

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

**CHAPTER 127**  
**HOUSE BILL 2138**

AN ACT

AMENDING SECTION 9-471, ARIZONA REVISED STATUTES; RELATING TO MUNICIPALITY  
CORPORATE LIMITS EXTENSIONS.

(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, Arizona Revised Statutes, is amended to  
3 read:

4 9-471. Annexation of territory; procedures; notice; petitions;  
5 access to information; restrictions

6 A. The following procedures are required to extend and increase the  
7 corporate limits of a city or town by annexation:

8 1. A city or town shall file in the office of the county recorder of  
9 the county in which the annexation is proposed a blank petition required by  
10 paragraph 4 of this subsection setting forth a description and an accurate  
11 map of all the exterior boundaries of the territory contiguous to the city or  
12 town proposed to be annexed, except that a city or town shall not file an  
13 annexation petition that includes any territory for which an unsuccessful  
14 annexation was attempted by the same city or town until at least forty-five  
15 days after completion of the unsuccessful attempt. A property owner may  
16 waive the forty-five day waiting period for the owner's property that was  
17 part of the original unsuccessful annexation. Notice and a copy of the  
18 filing shall be given to the clerk of the board of supervisors and to the  
19 county assessor. The accurate map shall include all county rights-of-way and  
20 roadways that are within or contiguous to the exterior boundaries of the area  
21 of the proposed annexation. If state land, other than state land utilized as  
22 state rights-of-way or land held by the state by tax deed, is included in the  
23 territory, written approval of the state land commissioner and the selection  
24 board established by section 37-202 shall also be filed. For the purposes of  
25 this paragraph, "unsuccessful annexation" means an annexation attempt that  
26 was withdrawn or that was not completed pursuant to this section.

27 2. Signatures on petitions filed for annexation shall not be obtained  
28 for a waiting period of thirty days after filing the blank petition.

29 3. After filing the blank petition pursuant to paragraph 1 of this  
30 subsection, the governing body of the city or town shall hold a public  
31 hearing within the last ten days of the thirty-day waiting period to discuss  
32 the annexation proposal. The public hearing shall be held in accordance with  
33 title 38, chapter 3, article 3.1, except that, notwithstanding section  
34 38-431.02, subsections C and D, the following notices of the public hearing  
35 to discuss the annexation proposal shall be given at least six days before  
36 the hearing:

37 (a) Publication at least once in a newspaper of general circulation,  
38 which is published or circulated in the city or town and the territory  
39 proposed to be annexed, at least fifteen days before the end of the waiting  
40 period.

41 (b) Posting in at least three conspicuous public places in the  
42 territory proposed to be annexed.

43 (c) Notice by first class mail sent to the chairman of the board of  
44 supervisors of the county in which the territory proposed to be annexed is  
45 located.

1 (d) Notice by first class mail with an accurate map of the territory  
2 proposed to be annexed sent to each owner of the real and personal property  
3 as shown on the ~~list~~ STATEMENT furnished pursuant to subsection G of this  
4 section that would be subject to taxation by the city or town in the event of  
5 annexation in the territory proposed to be annexed. For the purposes of this  
6 subdivision, "real and personal property" includes mobile, modular and  
7 manufactured homes and trailers only if the owner also owns the underlying  
8 real property.

9 4. Within one year after the last day of the thirty-day waiting period  
10 a petition in writing signed by the owners of one-half or more in value of  
11 the real and personal property and more than one-half of the persons owning  
12 real and personal property that would be subject to taxation by the city or  
13 town in the event of annexation, as shown by the last assessment of the  
14 property, may be circulated and filed in the office of the county recorder.  
15 For the purposes of this paragraph, "real and personal property" includes  
16 mobile, modular and manufactured homes and trailers only if the owner also  
17 owns the underlying real property.

18 5. No alterations increasing or reducing the territory sought to be  
19 annexed shall be made after a petition has been signed by a property owner.

20 6. The petitioner shall determine and submit a sworn affidavit  
21 verifying that no part of the territory for which the filing is made is  
22 already subject to an earlier filing for annexation. The county recorder  
23 shall not accept a filing for annexation without the sworn affidavit.

24 B. All information contained in the filings, the notices, the  
25 petition, THE tax and property rolls and other matters regarding a proposed  
26 or final annexation shall be made available by the appropriate official for  
27 public inspection during regular office hours.

28 C. Any city or town, the attorney general, the county attorney, or any  
29 other interested party may ~~upon~~ ON verified petition move to question the  
30 validity of the annexation for failure to comply with this section. The  
31 petition shall set forth the manner in which it is alleged the annexation  
32 procedure was not in compliance with this section and shall be filed within  
33 thirty days after adoption of the ordinance annexing the territory by the  
34 governing body of the city or town and not otherwise. The burden of proof  
35 shall be ~~upon~~ ON the petitioner to prove the material allegations of the  
36 verified petition. No action shall be brought to question the validity of an  
37 annexation ordinance unless brought within the time and for the reasons  
38 provided in this subsection. All hearings provided by this section and all  
39 appeals therefrom shall be preferred and heard and determined in preference  
40 to all other civil matters, except election actions. In the event more than  
41 one petition questioning the validity of an annexation ordinance is filed,  
42 all such petitions shall be consolidated for hearing. If two or more cities  
43 or towns show the court that they have demonstrated an active interest in  
44 annexing any or all of the area proposed for annexation, the court shall  
45 consider any oral or written agreements or understandings between or among  
46 the cities and towns in making its determination pursuant to this subsection.

