

REFERENCE TITLE: annexation of territory; procedures

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2793

Introduced by
Representative Carbone

AN ACT

AMENDING SECTION 9-471, ARIZONA REVISED STATUTES; RELATING TO ANNEXATION
OF TERRITORY.

(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;
5 petitions; access to information; pre-annexation
6 agreements; restrictions

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

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31 means an annexation attempt that was withdrawn or that was not completed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

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

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

44 (a) Publication ~~at least~~ once in a newspaper of general
45 circulation, which is published or circulated in the city or town and the

1 territory proposed to be annexed, at least fifteen days before the end of
2 the waiting period. IF THE NEWSPAPER MAINTAINS AN ONLINE PUBLICATION
3 PLATFORM THAT IS AVAILABLE IN THE CITY OR TOWN WHERE THE TERRITORY
4 PROPOSED TO BE ANNEXED IS LOCATED, THE CITY OR TOWN MAY PUBLISH THE NOTICE
5 ELECTRONICALLY.

6 (b) Posting in at least three conspicuous public places in the
7 territory proposed to be annexed. IF THE TERRITORY PROPOSED TO BE ANNEXED
8 CONSISTS OF A SINGLE PARCEL AND THE PARCEL IS NOT MORE THAN ONE HUNDRED
9 SIXTY ACRES IN SIZE, THE CITY OR TOWN MAY POST A SINGLE NOTICE ON THE SITE
10 OF THE PARCEL THAT IS PROPOSED TO BE ANNEXED IN AN AREA THAT IS MOST
11 VISIBLE TO THE PUBLIC.

12 (c) Notice by first class mail sent to the chairperson of the board
13 of supervisors of the county in which the territory proposed to be annexed
14 is located.

15 (d) Notice by first class mail with an accurate map of the
16 territory proposed to be annexed sent to each owner of the real and
17 personal property as shown on the statement furnished pursuant to
18 subsection ~~G~~ H of this section that would be subject to taxation by the
19 city or town in the event of annexation in the territory proposed to be
20 annexed. For the purposes of this subdivision, "real and personal
21 property" includes mobile, modular and manufactured homes and trailers
22 only if the owner also owns the underlying real property.

23 4. Within one year after the last day of the thirty-day waiting
24 period, a petition in writing signed by the owners of one-half or more in
25 value of the real and personal property and more than one-half of the
26 persons owning real and personal property that would be subject to
27 taxation by the city or town in the event of annexation, as shown by the
28 last assessment of the property, may be circulated and filed in the office
29 of the county recorder. For the purposes of this paragraph, "real and
30 personal property" includes mobile, modular and manufactured homes and
31 trailers only if the owner also owns the underlying real property.

32 5. Alterations increasing or reducing the territory sought to be
33 annexed shall not be made after a petition has been signed by a property
34 owner.

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

39 B. IF THE TERRITORY PROPOSED TO BE ANNEXED ENCOMPASSES THE REAL AND
40 PERSONAL PROPERTY OF THE PROPERTY OWNER WHO INITIATES THE ANNEXATION AND
41 THAT PROPERTY REPRESENTS ONE HUNDRED PERCENT OF THE REAL AND PERSONAL
42 PROPERTY THAT WOULD BE SUBJECT TO TAXATION BY THE CITY OR TOWN IN THE
43 EVENT OF ANNEXATION, BOTH OF THE FOLLOWING APPLY:

44 1. THE CITY OR TOWN MAY WAIVE THE REQUIREMENT FOR A THIRTY-DAY
45 WAITING PERIOD REQUIREMENT PURSUANT TO SUBSECTION A, PARAGRAPH 2 OF THIS

1 SECTION AND THE REQUIREMENT TO HOLD A PUBLIC HEARING PURSUANT TO
2 SUBSECTION A, PARAGRAPH 3 OF THIS SECTION. ON OBTAINING THE STATEMENT
3 THAT CONTAINS THE OWNERSHIP INFORMATION PURSUANT TO SUBSECTION H OF THIS
4 SECTION, THE CITY OR TOWN MAY FILE A SIGNED PETITION WITH THE COUNTY
5 RECORDER IN THE COUNTY WHERE THE TERRITORY PROPOSED TO BE ANNEXED IS
6 LOCATED NOT LATER THAN ONE YEAR AFTER THE CITY OR TOWN FILES FOR
7 ANNEXATION.

