

ANNEXATION PROCESS GUIDE

KEY ANNEXATION CRITERIA

For information about state requirements for annexation, refer to A.R.S. Title 9, Chapter 4, Article 7, as amended.

Annexation Consent: Annexation of a parcel or multiple parcels (referred to as the "annexation territory") may be initiated by the City of Avondale or by residents just outside its current city limits. To proceed to City Council approval, consent is required from:

- The Avondale City Council, authorizing City staff to initiate the annexation process.
- Owners of at least 50 percent (%) of the total assessed property value, and
- More than 50 percent (%) of property owners within the proposed annexation territory, per the most recent assessment of property.

Contiguity and Size Requirements: Generally, the annexed area must:

- Be contiguous to City of Avondale for at least 300 feet, unless the area is entirely surrounded by Avondale or other municipalities.
- Each parcel within the annexation territory must be at least 200 feet wide at all points (excluding roadways and rights-of-way).
- The length of the parcel, measured from the point of contiguity with the city to the furthest point, must not exceed twice the maximum width of the annexed territory, unless surrounded on three sides by the City.
- The proposal must not create new county islands.

County Islands: Parcels within an existing county island (an area surrounded by the cities) may be annexed as they are typically exempt from the contiguity and size requirements noted above per state law.

Rights-of-Way: County rights-of-way adjacent to the city may be annexed by mutual consent of the board of supervisors and city council. The right-of-way must border the city along the entire annexation length. No petitions or public hearings are required, but both governing bodies must approve the annexation as a published agenda item at a public meeting. Once both adopt the ordinance, the annexation must be recorded with the county recorder and copies sent to the required distribution list.

Development Services Department

11465 W. Civic Center Drive, Avondale, AZ 85323 • Phone (623) 333-4000 • Fax (623) 333-0400 • www.AvondaleAZ.gov/Developmentservices

Per A.R.S. § 9-495, an employee able to provide additional information is available at 623-333-4000 and EmailDevelopmentServices@avondaleaz.gov. All inquiries will receive a response within five business days.

Please refer to the notice located on the last page of this document.

ANNEXATION PROCESS

1. **Pre-Application Meeting:** Only required with City staff before submitting an annexation request if a rezoning request is being concurrently processed.
2. **Formal Application:** Applicants may file an annexation request with the Development Services Department. A non-refundable filing fee of \$6,000 is required. A City Planner will be assigned to coordinate the annexation steps.

Note: If the area includes land from an unsuccessful annexation attempt within the past 45 days, the City of Avondale will not accept a new petition unless the affected property owner waives the 45-day waiting period.

3. **Staff Review:** The application is routed to City departments for potential impact on the existing city infrastructure, services, and compliance assessment. Applicants may be asked for additional information and route the re-submission for another review by the appropriate City departments.
4. **City Council Authorization to Proceed:** Once the application has received an adequate review by Staff, the annexation proposal will be scheduled for review by the City Council at a regular meeting of the City Council. Council considers whether to authorize proceeding with annexation.
 - If denied, the process ends.
 - If approved, formal annexation petition begins.
5. **Petition Preparation:** Ownership data (list of real and personal property owners) is requested from the Maricopa County Assessor and Arizona Department of Revenue. These agencies have up to 30 days to respond, however, keeping a 60-day buffer is recommended. This information is needed before a blank petition can be recorded.
 - A blank petition (unsigned) with legal description and boundary map is filed with the County Recorder.
 - Notice and a copy of filing are sent to the Board of Supervisors and County Assessor.
 - If State land is included, written approval from the State Land Commissioner and the Selection Board (per ARS §37-202) must also be filed, unless the land is for rights-of-way or held by tax deed.
 - A sworn affidavit must be submitted to the county recorder verifying that no part of the territory is already subject to an earlier annexation must have been filed at the same time as the initial petitions were filed with the county recorder.
6. **30-Day Waiting Period:** Begins after petition filing. No signatures may be collected during this time.

