

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1016
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 48-571, Arizona Revised Statutes, is amended to
3 read:

4 48-571. Definitions; appointment of officer

5 A. In this article and article 1 of this chapter, unless the
6 context otherwise requires:

7 1. "Assessment" or "assessment roll" means a special assessment
8 made under the provisions of this article.

9 2. "Block" means any parcel of ground, whether regular or
10 irregular, ~~which~~ THAT is bounded by streets, or by one or more streets and
11 by one or more boundary lines of the city or town.

12 3. "Clerk" includes any person or official who performs the duties
13 of clerk of the city or town.

14 4. "Contractor" includes the contractor's personal representative
15 or assignee.

16 5. "Council" or "governing body" ~~includes and~~ means the body or
17 board ~~which~~ THAT by law is constituted the legislative department of an
18 incorporated city or town.

19 6. "Delinquency" means delinquency in the payment of an assessment
20 made under the provisions of this article.

21 7. "Designated area" means an area of the municipality ~~which~~ THAT
22 is either designated pursuant to section 36-1479 as a slum or blighted
23 area or designated as a pocket of poverty or a neighborhood strategy area
24 by the United States department of housing and urban development, pursuant
25 to title I of the housing and community development act of 1977, as
26 amended (P.L. 95-128; 42 United States Code sections 5301 through 5320)
27 and the department of housing and urban development act (P.L. 89-174; 42
28 United States Code section 3535(d)).

29 8. "Engineer" includes any person who, under whatever official
30 name, is the civil engineer or surveyor of the city or town, and where
31 there is no elected or appointed official, then the engineer is the person
32 who may be appointed or employed by the council to perform the duties
33 required of an engineer under the provisions of this article.

34 9. "Improvement bond" means a bond issue under the provisions of
35 this article.

36 10. "Lighting plants" includes electric light plants, electric power
37 plants, gas plants, distribution systems, poles, parts, pipes, conduits,
38 wires, tanks, reservoirs, generators for gas or electricity, transmission
39 lines, towers, lamps, transformers of every character, machinery,

1 apparatus, equipment and all appliances and structures necessary or
2 incidental to the construction, installation or operation of a complete
3 municipal electric light, power and gas plant and distribution system,
4 placed on the streets improved, though extended beyond.

5 11. "Lot" includes any portion, piece, parcel or subdivision of
6 land, and includes property owned or controlled by any person as a
7 railroad right-of-way.

8 12. "Mayor" includes the chairman or president of the governing
9 body.

10 13. "Municipality" or "city" includes incorporated cities and towns.

11 14. "Owner" means the person in whom, on the day the action or
12 proceeding is commenced, appears the legal title to the lot by deed
13 recorded in the recorder's office, or the person in possession of the lot
14 under claim of title, or exercising acts of ownership over the lot for the
15 person, or as the personal representative of the owner.

16 15. "Railroad" includes street railroad and interurban railroad.

17 16. "Sewers" includes tunnels, excavations, ditches, drains,
18 conduits, channels, outlets, outfalls, cesspools, manholes, catch basins,
19 flush tanks, septic tanks, connecting sewers of every character,
20 machinery, apparatus, equipment and all appliances and structures
21 necessary or incidental to the construction, installation or operation of
22 a complete sewer system, for either sanitary or drainage purposes.

23 17. "Street" includes avenues, alleys, highways, lanes, crossings,
24 intersections, courts, places and grounds now open or dedicated or
25 hereafter opened or dedicated to public use, **INCLUDING ON-STREET PARKING**,
26 and public ways.

27 18. "Street superintendent" or "superintendent" includes any person
28 who, under whatever official name, is charged with the care or supervision
29 of the streets of the city or town.

30 19. "Time of delinquency" means the time fixed when assessments
31 become delinquent.

32 20. "Treasurer" includes any person who, under whatever official
33 name, is the custodian of the funds of the city or town.

34 21. "Waterworks" includes pipes, hydrants, reservoirs, wells, pumps,
35 pumping plants, conduits, settling basins, filtering plants of every
36 character, machinery, apparatus, equipment and all appliances and
37 structures necessary or incidental to the construction, installation or
38 operation of a complete municipal waterworks system, for fire protection,
39 or for domestic irrigation, mechanical or power purposes, placed on the
40 streets improved, though extended beyond.

