

POLICY STATEMENT NO. 2007-02

SUBJECT: Annexation of Developed Areas

DATE: January 23, 2007

POLICY STATEMENT

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WHEREAS, State law allows for the development of property within the Gilbert Planning Area that is not annexed into the Town of Gilbert and further requires property owners to initiate annexation if they desire to annex into Gilbert; and

WHEREAS, fire and emergency response services to these developed properties not annexed into Gilbert, but within the Gilbert Planning Area have been provided through contractual agreements between the property owners and Rural Metro Corporation; and

WHEREAS, Rural Metro advised these property owners that it is not continuing its contractual relationship after June 30, 2006; and

WHEREAS, the Gilbert Council has a clear and long standing policy of not providing fire and emergency response services outside of its annexed area; and

WHEREAS, the property owners of developed properties in the non-incorporated area requested the Gilbert Council to establish in writing its policies and procedures which will be followed should these property owners choose to annex and receive municipal services, including fire, emergency response, police and all other services provided to Gilbert residents; and

WHEREAS, the Gilbert Council adopted Policy Statement 2006-02 on February 28, 2006 to clearly state the policy of the Mayor and Council on annexation of developed areas within county islands, including assisted annexation through February 28, 2006; and

WHEREAS, the Arizona State Legislature enacted HB2145 to establish a fire district mechanism to force fire protection services for county islands within Gilbert, which was subsequently found to be unconstitutional in Maricopa County Superior Court on May 3, 2006, and the Court of Appeals on August 15, 2006; and

WHEREAS, Gilbert believed that some county island residents had been relying upon this unconstitutional action to provide them services beyond June 30, 2006; and

WHEREAS, Gilbert approached Rural Metro and secured an extension of service to September 30, 2006, to allow for these residents to consider annexation to Gilbert, and further adopted Policy Statement 2006-03 on May 23, 2006 which provided assisted annexation through June 30, 2006; and

WHEREAS, several property owners have approached Gilbert staff and elected officials seeking assistance in completing the annexation process since June 30, 2006; and

WHEREAS, the Gilbert Council firmly believes it is in the best interests of the community to encourage and assist willing developed county island property owners who wish to annex to Gilbert to be able to do so;

NOW, THEREFORE, it is hereby established that the following policies and procedures shall be followed by the Gilbert Council and staff in the annexation of these developed properties into Gilbert:

1. All developed areas annexed into Gilbert will be annexed in their "as is" condition. This means that private access easements, any roads, and any uses legally authorized by Maricopa County for the developed area are accepted into Gilbert as they exist on the day of annexation;
2. There is no requirement by Gilbert for developed property to connect to water or sewer systems upon annexation. Decisions regarding future requirements for connections will be dependent upon Maricopa County, State and Federal requirements;
3. Any property owner who has initiated zoning or building permits through the County in the developed area may choose to complete those processes through the County, subject to County acceptance;
4. There is no requirement to form a Home Owners Association;
5. Any desire by property owners within a developed area to make public improvements (streets, sidewalks, street lighting, water, sewer, etc) is subject to the formation of an improvement district or other legal mechanism whereby the benefited owners are financially responsible for the full cost of the improvement project.
6. The Gilbert Council hereby offers services to assist owners of developed property in annexing and zoning to Gilbert through March 31, 2007, at no cost. If an annexation which was initiated by property owners should fail, and a different group of property owners within the failed annexation wish to pursue annexation of a smaller or different area, Gilbert will provide the services and waive the fees to allow for that annexation to proceed to the extent allowed by State Law.



Steven M. Berman, Mayor

ATTEST:



Catherine A. Templeton, CMC
Town Clerk