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7. **Public Hearing:** The first public hearing will be held within the last 10 days of the 30-day period. No action is taken by the Council during this public hearing.
 - Notice of the public hearing must be published in a newspaper of general circulation at least six (6) days prior to the hearing and at least fifteen days before the end of the 30-day waiting period.
 - Notice of public hearing and the map of the proposed must be posted in three (3) conspicuous places in the annexation territory and mailed to property owners and the chairman of the board of supervisors.
8. **Signature Collection:** Following the hearing, and after the end of the thirty-day waiting period, petitions may be circulated for signatures.
 - Must collect signatures from owners representing at least 50 percent (%) of the assessed value and more than 50 percent (%) of property owners within one year.
 - Pre-annexation agreement holders are exempt from signing (See A.R.S. §9-471 (T)).
 - A property owner may withdraw their signature before 5:00 PM on the filing day.
 - The annexation area boundaries cannot change once signature collection begins.
9. **City Council Adoption of Annexation Ordinance:** Provided all annexation requirements have been complied with in a timely manner, the City will post notice of a City Council meeting for adoption of the annexation ordinance at least 24 hours in advance.
 - At least 30 days prior to the City Council meeting, notice must be sent to any Fire District that has territory within the area proposed for annexation.
10. **Finalization:**
 - The Annexation becomes effective 30 days after ordinance adoption, if uncontested.
 - The city must send the annexation ordinance, legal description, and map to specific parties. A copy of the adopted ordinance must be sent to the county board of supervisors within 60 days of the annexation becoming final.
 - If the annexed property was part of a Fire District, the City must notify the County Assessor and the Fire District that it will now provide fire services, including the effective date.
 - The annexation must also be reported to the Department of Revenue and county assessor by **November 1** to take effect for the next tax year. Late filings may be approved if requested by **December 31** but no later than **February 15**.
 - Annexations must be reported to the U.S. Department of Justice if applicable under the Voting Rights Act. Refer to the League of Arizona Cities and Towns' Municipal Election

Manual for details.

- Taxes continue until **July 1** following annexation, provided timely notice to the county assessor.
- Upon annexation of territory to the city or town, the title and jurisdiction of the county streets and alleys in the annexed territory are vested in the city or town for all purposes.

11. **Post-Annexation Rezoning:** After annexation, the city must adopt zoning that does not allow higher densities or uses than the county zoning in place before annexation. Rezoning can occur afterward through standard procedures, including public notice and a hearing. Although rezoning may be initiated before annexation is finalized, it's recommended to wait. Rezoning ordinances cannot take effect for at least 30 days after the annexation approval.

DEANNEXATION AND REANNEXATION BETWEEN MUNICIPALITIES

Arizona law (A.R.S. §9-471.02) outlines the only process for removing land from one city or town and annexing it into another. Except for county parks (which follow separate rules), the process involves both municipalities and the county board of supervisors.

For standard deindexations, City of Avondale wishing to release territory must:

- Adopt an ordinance describing the land to be deannexed. This land must be contiguous to the annexing municipality.
- File the ordinance with the county board of supervisors, who must schedule a hearing 30–60 days after receiving the ordinance and notify the city of the date.
- Notify affected property owners by letter at least 20 days prior to the hearing. The letter must describe the area, note that taxes will still be owed for any pre-existing municipal debt, and explain the right to protest by letter or at the hearing.

Simultaneously, the municipality that intends to annex the area must:

- Pass its own ordinance detailing the territory and making the annexation contingent upon board approval.
- File this ordinance with the county board of supervisors under the same hearing timeline.

At the hearing, if property owners representing 51 percent (%) or more of the real and personal property within the affected area object, the board must deny the deannexation and annexation. No similar request can be submitted for one year.

If there is insufficient protest, the board will approve the action and order the land deannexed from the first municipality and annexed into the second. The order is then certified by the clerk of the court and filed with the county recorder where the property is located.

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NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with an Avondale employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by an Avondale employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) an Avondale employee is not authorized to bind the City of Avondale in any manner, except by formal Zoning Administrator determination; and (4) any error, omission, incorrect information, or false information provided by an Avondale employee shall not give rise to any liability on behalf of the City of Avondale.