41 22. "Work" or "improvement" includes any or all of the improvements
42 mentioned and authorized to be made in this **ARTICLE** and article 1 of this
43 chapter and the construction, reconstruction and repair of all or any
44 portion of the improvements, and all labor, services, incidental expenses
45 and material necessary or incidental to the construction, reconstruction
46 or repair.

47 B. In any city or town having no officer in this article
48 designated, or performing like duties, the governing body may appoint a
49 suitable person to discharge the duties.

1 Sec. 2. Section 48-574, Arizona Revised Statutes, is amended to
2 read:

3 48-574. Improvement districts for operation, maintenance,
4 repair and improvement of pedestrian malls,
5 off-street parking facilities, retention and
6 detention basins and parkings and parkways

7 A. In addition to the purposes for which an improvement district
8 may be formed under ~~the provisions of~~ section 48-572, an improvement
9 district may be formed for the sole purpose of the operation, maintenance,
10 repair and improvements of pedestrian malls, off-street parking
11 facilities, retention and detention basins and parkings and parkways.

12 B. Subject to the powers granted and the limitations contained in
13 this section, the powers and duties of the governing body of the
14 municipality and the procedure to be followed shall be as provided in this
15 article for other types of special improvement districts.

16 C. If a petition for the formation of an improvement district under
17 ~~the provisions of~~ this section is presented to the governing body
18 purporting to be signed by all of the real property owners in the proposed
19 district, exclusive of mortgagees and other lienholders, the governing
20 body, after verifying the property ownership and making a finding of that
21 fact, shall adopt a resolution of intention to order the improvement
22 pursuant to ~~the provisions of~~ section 48-576 and shall have immediate
23 jurisdiction to adopt the resolution ordering the improvement pursuant to
24 ~~the provisions of~~ section 48-581, without the necessity of the publication
25 and posting of the resolution of intention provided for in section 48-578.

26 D. The governing body shall make annual statements and estimates of
27 the expenses of the district, which shall be provided for either:

28 1. By the levy and collection of ad valorem taxes ~~upon~~ ON the
29 assessed value of all the real and personal property in the district.

30 2. By assessment of the total sum ~~upon~~ ON the several lots, each
31 respectively in proportion to the benefits to be received by each lot.

32 E. If the expenses of the district are provided for by ad valorem
33 taxes, the governing body shall publish notice, have hearings and adopt
34 the taxes at the times and in the manners provided for incorporated cities
35 and towns by the applicable portions of title 42, chapter 17,
36 article 3. The governing body, on or before the third Monday in August of
37 each year, shall fix, levy and assess the amount to be raised by ad
38 valorem taxes ~~upon~~ ON all of the property of the district. If the
39 expenses of the district are assessed ~~upon~~ ON the several lots in
40 proportion to the benefits received by each lot, the governing body shall
41 follow the procedures established in section 48-575 for the assessment and
42 collection of the assessments. All statutes providing for the levy and
43 collection of general county taxes, including the collection of delinquent
44 taxes and sale of property for nonpayment of taxes, shall be applicable to
45 the district taxes provided for under this section.

46 F. An improvement district formed under ~~the provisions of~~ this
47 section shall not be authorized to issue improvement bonds.

48 G. No improvement district formed under ~~the provisions of~~ this
49 section shall be authorized to engage in any activity other than as

1 provided in subsection A of this section. If the municipality is willing
2 to participate in the cost of the district, the governing body ~~may~~, by
3 resolution, ~~MAY~~ summarily order such participation.

4 H. The formation of an improvement district under ~~the provisions of~~
5 this section shall not prevent the subsequent establishment of improvement
6 districts for any other purpose authorized by law.

7 I. If, in the opinion of the governing body, any portion of the
8 territory of a district formed under this section is no longer benefited
9 by being a part of the district, the governing body ~~may~~, by resolution,
10 ~~MAY~~ summarily delete from the district formed under this section any area
11 and may form a new district from the balance of the original district
12 formed under this section.

13 J. If, in the opinion of the governing body, territory adjacent to
14 a district formed under this section would benefit from being a part of
15 the district, the governing body, by resolution, may include the territory
16 in the district formed under this section if the following conditions are
17 met:

18 1. Improvements that meet the standards and specifications
19 established by the governing body have been constructed in the territory
20 and will be used for the purposes of the district.

21 2. Any required public dedications of property have been made or
22 will be made before the inclusion of the territory in the district.

23 3. Including the territory in the district will not adversely
24 affect the district.

