

State of Arizona
House of Representatives
Thirty-ninth Legislature
Second Regular Session
1990

H. B. 2218

Introduced by Chris Herstam

AN ACT

RELATING TO TRANSPORTATION; PROVIDING FOR THE DISPOSITION OF MOUNTAIN PRESERVE PROPERTY; PROSCRIBING THE CONSTRUCTION OF A HIGHWAY WITHIN A DESIGNATED MOUNTAIN PRESERVE WITHOUT THE CONSENT OF THE MAJORITY OF ELECTORS VOTING ON THE MATTER; PRESCRIBING AN EXCEPTION, AND AMENDING SECTIONS 9-407 AND 28-1864, ARIZONA REVISED STATUTES.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-407, Arizona Revised Statutes, is amended to
3 read:

4 9-407. Exchange and sale of real property; notice of
5 intent; disposition of mountain preserve
6 property

7 A. Any incorporated city or town may by ordinance authorize an
8 exchange of a parcel of real property for any other parcel of real
9 property within the incorporated city or town, provided the parcels of
10 real property are of substantially equal value and the exchange meets the
11 terms and conditions set forth in such ordinance.

12 B. Any incorporated city or town may sell a parcel of real property
13 to another political subdivision without following the procedures
14 specified in sections 9-402 and 9-403.

15 C. A notice of intent to exchange or sell any property pursuant to
16 this section shall be published in accordance with the provisions of
17 section 39-204 before the exchange or sale.

18 D. A CHARTER CITY SHALL NOT SELL, TRADE OR OTHERWISE ALIENATE,
19 REDESIGNATE OR LEASE OR OTHERWISE DELETE OR REMOVE ANY LAND WITHIN A
20 DESIGNATED MOUNTAIN PRESERVE EXCEPT BY APPROVAL OF A MAJORITY OF THE
21 ELECTORS VOTING ON THE MATTER. FOR THE PURPOSES OF THIS SUBSECTION,

1 "DESIGNATED MOUNTAIN PRESERVE" HAS THE SAME MEANING AS PROVIDED IN SECTION
2 28-1864.

3 Sec. 2. Section 28-1864, Arizona Revised Statutes, is amended to
4 read:

5 28-1864. Opening, altering or vacating highway; review of
6 order

7 A. When the director or the transportation board desires to
8 establish, open, relocate, alter, vacate or abandon a state highway, or
9 any portion thereof, the director shall make and deliver a written report
10 to the transportation board describing the highway, or portion thereof, to
11 be affected thereby. If the transportation board decides that the public
12 convenience will be served, it shall enter a resolution upon its minutes
13 approving the proposed action and authorizing the director to proceed
14 thereon, and to acquire any property therefor by condemnation or
15 otherwise.

16 B. The superior ~~courts~~ COURT may review by certiorari the action of
17 the transportation board establishing, opening, relocating, altering,
18 vacating or abandoning state highways.

19 C. THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT
20 CONSTRUCT, LAY OUT, OPEN OR ESTABLISH A HIGHWAY THROUGH A DESIGNATED
21 MOUNTAIN PRESERVE UNLESS THE CONSTRUCTION OF THE HIGHWAY IS APPROVED BY A
22 MAJORITY OF THE ELECTORS OF A CHARTER CITY VOTING ON THE MATTER. THIS
23 SUBSECTION DOES NOT APPLY TO A STATE ROUTE WHICH IS PROPOSED TO BE
24 CONSTRUCTED WITHIN A DESIGNATED MOUNTAIN PRESERVE AND WHICH IS IN THE
25 STATE HIGHWAY SYSTEM ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
26 SECTION. FOR THE PURPOSES OF THIS SUBSECTION, "DESIGNATED MOUNTAIN
27 PRESERVE" MEANS INDIVIDUAL PARCELS OF REAL PROPERTY WITHIN A CHARTER CITY
28 WHICH HAVE BEEN DESIGNATED AS A WHOLE AS A MOUNTAIN PRESERVE, AS LONG AS
29 THE REAL PROPERTY CANNOT BE SOLD, TRADED, ALIENATED, REDESIGNATED, LEASED
30 OR OTHERWISE DELETED OR REMOVED FROM THE MOUNTAIN PRESERVE EXCEPT BY
31 APPROVAL OF A MAJORITY OF THE ELECTORS VOTING ON THE MATTER, AND WHICH
32 HAVE BEEN ACCUMULATED OR DESIGNATED THROUGH ANY OF THE FOLLOWING METHODS:

33 1. REAL PROPERTY OWNED BY A CHARTER CITY WHICH IS LYING WITHIN ANY
34 GENERALLY RECOGNIZED MOUNTAIN PRESERVE AREA.

35 2. REAL PROPERTY PURCHASED BY A CHARTER CITY IN WHOLE OR IN PART
36 FOR THE PURPOSE OF INCLUDING THE REAL PROPERTY WITHIN A MOUNTAIN PRESERVE
37 WITH THE PROCEEDS OF GENERAL OBLIGATION BONDS ISSUED BY THE CHARTER CITY.

38 3. REAL PROPERTY DESIGNATED BY ORDINANCE TO BE A PART OF A MOUNTAIN
39 PRESERVE BY THE CITY COUNCIL OF A CHARTER CITY.