

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2383

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 9, chapter 4, article 7, Arizona Revised Statutes,  
3 is amended by adding section 9-471.05, to read:

4 9-471.05. Invalid annexation: procedure to return territory to  
5 the county

6 A. NOTWITHSTANDING ANY OTHER LAW, THE ANNEXATION OF TERRITORY BY A  
7 CITY OR TOWN IS VOID AND THE TERRITORY SHALL BE SEVERED FROM THE CITY OR TOWN  
8 AND RETURNED TO THE COUNTY IN WHICH THE LAND IS LOCATED IF THE BOARD OF  
9 SUPERVISORS OF THE COUNTY, AFTER A PUBLIC HEARING, DETERMINES THE  
10 REQUIREMENTS OF THIS SECTION HAVE BEEN MET.

11 B. A TERRITORY SEEKING TO VOID ITS ANNEXATION AND BE SEVERED FROM THE  
12 CITY OR TOWN AND RETURNED TO THE COUNTY SHALL FILE THE FOLLOWING ITEMS WITH  
13 THE CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE LAND IS  
14 LOCATED WITHIN TEN YEARS AFTER THE TERRITORY'S INITIAL ANNEXATION:

15 1. A PETITION SIGNED BY THE OWNERS OF ONE-HALF OR MORE IN VALUE OF THE  
16 REAL AND PERSONAL PROPERTY AND MORE THAN ONE-HALF OF THE PERSONS OWNING REAL  
17 AND PERSONAL PROPERTY OF THE TERRITORY TO BE SEVERED THAT IS SUBJECT TO  
18 TAXATION BY THE CITY OR TOWN, AS SHOWN BY THE LAST ASSESSMENT OF THE  
19 PROPERTY.

20 2. A DESCRIPTION AND AN ACCURATE MAP OF THE TERRITORY TO BE SEVERED.

21 3. AN AFFIDAVIT STATING THAT THE CITY OR TOWN THAT INITIALLY ANNEXED  
22 THE TERRITORY FAILED TO COMPLY WITH THE PROVISIONS OF SECTION 9-471 AND ANY  
23 ORDINANCES OF THE CITY OR TOWN RELATING TO ANNEXATION OF TERRITORY.

24 4. AN AFFIDAVIT STATING THAT THE DEVELOPER OF THE TERRITORY DID NOT  
25 COMPLETE THE REQUIREMENTS OF THE CITY'S OR TOWN'S MUNICIPAL SUBDIVISION

1       REGULATIONS ENACTED PURSUANT TO ARTICLE 6.2 OF THIS CHAPTER, SECTION 9-474 OR  
2       SECTION 9-475.

3           C. THE BOARD OF SUPERVISORS SHALL SET A HEARING DATE OF NOT LESS THAN  
4       THIRTY DAYS NOR MORE THAN SIXTY DAYS AFTER THE DATE OF THE FILING OF THE  
5       DOCUMENTS PROVIDED IN SUBSECTION B OF THIS SECTION AND SHALL NOTIFY THE  
6       GOVERNING BODY OF THE CITY OR TOWN IN WHICH THE TERRITORY TO BE SEVERED IS  
7       LOCATED AND EACH OWNER OF REAL PROPERTY IN THE TERRITORY TO BE SEVERED OF THE  
8       HEARING AT LEAST THIRTY DAYS BEFORE THE DATE. THE NOTIFICATION SHALL SPECIFY  
9       THAT THE AREA IS TO BE SEVERED FROM THE CITY OR TOWN AND RETURNED TO THE  
10      COUNTY IN WHICH THE AREA IS LOCATED AND THE PROPERTY SHALL CONTINUE TO BE  
11      SUBJECT TO ANY TAX LAWFULLY ASSESSED AGAINST IT FOR THE PURPOSE OF PAYING ANY  
12      INDEBTEDNESS LAWFULLY CONTRACTED BY THE GOVERNING BODY OF THE CITY OR TOWN  
13      WHILE THE PROPERTY WAS WITHIN THE CORPORATE LIMITS. THE NOTIFICATION SHALL  
14      STATE THAT THE CITY OR TOWN OR THE PROPERTY OWNER MAY PROTEST THE ACTION BY  
15      LETTER TO THE COUNTY BOARD OF SUPERVISORS BEFORE THE HEARING OR IN PERSON AT  
16      THE HEARING.

17           D. IF PROPERTY OWNERS OF AT LEAST FIFTY-ONE PERCENT OF THE LAND AREA  
18       OF THE TERRITORY TO BE SEVERED PROTEST THE ACTION, THE COUNTY BOARD OF  
19       SUPERVISORS MAY NOT DECLARE THE INITIAL ANNEXATION VOID AND SEVER THE  
20       TERRITORY.

21           E. IF THE CITY OR TOWN DEMONSTRATES THAT THE CITY OR TOWN DID COMPLY  
22       WITH THE PROVISIONS OF SECTION 9-471 AND ANY ORDINANCES OF THE CITY OR TOWN  
23       RELATING TO ANNEXATION OF TERRITORY AND THE DEVELOPER OF THE TERRITORY  
24       COMPLETED THE APPLICABLE REQUIREMENTS OF THE CITY'S OR TOWN'S MUNICIPAL  
25       SUBDIVISION REGULATIONS ENACTED PURSUANT TO ARTICLE 6.2 OF THIS CHAPTER AND  
26       SECTIONS 9-474 AND 9-475, THE COUNTY BOARD OF SUPERVISORS MAY NOT DECLARE THE  
27       INITIAL ANNEXATION VOID AND SEVER THE TERRITORY.

28           F. AFTER DETERMINING THAT THE REQUIREMENTS OF THIS SECTION HAVE BEEN  
29       MET, HOLDING A PUBLIC HEARING AND DETERMINING THAT THE PROTESTS FILED ARE  
30       INSUFFICIENT AS PRESCRIBED IN THIS SECTION, THE COUNTY BOARD OF SUPERVISORS  
31       SHALL ORDER THE TERRITORY TO BE SEVERED FROM THE CITY OR TOWN AND RETURNED TO  
32       THE COUNTY.

1           G. ON THE ISSUANCE OF THE ORDER THAT THE ANNEXATION OF THE TERRITORY  
2       BY THE CITY OR TOWN IS VOID AND THE TERRITORY IS SEVERED FROM THE CITY OR  
3       TOWN. THE COUNTY BOARD OF SUPERVISORS SHALL SET FORTH BY ORDINANCE THE LEGAL  
4       DESCRIPTION OF THE TERRITORY AND DECLARE THE RETURN OF THE TERRITORY TO THE  
5       COUNTY.

6           H. A COPY OF THE ORDER OF THE COUNTY BOARD OF SUPERVISORS ORDERING THE  
7       TERRITORY TO BE SEVERED FROM THE CITY OR TOWN AND RETURNED TO THE COUNTY,  
8       CERTIFIED BY THE CLERK OF THE BOARD, SHALL BE RECORDED IN THE RECORDER'S  
9       OFFICE OF THE COUNTY IN WHICH THE LAND IS LOCATED. THE RECORD, OR A COPY OF  
10      THE ORDER, CERTIFIED BY THE CLERK OF THE BOARD, IS PROOF THAT THE INITIAL  
11      ANNEXATION OF THE TERRITORY IS VOID AND THE TERRITORY WAS SEVERED FROM THE  
12      CITY OR TOWN AND RETURNED TO THE COUNTY IN WHICH THE LAND IS LOCATED."

13 Amend title to conform

DEBBIE LESKO

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