25 4. Notice of the proposed inclusion of the territory in the
26 district has been published in five consecutive issues of a daily
27 newspaper or two consecutive issues of a weekly or semiweekly newspaper of
28 general circulation published in the municipality and a public hearing has
29 been held to consider the inclusion of the territory in the district.

30 5. Notice has been sent by first class mail at least ten days ~~prior~~
31 ~~to~~ ~~BEFORE~~ the hearing specified in paragraph 4 of this subsection with an
32 accurate map of the territory proposed for inclusion in the district to
33 each owner of real and personal property within the district and in the
34 proposed area of inclusion as shown on the statement furnished pursuant to
35 subsection K of this section that is now or would be subject to taxation
36 by the district in the event of inclusion of the proposed area.

37 K. The county assessor and the department of revenue, respectively,
38 shall furnish to the district within thirty days after a request a
39 statement in writing showing the name and the address of each owner of
40 real and personal property within the district and in the proposed area of
41 inclusion that is now or that would be subject to taxation by the district
42 in the event of inclusion of the proposed area.

43 L. Within ten days after the governing body adopts a resolution
44 pursuant to subsection J of this section, the municipality shall record
45 the resolution in the office of the county recorder in the county in which
46 the district is located to give notice of the inclusion of the territory
47 in the district to all property owners in the district. If, before the
48 governing body adopts the resolution pursuant to subsection J of this
49 section, a majority of the property owners, by area, of either the

1 original district formed under this section or the territory proposed to
2 be included in the district files with the governing board written
3 objections to the proposed inclusion of the territory, the territory shall
4 not be included in the district. ~~THE GOVERNING BODY MAY ADOPT A~~
5 ~~RESOLUTION PURSUANT TO SUBSECTION J OF THIS SECTION WITHOUT REQUIRING A~~
6 ~~PETITION TO BE FILED PURSUANT TO SECTION 48-576, SUBSECTION A.~~

7 M. Within ten days after adoption of the resolution of intention to
8 order the improvement pursuant to section 48-576, the municipality shall
9 record the resolution in the office of the county recorder in the county
10 in which the district is located to give notice of formation of the
11 district to all property owners within the district.

12 N. For the purposes of this subsection, a property owner is an
13 owner of real property, exclusive of mortgagees and other lienholders,
14 that is within an improvement district that was formed as prescribed by
15 this section. A property owner may petition the governing body to dissolve
16 the district pursuant to the following procedures:

17 1. A property owner shall file with the clerk of the governing body
18 in which the district is located a written notice of the property owner's
19 intent to circulate a petition to dissolve the district. The notice shall
20 include the name, address and telephone number of at least one property
21 owner living within the district who intends to circulate the petition,
22 the name, location and general purpose of the district ~~which~~ THAT is to be
23 dissolved and a true and concise statement of two hundred words or less
24 explaining the advantages of dissolving the district. A petition shall
25 not be circulated for thirty days after the property owner files with the
26 governing body the notice of intent to circulate a dissolution petition.

27 2. The governing body may provide a form of petition to be used to
28 dissolve the district. Any petition shall include the statement provided
29 in the notice of intent to circulate a petition regarding the advantages
30 of dissolving the district.

31 3. The governing body may provide a true and concise written
32 statement of two hundred words or less regarding the petition or
33 dissolution of the district. If so provided, the property owner must
34 circulate this statement affixed to the petition.

35 4. Property owners shall submit to the clerk of the governing body
36 a petition for the dissolution of an improvement district formed under
37 this section that purports to be signed by more than fifty ~~per cent~~
38 PERCENT of the property owners in the district.

39 5. Within twenty days ~~of~~ AFTER receipt of the signed petition, the
40 governing body shall verify that the petition is signed by more than fifty
41 ~~per cent~~ PERCENT of the property owners as set forth in paragraph 4 of
42 this subsection.

43 6. If the governing body finds the petition contains valid
44 signatures of more than fifty ~~per cent~~ PERCENT of the property owners, the
45 governing body shall set the date for dissolution of the district within
46 ninety days. The district may continue to operate after dissolution only
47 as needed to collect money and make payments on any outstanding district
48 obligations.

1 7. Each property in the district with outstanding assessments or
2 liens attached shall remain subject to those assessments or liens for
3 payment of the existing obligations of the district, notwithstanding
4 dissolution of the district.

