Development Services Department
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www.gilbertaz.gov

ANNEXATION

APPLICATION
&
PROCESS GUIDE

TOWN OF GILBERT
PLANNING SERVICES DIVISION
http://www.gilbertaz.gov/departments/development-services/planning-development

ANNEXATION APPLICATION PROCEDURES

The following information is provided to assist in the preparation and submittal of an application for Annexation of property to the Town of Gilbert.

1. *Application Completeness* – For an application to be accepted, the Applicant must provide all of the required information described on the submittal checklist, as incomplete applications **will be** rejected. Ensuring the accuracy of the application is the responsibility of the Applicant.

2. *Forms/Review*:

   a. Administrative Completeness Review (see Planning Division Project Review Timelines): Staff will review the application to make sure all required documents and information have been included. If required information is missing, Applicant will be notified that the application has been rejected until all required information is submitted. If the application is rejected, upon resubmittal, a new Administrative Completeness Review will be required.
   b. Substantive Review (see Planning Division Project Review Timelines): When complete, the application will be routed to Town staff and affected agencies for review and comment. After this review is completed, the comments are consolidated and returned to the Applicant. The Applicant is responsible for addressing staff comments, revising and amending the application as required, and submitting a complete set of revised plans for a second review to ensure all comments have been addressed to the satisfaction of the Town. If all comments have been adequately addressed, the legislative process will begin by scheduling the rezoning for a public hearing before the Planning Commission.
   c. If all comments and issues identified in the Substantive Review have not been addressed to the satisfaction of Staff in the resubmission, the application will be denied. In lieu of denial, the Applicant may, either in writing or electronically, agree to allow Gilbert to submit supplemental requests for additional information. If Gilbert issues a comprehensive written or electronic request or a supplemental request, the Substantive Review timeframes are suspended until the additional information is submitted by the Applicant.

3. *Blank Petition* – Staff will 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. Signatures cannot legally be obtained on an annexation petition until the expiration of a thirty (30) day waiting period following the date of filing the blank petition.

4. *Notice to County* – Notice and a copy of the filing must be filed with the Clerk of the Maricopa County Board of Supervisors and the County Assessor. The map must 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.

5. *Property Posting (Sign)* – Notice of Public Hearing for an Annexation must be posted in at least three (3) conspicuous public places on the property and at least six (6) calendar days prior to the date of the public hearing. The applicant is responsible for posting the sign on the property, subject to the following specifications and requirements:

    a. Posting, maintenance, and removal of signs are the responsibility of the applicant. The applicant must remove all signs within ten (10) days of the public hearing. If the sign is not removed on time, the Town will remove the sign and charge the applicant a removal fee;
    b. The applicant must submit a signed and dated affidavit of posting, and color photos of the posted signs prior to the public hearing; and
    c. Failure of the applicant to provide evidence of posting will result in a postponement of the public hearing. The applicant will be charged a fee for the postponement.

6. *Staff Report for Hearing* – After the staff comments have been addressed and the project has been scheduled for the public hearing, the Planning Division will prepare a report describing the proposed annexation for the Town Council. A copy of the staff report will be made available to the public and the applicant prior to the public hearing.

7. *Public Hearing* – The Town Council must conduct one public hearing for comment on the annexation application. Regular Town Council meetings occur on Thursdays of each month at 7:00 p.m. and are held at the Municipal Center in the Council Chambers, 50 E. Civic Center Drive. Please refer to the Town website www.gilbertaz.gov for published meetings dates. The applicant or a project representative must be present at the hearing.

8. *Filing of Signed Petition and Expiration* – A signed petition for annexation must be filed with the Development Services division within one year after the last day of the thirty (30) day waiting period. A new application must be submitted if the property owner desires to annex the property after this deadline. At the time of filing the petition for annexation, the petitioner must submit a sworn affidavit verifying that no part of the property proposed to be annexed is already subject to an earlier filing for annexation.

9. *Staff Review of Petitions* – Staff will 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. If legal requirements are met, an annexation ordinance will be prepared.

10. *Town Council Action* – At least 30 days following the public hearing, the Planning Division will prepare a report describing the proposed annexation and transmitting the draft annexation ordinance to the Town Council for adoption. A copy of the staff report will be made available to the public and the applicant prior to the meeting. Annexation of the property occurs by adoption of the annexation ordinance. The annexation ordinance will become effective 30 days after it is signed by the Mayor, usually the day following the Council action.

11. *Inactive Cases* – All applications are required by the Land Development Code to be actively pursued to a decision. If no activity has occurred on an application for 180 days, the application will be determined to be inactive, deemed to be withdrawn and the file will be closed. The applicant may submit a written request that the application remain active, with an explanation for the inactivity. The Planning Manager may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period

ANNEXATION
CONTENT REQUIREMENTS

1. **Project Narrative**

   - ❑ Description of proposed Annexation; and
   - ❑ Provide an explanation on how the proposed annexation meets state law requirements.

