes, and with the written
13 consent of an owner of property that has been granted a development agreement
14 pursuant to this section, an owner of a protected development right pursuant
15 to chapter 11 of this title or the owner of any other residential or
16 commercial development subject to the supervision of a municipality pursuant
17 to this title, for the application and enforcement of speed limits, vehicle
18 weight restrictions or other safety measures on a private road that is
19 located in any development in the municipality and that is open to and used
20 by the public. A municipality may require payment from the property owner of
21 the actual cost of signs for speed limits or other restrictions applicable on
22 the private road, before their installation.

23 G. Notwithstanding section 19-142, subsection B, a decision by the
24 governing body involving a development agreement may not be enacted as an
25 emergency measure and that decision is not effective for at least thirty days
26 after final approval of the development agreement.

27 H. A DEVELOPMENT AGREEMENT SHALL NOT, DIRECTLY OR INDIRECTLY:

28 1. ENLARGE A DEVELOPER'S OBLIGATIONS WITH REGARD TO THE AMOUNT OF
29 DEVELOPMENT IMPACT FEES IMPOSED PURSUANT TO SECTION 9-463.05.

30 2. REQUIRE A DEVELOPER TO ASSUME AN OBLIGATION TO CONSTRUCT OR
31 CONTRIBUTE TO THE CONSTRUCTION OF FACILITIES THAT ARE NOT NECESSARY PUBLIC

1 SERVICES, AS DEFINED IN SECTION 9-463.05, MADE NECESSARY BY THE NEW
2 DEVELOPMENT.

3 ~~II~~ I. In this section, unless the context otherwise requires:

4 1. "Development agreement" means an agreement between a municipality
5 and a community facilities district pursuant to section 48-709, a landowner
6 or any other person having an interest in real property that may specify or
7 otherwise relate to any of the following:

8 (a) The duration of the development agreement.

9 (b) The permitted uses of property subject to the development
10 agreement.

11 (c) The density and intensity of uses and the maximum height and size
12 of proposed buildings within such property.

13 (d) Provisions for reservation or dedication of land for public
14 purposes and provisions to protect environmentally sensitive lands.

15 (e) Provisions for preservation and restoration of historic
16 structures.

17 (f) The phasing or time of construction or development on property
18 subject to the development agreement.

19 (g) Conditions, terms, restrictions and requirements for public
20 infrastructure and the financing of public infrastructure and subsequent
21 reimbursements over time.

22 (h) Conditions, terms, restrictions and requirements for annexation of
23 property by the municipality and the phasing or timing of annexation of
24 property by the municipality.

25 (i) Conditions, terms, restrictions and requirements of deannexation
26 of property from one municipality to another municipality and the phasing or
27 timing of deannexation of property from one municipality to another
28 municipality.

29 (j) Conditions, terms, restrictions and requirements relating to the
30 governing body's intent to form a special taxing district pursuant to title
31 48.

32 (k) Any other matters relating to the development of the property.

1 Page 20, between lines 4 and 5, insert:

2 “Sec. 31. Retroactivity

3 Sections 9-463.05 and 42-6006, Arizona Revised Statutes, as amended by
4 this act, apply and section 9-805, Arizona Revised Statutes, as added by this
5 act, is effective retroactively to from and after May 31, 2009.”

6 Renumber to conform

7 Amend title to conform

RUSSELL PEARCE

5/20/09
12:43 PM
S: BB/jas