5 8. If a district formed under this section subsequently dissolves
6 as prescribed in this subsection, the governing body may not attempt to
7 form any district for the same purpose for at least two years after the
8 date the district is dissolved if the proposed district includes lands
9 formerly located within the dissolved district.

10 9. Districts that are located in slum or blighted areas as defined
11 in section 36-1471 are exempt from subsection N of this section.

12 Sec. 3. Section 48-575, Arizona Revised Statutes, is amended to
13 read:

14 48-575. Improvement districts for enhanced municipal services

15 A. In addition to the purposes for which an improvement district
16 may be formed under ~~the provisions of~~ section 48-572, an improvement
17 district may be formed within a designated area to provide public service
18 within the district at a higher level or greater degree than provided in
19 the remainder of the community, including such services as public safety,
20 fire protection, refuse collection, street or sidewalk cleaning or
21 landscape maintenance in public areas, planning, promotion, transportation
22 and public parking.

23 B. The powers and duties of the governing body of the municipality
24 and the procedure to be followed shall be as provided in this article for
25 other types of special improvement districts.

26 C. If a petition for the formation of an improvement district under
27 ~~the provisions of~~ this section is presented to the governing body
28 purporting to be signed by all of the real property owners in the proposed
29 district, exclusive of mortgagees and other lienholders, the governing
30 body, after verifying such ownership and making a finding of such fact,
31 shall adopt a resolution of intention to order the improvement pursuant to
32 ~~the provisions of~~ section 48-576 and shall have immediate jurisdiction to
33 adopt the resolution ordering the improvement pursuant to ~~the provisions~~
34 ~~of~~ section 48-581, without the necessity of the publication and posting of
35 the resolution of intention provided for in section 48-578. FOR
36 IMPROVEMENT DISTRICTS FORMED PURSUANT TO THIS SECTION AFTER THE EFFECTIVE
37 DATE OF THIS AMENDMENT TO THIS SECTION, THE GOVERNING BODY MAY NOT ORDER
38 THE IMPROVEMENTS PRESCRIBED BY SUBSECTION A OF THIS SECTION UNTIL AFTER
39 THE GOVERNING BODY HAS RECEIVED A PETITION PRESCRIBED BY SECTION 48-576,
40 SUBSECTION A.

41 D. The engineer shall make duplicate diagrams of the property
42 contained within the improvement district. The diagram shall show each
43 separate lot numbered consecutively, the area in square feet of each lot,
44 and the area in square feet of any building or buildings located on each
45 lot. ~~Prior to~~ BEFORE making any assessment ~~upon~~ ON the district, the
46 diagram shall be approved by the governing body.

47 E. The governing body shall make annual statements and estimates of
48 the expenses of the district, and shall assess the total sum ~~upon~~ ON the
49 several lots, each respectively in proportion to the benefits to be

1 received by each lot. When the assessments have been completed, the
2 governing body shall fix a time when it will hear and pass ~~upon~~ ON the
3 assessments and the prior proceedings relating thereto, which shall not be
4 less than twenty days ~~from~~ AFTER the date of the notice. Notice of
5 hearing shall be given in the manner provided by section 48-590,
6 subsection E. Any person owning real property affected by the assessment
7 who has any objection to the legality of the assessment, or to any of the
8 previous proceedings connected therewith, ~~may prior to~~ BEFORE the time
9 fixed for the hearing MAY file a written notice briefly specifying the
10 grounds of the objection. At the time fixed for the hearing or at any
11 time not later than ten days thereafter to which the hearing may be
12 postponed, the governing body shall hear and pass ~~upon~~ ON the
13 objections. The decision of the governing body shall be final and
14 conclusive ~~upon~~ ON all persons entitled to object as to all errors,
15 informalities and irregularities ~~which~~ THAT the governing body might have
16 remedied or avoided any time during the progress of the proceedings.

17 F. The assessments for the annual expenses shall be collectible in
18 the manner and by the officers provided by law for the collection and
19 enforcement of general taxes the municipality is authorized to levy. All
20 statutes providing for the levy and collection of county and city taxes,
21 including the collection of delinquent taxes and sale of property for
22 nonpayment of taxes, shall be applicable to the district assessments
23 provided for under this section.

24 G. An improvement district formed under ~~the provisions of~~ this
25 section shall not be authorized to issue improvement bonds.