1 D. The annexation shall become final after the expiration of thirty  
2 days ~~from~~ AFTER the adoption of the ordinance annexing the territory by the  
3 city or town governing body, provided the annexation ordinance has been  
4 finally adopted in accordance with procedures established by statute, charter  
5 provisions or local ordinances, whichever is applicable, subject to the  
6 review of the court to determine the validity ~~thereof~~ OF THE ANNEXATION  
7 ORDINANCE if petitions in objection have been filed. After adoption of the  
8 annexation ordinance, the clerk of the city or town shall provide a copy of  
9 the adopted annexation ordinance to the clerk of the board of supervisors of  
10 each county that has jurisdiction over the annexed area within sixty days of  
11 the annexation becoming final.

12 E. For the purpose of determining the sufficiency of the percentage of  
13 the value of property under this section, ~~such~~ THE values of property shall  
14 be determined as follows:

15 1. In the case of property assessed by the county assessor, values  
16 shall be the same as shown by the last assessment of the property.

17 2. In the case of property valued by the department of revenue, values  
18 shall be appraised by the department in the manner provided by law for  
19 municipal assessment purposes.

20 F. For the purpose of determining the sufficiency of the percentage of  
21 persons owning property under this section, the number of persons owning  
22 property shall be determined as follows:

23 1. In the case of property assessed by the county assessor, the number  
24 of persons owning property shall be as shown on the last assessment of the  
25 property.

26 2. In the case of property valued by the department of revenue, the  
27 number of persons owning property shall be as shown on the last valuation of  
28 the property.

29 3. If an undivided parcel of property is owned by multiple owners,  
30 ~~such~~ THOSE owners shall be deemed as one owner for the purposes of this  
31 section.

32 4. If a person owns multiple parcels of property, ~~such~~ THAT owner  
33 shall be deemed as one owner for the purposes of this section.

34 G. The county assessor and the department of revenue, respectively,  
35 shall furnish to the city or town proposing an annexation, within thirty days  
36 after a request, ~~therefor~~ a statement in writing showing the owner, the  
37 address of each owner and the appraisal and assessment of all such property.

38 H. Territory is not contiguous for the purposes of subsection A,  
39 paragraph 1 of this section unless:

40 1. It adjoins the exterior boundary of the annexing city or town for  
41 at least three hundred feet.

42 2. It is, at all points, at least two hundred feet in width, excluding  
43 rights-of-way and roadways.

44 3. The distance from the existing boundary of the annexing city or  
45 town where it adjoins the annexed territory to the furthest point of the

1 annexed territory from ~~such~~ THAT boundary is no more than twice the maximum  
2 width of the annexed territory.

3 I. A city or town shall not annex territory if as a result of ~~such~~  
4 THAT annexation unincorporated territory is completely surrounded by the  
5 annexing city or town.

6 J. Notwithstanding any provisions of this article to the contrary, any  
7 town incorporated ~~prior to~~ BEFORE 1950 ~~which~~ THAT had a population of less  
8 than two thousand persons by the 1970 census and ~~which~~ THAT is bordered on at  
9 least three sides by Indian lands may annex by ordinance territory owned by  
10 the state within the same county for a new townsite ~~which~~ THAT is not  
11 contiguous to the existing boundaries of the town.

12 K. Subsections H and I of this section do not apply to territory ~~which~~  
13 THAT is surrounded by the same city or town or ~~which~~ THAT is bordered by the  
14 same city or town on at least three sides.

15 L. A city or town annexing an area shall adopt zoning classifications  
16 that permit densities and uses no greater than those permitted by the county  
17 immediately before annexation. Subsequent changes in zoning of the annexed  
18 territory shall be made according to existing procedures established by the  
19 city or town for the rezoning of land.

20 M. The annexation of territory within six miles of territory included  
21 in a pending incorporation petition filed with the county recorder pursuant  
22 to section 9-101.01, subsection D shall not cause an urbanized area to exist  
23 pursuant to section 9-101.01 that did not exist ~~prior to~~ BEFORE the  
24 annexation.

25 N. As an alternative to the procedures established in this section, a  
26 county right-of-way or roadway may be ~~annexed~~ TRANSFERRED to an adjacent city  
27 or town by mutual consent of the governing bodies of the county and city or  
28 town if the property ~~annexed~~ TRANSFERRED is adjacent to the annexing city or  
29 town ~~for the entire length of the annexation~~ and if the city or town and  
30 county each approve the proposed ~~annexation~~ TRANSFER as a published agenda  
31 item at a regular public meeting of their governing bodies.

32 O. On or before the date the governing body adopts the ordinance  
33 annexing territory, the governing body shall have approved a plan, policy or  
34 procedure to provide the annexed territory with appropriate levels of  
35 infrastructure and services to serve anticipated new development within ten  
36 years after the date when the annexation becomes final pursuant to subsection  
37 D of this section.

38 P. If a property owner prevails in any action to challenge the  
39 annexation of the property owner's property, the court shall allow the  
40 property owner reasonable attorney fees and costs relating to the action from  
41 the annexing municipality.

1           Q. A city or town may annex territory that is a county owned park or a  
2 park operated on public lands by a county as part of a management agreement  
3 if otherwise agreed to by the board of supervisors. If the board of  
4 supervisors does not agree to the annexation, the county owned park or park  
5 operated on public lands by a county as part of a management agreement shall  
6 be excluded from the annexation area, notwithstanding subsections H and I of  
7 this section. A county owned park or park operated on public lands by a  
8 county as part of a management agreement that is excluded from the annexation  
9 area pursuant to this subsection may subsequently be annexed with the  
10 permission of the board of supervisors notwithstanding any other provision of  
11 this section. For the purposes of this subsection, "public lands":  
12           1. Has the same meaning prescribed in section 37-901.  
13           2. Does not include lands owned by a flood control district.

APPROVED BY THE GOVERNOR APRIL 29, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2013.