

## Article 5.11: Annexations

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### Section:

- 5.1101 Purpose
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#### 5.1101 Purpose

The purpose of this article is to provide procedures consistent with applicable State law requirements for the annexation of land into the Town. This article shall apply to all applications to annex property into the Town.

#### 5.1102 Initiation of Annexations

- A. ***Town Council or Town Manager.*** The Town Council or Town Manager may direct staff to review specific property to determine whether it may be legally annexed and to contact property owners to determine whether they will sign an annexation petition.
- B. ***Owner Initiation.*** One or more property owners may submit an application to annex property owned by them into the Town.

#### 5.1103 Procedures

- A. ***Application by Property Owner.*** An application shall be filed in accordance with this Section and in accordance with the application procedures set forth in Article 5.2: Common Procedures.
- B. ***Staff Review.*** Staff shall review the proposed annexation to determine whether the property to be annexed meets the contiguity requirements of ARS § 9-471H or whether the proposed annexation is exempt from such requirements because it is within the strip-annexed area of the Town and touches an incorporated area of the Town. No proposed annexation shall be processed unless it either meets the contiguity requirements or is exempt from such requirements.
- C. ***Blank Petition.*** Except for annexations of County rights-of-way or roadways with no taxable real property, staff shall file a blank petition in the office of the Maricopa County Recorder setting forth a legal description and an accurate map of all the exterior boundaries of the property proposed to be annexed. The map shall include all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the area of the proposed annexation. The legal description shall be sealed by a registered surveyor or engineer. Signatures shall not be obtained on an annexation petition until the

expiration of a 30-day waiting period following the date of filing the blank petition.

- D. **Notice to County.** Notice and a copy of the filing of the blank petition shall be given to the Clerk of the Maricopa County Board of Supervisors and to the Maricopa County Assessor.
- E. **Content of Notice of Public Hearing.** Notice of a public hearing required to be held pursuant to Section 5.1103G: Public Hearing shall be given by the Town in accordance with this Section. The notice shall include the following information:
  - 1. A map showing the area proposed to be annexed;
  - 2. The date, time, location and purpose of the public hearing;
  - 3. A statement that any interested person or any authorized agent may appear and be heard; and
  - 4. A statement describing how to submit written comments.
- F. **Notice of Public Hearing.** The notice shall be given at least 6 days prior to the hearing in the following manner:
  - 1. The notice shall be published by the Town at least once in a newspaper of general circulation within the Town at least 15 days before the end of the 30 day waiting period.
  - 2. Posting by the applicant in at least three conspicuous public places on the property proposed to be annexed.
    - a. Posting, maintenance and removal of signs are the responsibility of the applicant. Failure to remove the sign within 10 days of public hearing action shall result in Town removal of the sign and a charge to the applicant for costs incurred.
    - b. Size, color, content, and location of public hearing sign shall be designated by Town Council resolution for posting of public hearing notices.
    - c. The applicant shall submit a signed affidavit and dated, color photos of sign or signs prior to the public hearing.
    - d. Failure of the applicant to provide evidence of posting shall result in a postponement of the public hearing.
  - 3. Notice by first class mail sent by the Town to the Chairman of the Board of Supervisors of Maricopa County.

4. Notice by first class mail with an accurate map of the property proposed to be annexed sent by the Town to each owner of the real and personal property that would be subject to taxation by the Town in the event of annexation in the territory proposed to be annexed.
- G. **Public Hearing.** A public hearing shall be held by the Town Council within the last 10 days of the 30-day waiting period described in Section 5.1103C: Blank Petition, to provide opportunity for public comment and to discuss the proposed annexation.
  - H. **Signatures and Filing with County Recorder.** After the expiration of 30 days from the date the blank petition was filed in accordance with Section 5.1103C: Blank Petition, signatures may be obtained on an annexation petition. The petition shall contain the signatures of the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the Town in the event of annexation, as shown by the last assessment of the property, may be circulated. No alterations increasing or reducing the property proposed to be annexed shall be made after a petition has been signed by a property owner.
  - I. **Filing of Signed Petition and Expiration.** A signed petition for annexation shall be filed with the Development Services division within one year after the last day of the 30-day waiting period described in Section 5.1103C: Blank Petition or the blank petition will expire. A new application shall be submitted if the property owner desires to annex the property after that deadline. At the time of filing the petition for annexation, the petitioner shall submit a sworn affidavit verifying that no part of the property proposed to be annexed is already subject to an earlier filing for annexation.
  - J. **Staff Review of Petitions.** Upon receipt of a signed petition for annexation, staff shall review the petition for sufficiency of signatures and conformance with other applicable requirements. Staff shall verify that the petition contains the signatures of the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the Town in the event of annexation, as shown by the last assessment of the property.
    1. For the purpose of determining the sufficiency of the percentage of the value of property, such values of property shall be determined as follows:
      - a. In the case of property assessed by the County Assessor, values shall be the same as shown by the last assessment of the property; and
      - b. In the case of property valued by the Department of Revenue, values shall be appraised by the department in the manner provided by law for municipal assessment purposes.

2. For the purpose of determining the sufficiency of the percentage of persons owning property, the number of persons owning property shall be determined as follows:
  - a. In the case of property assessed by the County Assessor, the number of persons owning property shall be as shown on the last assessment of the property;
  - b. In the case of property valued by the Department of Revenue, the number of persons owning property shall be as shown on the last valuation of the property;
  - c. If an undivided parcel of property is owned by multiple owners, such owners shall be deemed as one owner and each may sign as a fractional interest; and
  - d. If a person owns multiple parcels of property, such owner shall be deemed as one owner for the purposes of this section.
- K. **Filing Petition and Affidavit with County Recorder.** After determination of sufficiency of signatures on the petition, the petition shall be filed in the office of the Maricopa County Recorder. The petitioner shall also submit a sworn affidavit verifying that no part of the territory is already subject to an earlier filing.
- L. **Staff Report.** The Director of Planning shall prepare and transmit to the Town Council a staff report with a proposed annexation ordinance. A copy of the staff report and proposed annexation ordinance shall be made available to the public and the applicant prior to the date of the meeting at which the Town Council will consider adopting the ordinance.
- M. **Town Council Action.** After the filing of the signed petition, the Town Council may adopt the proposed annexation ordinance.
- N. **Annexation Complete.** The annexation is final 30 days from the adoption of the ordinance annexing the property, subject to the review of the Maricopa County Superior Court pursuant to ARS § 9-471C. When the annexation is final, the Town Clerk shall record the annexation ordinance.
- O. **Annexation of County Right-of-Way.** County rights-of-way or roadways with no taxable real property may be annexed by mutual consent of the Town Council and the Maricopa County Board of Supervisors if the right-of-way or roadway is adjacent to the Town for its entire length. The proposed annexation shall be approved by ordinance as part of a published agenda item at regular public meetings of the Town Council and the Board of Supervisors.
- P. **Annexation Checklist.** Except for annexations of county rights-of-way and roadways, upon adoption of the annexation ordinance, a completed Annexation

Checklist in a form approved by the Town Attorney shall be permanently maintained in the annexation file.