

House Engrossed

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2389

AN ACT

AMENDING SECTION 11-256, ARIZONA REVISED STATUTES; RELATING TO LEASE OF
COUNTY PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-256, Arizona Revised Statutes, is amended to
3 read:

4 11-256. Lease or sublease of county lands and buildings:
5 exceptions

6 A. The board may lease or sublease, for a term not to exceed
7 twenty-five years plus an option to renew for an additional period not
8 exceeding twenty-five years, any land or building owned by or under the
9 control of the county.

10 B. An experienced appraiser shall be appointed to determine the rental
11 valuation of such land or building, **EXCEPT THAT THE APPOINTMENT OF AN**
12 **APPRAISER IS NOT REQUIRED FOR THE LEASE OF ANY LAND OR BUILDING THAT IS**
13 **VALUED AT FIVE THOUSAND DOLLARS OR LESS IF THE VALUE OF THE LAND OR BUILDING**
14 **HAS BEEN ESTIMATED AND JUSTIFIED BY A MARKET ANALYSIS THAT IS BASED ON**
15 **COMPARABLE SALES.**

16 C. Such land or building shall be leased or subleased at a public
17 auction to the highest responsible bidder, provided that the amount of bid is
18 at least ninety per cent of the rental valuation as determined by the
19 appraiser **OR THE MARKET ANALYSIS**, and subject to such other terms and
20 conditions as the board may prescribe.

21 D. Notice of a proposed lease or sublease shall be given by
22 publication, once each week for four consecutive weeks, in a newspaper of
23 general circulation in the county. The notice shall state the period and all
24 material conditions of the proposed lease, and the day on which the auction
25 will be held, which shall be not less than thirty days after last publication
26 of the notice.

27 E. Subsections C and D do not apply to leases granting a leasehold
28 interest to a person or entity that owned, leased or otherwise possessed the
29 property to be leased immediately before purchase or acquisition by the
30 county or to other persons or entities leasing property for a term that would
31 expire within four years after the purchase or acquisition by the county. A
32 lease entered into pursuant to this subsection shall be for at least ninety
33 per cent of, but not more than, the appraised rental valuation **OR MARKET**
34 **ANALYSIS** determined pursuant to subsection B.

35 F. This section ~~shall be construed as~~ **IS** supplementary to and not in
36 conflict with other statutes governing or regulating powers of boards of
37 supervisors.