

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1282

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 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.