8 2. THE ANNEXATION SHALL BECOME FINAL AFTER THE GOVERNING BODY OF
9 THE CITY OR TOWN ADOPTS THE ANNEXATION ORDINANCE.

10 ~~B.~~ C. All information contained in the filings, the notices, the
11 petition, the tax and property rolls and other matters regarding a
12 proposed or final annexation shall be made available by the appropriate
13 official for public inspection during regular office hours.

14 ~~C.~~ D. Any city or town, the attorney general, the county attorney
15 or any other interested party within the territory PROPOSED to be annexed
16 may on verified petition move to question the validity of the annexation
17 for failure to comply with this section. The petition shall set forth the
18 manner in which it is alleged the annexation procedure was not in
19 compliance with this section and shall be filed within thirty days after
20 adoption of the ordinance annexing the territory by the governing body of
21 the city or town and not otherwise. The burden of proof shall be on the
22 petitioner to prove the material allegations of the verified petition. An
23 action shall not be brought to question the validity of an annexation
24 ordinance unless brought within the time and for the reasons provided in
25 this subsection. All hearings provided by this section and all appeals
26 therefrom shall be preferred and heard and determined in preference to all
27 other civil matters, except election actions. If more than one petition
28 questioning the validity of an annexation ordinance is filed, all such
29 petitions shall be consolidated for hearing. If two or more cities or
30 towns show the court that they have demonstrated an active interest in
31 annexing any or all of the area proposed for annexation, the court shall
32 consider any oral or written agreements or understandings between or among
33 the cities and towns in making its determination pursuant to this
34 subsection.

35 ~~D.~~ E. The annexation shall become final after the expiration of
36 thirty days after the adoption of the ordinance annexing the territory by
37 the city or town governing body, provided the annexation ordinance has
38 been finally adopted in accordance with procedures established by statute,
39 charter provisions or local ordinances, whichever is applicable, subject
40 to the review of the court to determine the validity of the annexation
41 ordinance if petitions in objection have been filed. After adoption of
42 the annexation ordinance, the clerk of the city or town shall provide a
43 copy of the adopted annexation ordinance to the clerk of the board of
44 supervisors of each county that has jurisdiction over the annexed area
45 within sixty days after the annexation becomes final.

1 ~~E. F. For the purpose of determining~~ TO DETERMINE the sufficiency
2 of the percentage of the value of property under this section, the values
3 of property shall be determined as follows:

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

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

9 ~~F. G. For the purpose of determining~~ TO DETERMINE the sufficiency
10 of the percentage of persons owning property under this section, the
11 number of persons owning property shall be determined as follows:

12 1. In the case of property assessed by the county assessor, the
13 number of persons owning property shall be as shown on the last assessment
14 of the property.

15 2. In the case of property valued by the department of revenue, the
16 number of persons owning property shall be as shown on the last valuation
17 of the property.

18 3. If an undivided parcel of property is owned by multiple owners,
19 those owners are deemed one owner for the purposes of this section.

20 4. If a person owns multiple parcels of property, that owner is
21 deemed one owner for the purposes of this section.

22 ~~G. H.~~ The county assessor and the department of revenue,
23 respectively, shall furnish to the city or town proposing an annexation,
24 within thirty days after a request, a statement in writing showing the
25 owner, the address of each owner and the appraisal and assessment of all
26 such property.

27 ~~H. I.~~ Territory is not contiguous for the purposes of subsection
28 A, paragraph 1 of this section unless:

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

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

33 3. The distance from the existing boundary of the annexing city or
34 town where it adjoins the annexed territory to the furthest point of the
35 annexed territory from that boundary is not more than twice the maximum
36 width of the annexed territory.