2. **Annexation Exhibit**

   - ❑ Vicinity Map;
   - ❑ Scale, north arrow, and dimensions;
   - ❑ Gross Acres;
   - ❑ All exterior boundaries;
   - ❑ County rights-of-way and roadways; and
   - ❑ Registered Engineer signature and seal.

3. **Legal Description**

   - ❑ Metes and bounds description of the property including total gross acreage, sealed and signed by a Registered Engineer or Surveyor; and
   - ❑ Electronic file of legal description with an electronic signature.

ANNEXATION APPLICATION

Received By:

Project Name: _____
(Submit Project Name Change form and fee for name change)

Address or Location: _____

Tax Parcel Numbers: _____ Gross Acres: _____

Request: ☐ Major (> 40 gross acres) ☐ Minor (</= 40 gross acres) ☐ Owner-occupied

Request Details: _____

Number of existing dwelling units and addresses: _____ **Number of residents occupying existing dwelling units:** _____

General Plan Character Area: (if applicable)
☐ Santan
☐ Gateway
☐ Heritage District
☐ Morrison Ranch

Overlay Zoning District:
☐ Santan Freeway Corridor
☐ Phoenix Mesa Gateway Airport
☐ Vertical

Property Owner: (Please print – all information must be provided)

Name (print): _____ E-mail: _____
Address: _____
City, Zip: _____
Phone: _____ Fax: _____

Signature*: _____ Date: _____
* A letter of authorization from the property owner is required if the application is not signed by the owner.

Applicant/Contact: (Please print – all information must be provided)

Company: _____
Contact Name: _____ E-mail: _____
(print)
Address: _____
City, Zip: _____
Phone: _____ Fax: _____

Signature: _____ Date: _____

FOR STAFF USE ONLY

Submittal Date		Case Number	
Fee Paid		EDEN Permit Number	
Receipt Number		EDEN Permit Type	**PANN**

Received By:
Date:

Annexation Checklist

REQUIRED MATERIALS	Applicant Checklist	Staff Verification
PDF copy on disk of **ALL** required items on checklist with images formatted no larger than **11" x 17"**, saved in a **single layer with no write protection** ……..	☐	☐
Submit hard copy of **ALL** required items below:		
Application……..	☐	☐
Fee (see Planning fee schedule)……...	☐	☐
Project Narrative……...…….....…….	☐	☐
Proposition 207 Waiver Form with required Exhibits: • Exhibit A – Title Report…… ☐ • Exhibit B – Legal Description & Map of Site..…….. ☐ • Exhibit C – Requested action setting forth any modifications, changes, deletions, or additions ……..…… ☐	☐	☐
Legal Description (8.5" x 11")……..	☐	☐
Maricopa County Assessor Parcel Map (8.5" x 11") (Highlight project area and provide parcel numbers)...…….....	☐	☐
Annexation Exhibit: • 1 copy – (11" x 17") laser print to scale…….....	☐	☐

Project No. _____

TOWN OF GILBERT

AGREEMENT TO WAIVE CLAIMS FOR DIMINUTION IN VALUE

PURSUANT TO A.R.S. § 12-1134

I/We, _____, ("Owner") am/are all of the owner(s) of real property ("Property") generally located at _____, consisting of approximately ___ acres, as shown in the evidence of ownership (***Exhibit A***) and is legally described and shown on the map in ***Exhibit B***, both of which are attached to this Agreement.

The Property is subject to the land use laws of the Town of Gilbert, Arizona. For purposes of this Waiver, "land use law" shall be defined as set forth in A.R.S. § 12-1136.

I/We have requested that the Town take/approve the land use action ("Requested Action") as set forth in ***Exhibit C***, which is attached to this Agreement.

I/We acknowledge that as the request is processed for approval, changes may be made to the details and requirements for approval of the request. Some of these changes may materially alter the request, so that the final approval may be substantially different than originally requested. I/We understand and agree that execution of an additional waiver will be required for approval if the request is altered.

I/We acknowledge that the Requested Action may alter my/our rights to use, divide, sell or possess our Property, and that, pursuant to A.R.S. § 12-1134, as the owner of property directly regulated by a land use law, I/we may be entitled to compensation from the Town for diminution of value in the property if the action I/we have requested from the Town reduces the fair market value of the above described property.

By signing this Agreement, I/we hereby agree to waive any and all claims for diminution in value for the Property which may arise pursuant to A.R.S. § 12-1134 as a result of the Town's actions, including but not limited to approvals, denials or conditions of approvals with respect to the above-described Requested Action.

I/we hereby further understand that the Town is acting in reliance upon my/our representations in this waiver.

Project No. _____
Waiver of Claims for Diminution in Value
Signature Page

_____ Date: _____
Property Owner
By Its_____

STATE OF ARIZONA)
) ss.
County of Maricopa)

SUBSCRIBED AND SWORN before me this ___ day of _____, 200_, by _____.

_____
Notary Public

My Commission Expires:

_____