26 H. No improvement district formed under ~~the provisions of~~ this
27 section shall be authorized to engage in any activity other than as
28 provided in subsection A of this section. If the municipality is willing
29 to participate in the cost of the district, the governing body ~~may~~, by
30 resolution, MAY summarily order such participation.

31 I. The formation of an improvement district under ~~the provisions of~~
32 this section shall not prevent the subsequent establishment of improvement
33 districts for any other purpose authorized by law.

34 J. If, in the opinion of the governing body, any territory of a
35 district formed under this section is not benefited by being a part of the
36 district, the governing body ~~may~~, by resolution, MAY exempt such territory
37 from assessment under this chapter, or if any portion of the territory of
38 a district formed under this section is no longer benefited by being a
39 part of the district, the governing body ~~may~~, by resolution, MAY summarily
40 delete from the district formed under this section any such area and may
41 form a new district from the balance of the original district formed under
42 this section.

43 K. Any real property that is within the boundaries of the district,
44 that is ~~utilized~~ USED for residential purposes and that is not
45 specifically benefited by the public services at a higher level or greater
46 degree shall be exempt from assessment pursuant to this section for that
47 year. Existing improved real property ~~utilized~~ USED for residential
48 purposes with four units or less per building at the time of formation of

1 the district is presumed to not be specifically benefited by a public
2 service at a higher level or greater degree.

3 L. Within ten days after adoption of the resolution of intention to
4 order the improvement, the municipality shall record the resolution in the
5 office of the county recorder in the county in which the district is
6 located in such a way as to give notice of formation of the district to
7 all property owners within the district.

8 M. If, in the opinion of the governing body of the municipality,
9 territory adjacent to a district formed under this section would benefit
10 from being a part of the district, the governing body, by resolution, may
11 include the territory in the district formed under this section if all of
12 the following conditions are met:

13 1. Including the territory in the district will not adversely
14 affect the district.

15 2. Notice of the proposed inclusion of the territory in the
16 district has been published in five consecutive issues of a daily
17 newspaper or two consecutive issues of a weekly or semiweekly newspaper of
18 general circulation published in the municipality and a public hearing has
19 been held to consider the inclusion of the territory in the district.

20 3. Notice, including an accurate map of the territory proposed for
21 inclusion in the district, has been sent by first class mail at least ten
22 days before the hearing prescribed in paragraph 2 to each owner of
23 property listed on the tax roll within the district and in territory that
24 is now or would be subject to taxation by the district in the event of
25 inclusion of the territory.

26 N. Within ten days after the governing body of the municipality
27 adopts a resolution pursuant to subsection M of this section, the
28 municipality shall record the resolution in the office of the county
29 recorder in the county in which the district is located to give notice of
30 the inclusion of the territory in the district to all property owners in
31 the district. If, before the governing body of the municipality adopts
32 the resolution pursuant to subsection M of this section, a majority of the
33 property owners, by area, of either the original district formed under
34 this section or the territory proposed to be included in the district
35 files with the governing body of the municipality written objections to
36 the proposed inclusion of the territory, the territory shall not be
37 included in the district. **THE GOVERNING BODY MAY ADOPT A RESOLUTION
38 PURSUANT TO SUBSECTION M OF THIS SECTION WITHOUT REQUIRING A PETITION TO
39 BE FILED PURSUANT TO SECTION 48-576, SUBSECTION A.**

40 O. An improvement district to provide enhanced municipal services
41 may continue to exist in an area that is no longer in a designated area as
42 defined in section 48-571, if at the time of district formation all of the
43 following apply:

44 1. The area contained in the improvement district has been in a
45 designated area for five or more years.

46 2. Not more than ten ~~percent~~ **PERCENT** of the frontage of the
47 property fronting on the proposed improvement, or if the cost of the
48 improvement is to be made chargeable on a district, not more than ten ~~per~~

1 ~~cent~~ PERCENT of the frontage of the property contained within the limits
2 of the improvement district, is owned by the same person.

3 3. Not more than one-third of the property owners by frontage of
4 the area contained in the improvement district files with the governing
5 body of the municipality written objections to the improvement district.

6 4. The municipality otherwise complies with ~~the provisions of~~ this
7 article for the process of forming the improvement district.

