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48-905. [Hearing on petition; summary establishment; notice](#)

A. Except as provided in subsection C of this section, upon receipt of a petition for the establishment of a district, or for an addition to an existing district, the board of supervisors shall set a date for a hearing on the petition not later than forty days after presentation of the petition. At the hearing all interested property owners may appear and be heard on any matter relating to the establishment of the proposed improvement district, or addition to an existing district. Any person wishing to object to the establishment of the district or addition may file, before the date set for the hearing, the person's objections with the clerk of the board of supervisors.

B. Notice announcing the hearing and stating the boundaries of the proposed district or addition shall be published twice in a newspaper of general circulation in the county within which the proposed district or addition is located. The publications shall be one week apart, and the first publication shall be not less than ten days prior to the date of the hearing. The notice shall also be mailed by first class mail at least twenty days before the hearing to:

1. The owners of the real property within the area of the proposed district according to the names and addresses that appear on the most recent property tax assessment roll.

2. The corporation commission, if the petition requests the establishment of a district or an addition to an existing district for the purposes described in section 48-909, subsection A, paragraph 5 or 6 and the boundaries of the proposed district or addition are wholly or partially within either of the following:

(a) The boundaries of the existing service territory of a public service corporation that provides domestic water or wastewater services as defined by a certificate of convenience and necessity issued by the corporation commission.

(b) The boundaries of the proposed service territory of a public service corporation that provides domestic water or wastewater services as defined in an application for a certificate of convenience and necessity that is pending before the corporation commission or that has been considered by the commission within one year before the date the petition for an improvement district is filed with the clerk of the board.

C. Except as provided in subsection G of this section, if the petition is signed by the owners of all of the real property in the proposed district and if the petitioners provide a copy of a record search that shows the names of the owners of all the property in the proposed district, the board of supervisors may summarily order the formation of the district and a hearing is not required.

D. The clerk shall retain all notices that are mailed pursuant to subsection B of this section and that are returned to the clerk as undeliverable or that indicate that the address is incorrect. The clerk shall prepare a list of the names and addresses on the returned notices and shall deliver that list to the county recorder or a searcher of records.

E. The county recorder or a searcher of records shall determine from the records in the office of the county recorder whether the listed owner has another address or whether a different person is shown as the owner of the parcel. The county recorder or a searcher of records shall provide to the clerk the new information on the owners and the addresses as shown in the records. The new information shall be used by the clerk for purposes of sections 48-916, 48-917, 48-924 and 48-928 until a new assessment roll is approved by the board of supervisors of the county. The recorder may charge up to three dollars for each record search. The charges of the recorder or of a searcher of records are incidental expenses pursuant to section 48-927.

F. A district may be formed or its boundaries may be changed without mailing notice to new owners or new addresses that are provided to the clerk pursuant to subsection E of this section.

G. The board of supervisors shall hold a hearing pursuant to subsection A of this section if the petition requests the establishment of a district or an addition to an existing district for the purposes described in section 48-909, subsection A, paragraph 5 or 6 and the boundaries of the proposed district or addition are wholly or partially within the service area or proposed service area of a public service corporation as prescribed in section 48-903, subsection D.