37 ~~I. J.~~ A city or town shall not annex territory if, as a result of
38 that annexation, unincorporated territory is completely surrounded by the
39 annexing city or town or a combination of the annexing city or town and
40 other cities or towns, unless the county board of supervisors for the
41 county in which the territory is located makes a finding that the proposed
42 annexation will not adversely impact the levels of county services to the
43 remaining unincorporated territory.

1 ~~J~~. K. Notwithstanding any provisions of this article to the
2 contrary, any town incorporated before 1950 that had a population of less
3 than two thousand persons by the 1970 census and that is bordered on at
4 least three sides by Indian lands may annex by ordinance territory owned
5 by ~~the~~ THIS state within the same county for a new townsite that is not
6 contiguous to the existing boundaries of the town.

7 ~~K~~. L. Subsections ~~H~~ I and ~~I~~ J of this section do not apply to
8 territory that at the time of the annexation was already completely
9 surrounded by the same city or town or a combination of cities and towns.

10 ~~L~~. M. Subsection ~~I~~ J of this section does not apply to
11 annexations that were approved by the selection board established in
12 section 37-202 before August 25, 2020.

13 ~~M~~. N. A city or town annexing an area shall adopt zoning
14 classifications that permit densities and uses not greater than those
15 permitted by the county immediately before annexation. Subsequent changes
16 in zoning of the annexed territory shall be made according to existing
17 procedures established by the city or town for the rezoning of land.

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

23 ~~O~~. P. As an alternative to the procedures established in this
24 section, a county right-of-way or roadway may be transferred to an
25 adjacent city or town by mutual consent of the governing bodies of the
26 county and city or town if the property transferred is adjacent to the
27 receiving city or town and if the city or town and county each approve the
28 proposed transfer as a published agenda item at a regular public meeting
29 of their governing bodies. A transfer of property made pursuant to this
30 subsection shall be treated by the receiving city or town as if the
31 transferred property was newly annexed territory.

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

38 ~~Q~~. R. 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
41 from the annexing municipality.

42 ~~R~~. S. A city or town may annex territory that is a county-owned
43 park or a park operated on public lands by a county as part of a
44 management agreement if otherwise agreed to by the board of supervisors.
45 If the board of supervisors does not agree to the annexation, the

1 county-owned park or park operated on public lands by a county as part of
2 a management agreement shall be excluded from the annexation area,
3 notwithstanding subsections ~~H~~ I and ~~I~~ J of this section. A county-owned
4 park or park operated on public lands by a county as part of a management
5 agreement that is excluded from the annexation area pursuant to this
6 subsection may subsequently be annexed with the permission of the board of
7 supervisors notwithstanding any other provision of this section. For the
8 purposes of this subsection, "public lands":

- 9 1. Has the same meaning prescribed in section 37-901.
- 10 2. Does not include lands owned by a flood control district.

11 ~~S~~ T. Notwithstanding subsection ~~H~~ I of this section, territory
12 is considered contiguous for the purposes of subsection A, paragraph 1 of
13 this section if all of the real property in the territory is owned by one
14 person, the city or town and the owner of the real property agree to the
15 annexation and the territory adjoins the exterior boundary of the annexing
16 city or town for at least three hundred feet.

17 ~~F~~ U. A city, town or developer may enter into a pre-annexation
18 agreement with a property owner in which the property owner agrees to
19 future annexation of an area that includes the property owner's property.
20 A property owner who has entered into a pre-annexation agreement is not
21 required to sign the petition pursuant to subsection A, paragraph 4 of
22 this section. Whether or not the property owner signs the petition, the
23 property and property owner are included for purposes of calculating the
24 one-half or more in value of the real and personal property and more than
25 one-half of the persons owning real and personal property that would be
26 subject to taxation by the city or town in the event of the annexation, as
27 required pursuant to subsection A, paragraph 4 of this section.