8 Sec. 4. Section 48-576, Arizona Revised Statutes, is amended to
9 read:

10 48-576. Resolution or ordinance of intention to order
11 improvement; petition

12 A. Before ordering an improvement authorized by this article, the
13 governing body of the municipality shall comply with both of the
14 following:

15 1. Pass a resolution or ordinance of intention ~~so~~ to ~~do~~ MAKE AN
16 IMPROVEMENT, briefly describing the improvement AND PROVIDING AN ESTIMATE
17 OF THE ASSESSMENT, EXCEPT THAT THE ASSESSMENT ESTIMATE MAY NOT EXCEED THE
18 MAXIMUM ASSESSMENT AMOUNT THAT IS INCLUDED IN THE PETITION AS PRESCRIBED
19 BY THIS SECTION. By the resolution or ordinance and the proceedings
20 subsequent thereto, one or more improvements may be made on one or more
21 streets and shall constitute one improvement and be constructed under one
22 or more contracts. The resolution or ordinance of intention may be
23 combined in a single resolution or ordinance of intention to open, extend,
24 widen, straighten or close public streets or off-street parking areas
25 pursuant to section 48-505. If the work proposed is already done for a
26 lot, the lot shall be excepted from the assessment therefor to the extent
27 of the work done.

28 ~~2. If the governing body determines that the district should be~~
29 ~~formed after the final resolution of any protests made pursuant to section~~
30 ~~48-579, the governing body shall submit within one hundred twenty days to~~
31 ~~the city or town clerk a petition to form the district that is signed by~~
32 ~~owners of more than one-half of the taxable property units within the area~~
33 ~~of the proposed district and that is signed by persons owning collectively~~
34 ~~more than one-half of the assessed valuation of the property within the~~
35 ~~area of the proposed district. Property that is exempt pursuant to title~~
36 ~~42, chapter 11, article 3 is not considered in determining the total~~
37 ~~assessed valuation of the proposed district and owners of property that is~~
38 ~~not subject to taxation are not eligible to sign the petition. On~~
39 ~~verification of the petition signatures, the governing body may form the~~
40 ~~improvement district and order the improvement as otherwise provided by~~
41 ~~law.~~

42 2. BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
43 SECTION, BEFORE PASSING A RESOLUTION OR ORDINANCE OF INTENTION PRESCRIBED
44 IN PARAGRAPH 1 OF THIS SUBSECTION, THE GOVERNING BODY MUST RECEIVE A
45 PETITION THAT IS FILED WITH THE CLERK AND SIGNED BY THE OWNERS OF REAL
46 PROPERTY IN THE PROPOSED IMPROVEMENT DISTRICT AS FOLLOWS:

47 (a) FOR IMPROVEMENT DISTRICTS THAT ARE FORMED UNDER SECTION 48-574
48 THAT WILL LEVY AND COLLECT AD VALOREM TAXES, THE PETITION SHALL BE SIGNED
49 BY BOTH OF THE FOLLOWING:

1 (i) A MAJORITY OF THE PERSONS OWNING TAXABLE PROPERTY WITHIN THE
2 AREA OF THE PROPOSED IMPROVEMENT DISTRICT.

3 (ii) THE OWNERS OF FIFTY-ONE PERCENT OR MORE OF THE ASSESSED
4 VALUATION OF THE PROPERTY WITHIN THE AREA OF THE PROPOSED IMPROVEMENT
5 DISTRICT. PROPERTY THAT IS EXEMPT PURSUANT TO TITLE 42, CHAPTER 11,
6 ARTICLE 3 IS NOT CONSIDERED IN DETERMINING THE TOTAL ASSESSED VALUATION OF
7 THE PROPOSED IMPROVEMENT DISTRICT AND OWNERS OF PROPERTY THAT IS NOT
8 SUBJECT TO TAXATION ARE NOT ELIGIBLE TO SIGN THE PETITION REQUIRED BY THIS
9 SUBDIVISION.

10 (b) FOR IMPROVEMENT DISTRICTS THAT ARE AUTHORIZED UNDER THIS
11 CHAPTER OTHER THAN TAX LEVYING IMPROVEMENT DISTRICTS FORMED UNDER SECTION
12 48-574, THE PETITION SHALL BE SIGNED BY BOTH OF THE FOLLOWING:

13 (i) A MAJORITY OF THE PERSONS OWNING REAL PROPERTY WITHIN THE AREA
14 OF THE PROPOSED IMPROVEMENT DISTRICT.

15 (ii) THE OWNERS OF FIFTY-ONE PERCENT OR MORE OF THE REAL PROPERTY,
16 DETERMINED BY ACREAGE, WITHIN THE AREA OF THE PROPOSED IMPROVEMENT
17 DISTRICT.

