

Proposition 207 Waiver Disclosure Statement

In November 2006, the voters of Arizona approved Proposition 207. One of the impacts of this law is to allow property owners to make a claim for compensation for the enactment of certain land use laws that devalue their property. The law also allows for waivers to be filed by the property owners to waive their ability to file for a claim of diminished property values due to a land use action.

When a piece of property is annexed into the City of Mesa, the property becomes subject to the City's land development requirements. These are typically stricter than those in the County. At the time of annexation or within six (6) months, the City must establish zoning for the annexed property that is comparable to the zoning permitted in Maricopa County. Although the City establishes comparable zoning for the annexed property, this may, from some perspective, appear to cause a reduction in property values.

In order to avoid some claims that could come after annexation from subsequent application of city zoning and other land use regulations, the City is requesting property owners within a proposed annexation to sign a waiver that will cover future application of city zoning and other land use regulations. In cases where less than 100% of the property owners have signed the waiver, staff will recommend denial of the annexation application in order to avoid a Proposition 207 claim. Staff will also recommend denial of an annexation without 100% support from the property owners. Support by property owners will be demonstrated as signatures on the petition. However, without 100% of signatures on either the petition or waiver, the applicant will still have the opportunity to be heard by Council, should the applicant choose to do so.

In cases where more than one parcel is included in the proposed annexation, the applicant will be required to provide either a certified copy of the deed or a legal description for each parcel included in the annexation case. The Proposition 207 Waiver must be notarized for it to be accepted by the City. If the Mesa City Council denies the annexation, the property owner is released from this consent and waiver.