18 (c) FOR THE PURPOSES OF THIS PARAGRAPH:

19 (i) TO DETERMINE A MAJORITY OF THE PERSONS OWNING TAXABLE PROPERTY
20 WITHIN THE AREA OF THE PROPOSED IMPROVEMENT DISTRICT PURSUANT TO
21 SUBDIVISION (a), ITEM (i), OF THIS PARAGRAPH, THE GOVERNING BODY AND OTHER
22 PERSONS MAY RELY ON THE TAXABLE PROPERTY UNITS AS DETERMINED BY THE COUNTY
23 ASSESSOR AS OF THE DATE OF THE PETITION. THIS DETERMINATION OF A MAJORITY
24 OF THE PERSONS OWNING TAXABLE PROPERTY MAY NOT INCLUDE PROPERTY THAT IS
25 EXEMPT PURSUANT TO TITLE 42, CHAPTER 11, ARTICLE 3.

26 (ii) TO DETERMINE A MAJORITY OF THE PERSONS OWNING REAL PROPERTY
27 WITHIN THE AREA OF THE PROPOSED IMPROVEMENT DISTRICT PURSUANT TO
28 SUBDIVISION (b), ITEM (i), OF THIS PARAGRAPH, THE GOVERNING BODY AND OTHER
29 PERSONS MAY RELY ON THE TAXABLE PROPERTY UNITS AS DETERMINED BY THE COUNTY
30 ASSESSOR AS OF THE DATE OF THE PETITION. THIS DETERMINATION OF A MAJORITY
31 OF THE PERSONS OWNING REAL PROPERTY SHALL INCLUDE REAL PROPERTY THAT IS
32 EXEMPT PURSUANT TO TITLE 42, CHAPTER 11, ARTICLE 3, BUT MAY NOT INCLUDE
33 THE OWNERS OF PUBLIC PROPERTY PRESCRIBED BY SECTION 48-582 OR
34 RIGHTS-OF-WAY OWNED BY THOSE OWNERS OF PUBLIC PROPERTY.

35 (d) FOR PURPOSES OF SUBDIVISION (b), ITEM (ii) OF THIS PARAGRAPH,
36 TO DETERMINE THE ACREAGE WITHIN THE AREA OF THE PROPOSED DISTRICT, PUBLIC
37 PROPERTY AND RIGHTS-OF-WAY SHALL BE EXCLUDED. PUBLIC PROPERTY MAY BE
38 INCLUDED WITHIN THE PROPOSED IMPROVEMENT DISTRICT SUBJECT TO THE
39 DECLARATION OF THE GOVERNING BODY IN THE RESOLUTION OR ORDINANCE OF
40 INTENTION PURSUANT TO THIS SECTION.

41 (e) THIS PARAGRAPH DOES NOT APPLY TO A COMMUNITY FACILITIES
42 DISTRICT ISSUING SPECIAL ASSESSMENT BONDS PURSUANT TO SECTION 48-721.

43 B. When the proposed improvement, in the opinion of the governing
44 body, is of more than local or ordinary public benefit, it may order the
45 expense of the improvement chargeable ~~upon~~ ON a district, and shall
46 describe the extent of the district in general terms in its resolution or
47 ordinance of intention, either by reference to street lines or block
48 numbers, or by designating its exterior boundaries by their courses and
49 distances from the street or streets the improvement of which is

1 contemplated, and may refer for a more particular description thereof to a
2 map on file with the city or town engineer, showing the exterior boundary
3 lines of the district, and delineating block and lot numbers or containing
4 such details as will show the location of the lines. A city or town shall
5 not assess the costs of an improvement ~~which~~ THAT is for the general
6 public benefit against land in an assessment district. If a portion of
7 the expense of an improvement is for general public benefit, the city or
8 town shall assess the district only that portion of the expense ~~which~~ THAT
9 benefits the property within the district.

10 C. The governing body, in the resolution or ordinance of intention,
11 may provide that the improvement described therein may be made according
12 to any of several alternative plans and specifications, or methods,
13 classes or kinds of construction, or classes and kinds of material to be
14 thereafter determined by the legislative body.

15 D. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE
16 PETITION PRESCRIBED BY SUBSECTION A, PARAGRAPH 2 OF THIS SECTION IS SIGNED
17 BY THE OWNERS OF ALL OF THE REAL PROPERTY WITHIN THE PROPOSED IMPROVEMENT
18 DISTRICT, OTHER THAN PUBLIC PROPERTY AS PRESCRIBED BY SECTION 48-582, AND
19 IS APPROVED BY THE GOVERNING BODY, THE MUNICIPALITY AND THOSE OWNERS MAY
20 ENTER INTO A WRITTEN AGREEMENT WAIVING ANY OR ALL REQUIREMENTS RELATING TO
21 POSTING, PUBLICATION, MAILING, NOTICE, FRONTAGE OWNER WRITTEN REQUIREMENTS
22 AND DIRECTIONS, AND PROTEST AND OBJECTION, INCLUDING THE PROVISIONS OF
23 SECTIONS 48-578, 48-579 AND 48-580. ON RECEIPT OF A PETITION SIGNED BY
24 THE OWNERS OF ALL THE REAL PROPERTY WITHIN THE PROPOSED IMPROVEMENT
25 DISTRICT, THE GOVERNING BODY MAY ADOPT A RESOLUTION OR ORDINANCE OF
26 INTENTION TO ORDER THE IMPROVEMENT PURSUANT TO SUBSECTION A, PARAGRAPH 1
27 OF THIS SECTION, SHALL HAVE IMMEDIATE JURISDICTION TO ADOPT THE RESOLUTION
28 ORDERING THE IMPROVEMENT PURSUANT TO SECTION 48-581, AND MAY COMBINE THOSE
29 RESOLUTIONS INTO ONE RESOLUTION.

30 E. THE PETITION REQUIRED BY SUBSECTION A, PARAGRAPH 2 OF THIS
31 SECTION SHALL SET FORTH ALL OF THE FOLLOWING:

- 32 1. THE NAME OF THE PROPOSED IMPROVEMENT DISTRICT.
- 33 2. THE NECESSITY FOR THE PROPOSED IMPROVEMENT DISTRICT.
- 34 3. THAT THE PUBLIC CONVENIENCE, NECESSITY OR WELFARE WILL BE
35 PROMOTED BY ESTABLISHING THE IMPROVEMENT DISTRICT AND THAT THE PROPERTY TO
36 BE INCLUDED IN THE IMPROVEMENT DISTRICT WILL BE BENEFITED.
- 37 4. A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED
38 IMPROVEMENT DISTRICT AND A MAP THAT SHOWS GENERALLY THE LOCATION OF THE
39 PROPOSED IMPROVEMENT DISTRICT.
- 40 5. A GENERAL DESCRIPTION OF THE PROPOSED IMPROVEMENT.
- 41 6. A MAXIMUM AMOUNT OF THE ASSESSMENT.
- 42 7. THAT THE PETITIONERS CONSENT TO THE ASSESSMENT, EXCEPT THAT AN
43 ASSESSMENT WILL NOT BE LEVIED WITHOUT THE GOVERNING BODY'S COMPLIANCE WITH
44 SECTIONS 48-577, 48-578, 48-579, 48-580, 48-581, 48-582, 48-583, 48-584,
45 48-585, 48-586, 48-587, 48-588, 48-589, 48-590, 48-591, 48-592, 48-593 AND
46 48-594.
- 47 8. THE ASSESSOR'S PARCEL NUMBER FOR EACH LOT TO BE INCLUDED IN THE
48 PROPOSED IMPROVEMENT DISTRICT. EACH PETITION SIGNER SHALL INDICATE THE

1 APPLICABLE ASSESSOR'S PARCEL NUMBER THAT CORRESPONDS TO THE LOT OWNED BY
2 THE SIGNER.

3 9. ANY OTHER MATTERS REQUIRED BY THIS ARTICLE.

4 Sec. 5. Section 48-577, Arizona Revised Statutes, is amended to
5 read:

6 48-577. Plans; estimate of cost; limitation on assessment

7 Before passing the resolution of intention, preliminary plans that
8 show the location and the type and character of the proposed improvements
9 and estimates of the cost and expenses of the proposed improvements shall
10 be prepared and filed with the clerk. The ASSESSMENT SHALL NOT EXCEED THE
11 MAXIMUM AMOUNT OF THE ASSESSMENT INCLUDED IN THE PETITION REQUIRED BY
12 SECTION 48-576, AND THE assessment for any lot shall not exceed its
13 proportion of the estimate."

14 Amend title to conform

TERESA MARTINEZ

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