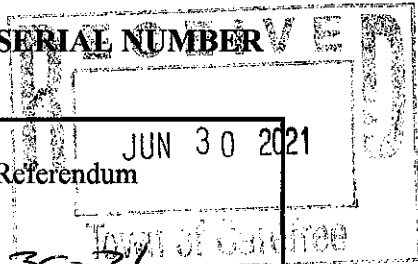


APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER VE

<p>The undersigned intends to circulate and file an initiative or a referendum petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight-point type, of the measure or charter amendment intended to be initiated or referred at the next general election.</p>	<p>Initiative <input checked="" type="checkbox"/>      Referendum <input type="checkbox"/></p>
	<p>Date of Application <u>6-30-21</u></p>
	<p>Signatures Required <u>203</u></p>
	<p>Deadline for Filing <u>N/A</u></p>
	<p>Serial Number Issued <u>F 2021-002</u></p>
<p>FOR OFFICE USE ONLY</p>	



This measure requires supermajority council vote and voter ratification for Town to develop Town-owned land designated open space/recreation in current General Plan, prohibits use of eminent domain to develop privately owned land designated open space/recreation in current General Plan. Measure requires supermajority council vote and voter ratification for Town to exercise power of eminent domain. Measure is retroactive to January 1, 2021. Property condemned between January 1, 2021 and effective date must be offered for sale back to original owner at price paid plus interest. If repurchased, Town must restore property to condition at condemnation at town's expense.

Maureen Benedetto  
Signature of Applicant

Carefree Citizens for Responsible Government  
Name of Organization (if applicable)

Maureen "Mo" Benedetto  
Printed Name of Applicant

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Maureen "Mo" Benedetto, CHAIRMAN  
Name of Officer and Title

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**OFFICIAL TITLE**

**AN INITIATIVE MEASURE AMENDING THE CAREFREE TOWN CODE BY ADDING CHAPTER 16, RELATING TO THE EXERCISE OF THE POWER OF EMINENT DOMAIN WITH RESPECT TO DESERT OPEN SPACE AND PLACING RESTRICTIONS ON THE EXERCISE OF SUCH POWERS IN SPECIFIED CIRCUMSTANCES; PROVIDING FOR RETROACTIVE APPLICATION OF MEASURE AND DIVESTMENT OF ASSETS; ADDING CHAPTER 17, RELATING TO THE EXERCISE OF THE POWER OF EMINENT DOMAIN GENERALLY AND PLACING RESTRICTIONS ON EXERCISE OF SUCH POWERS; PROVIDING FOR RETROACTIVE APPLICATION OF MEASURE AND DIVESTMENT OF ASSETS**

**TEXT OF PROPOSED AMENDMENT**

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF CAREFREE:

**SEC. 1. TITLE.**

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "CAREFREE GOOD GOVERNMENT ACT."

**SEC. 2. FINDINGS AND INTENT.**

THE PEOPLE OF THE TOWN OF CAREFREE FIND AND DECLARE THE FOLLOWING:

(1) REMAINING DESERT AND OPEN SPACE IN CAREFREE MUST BE MANAGED AND PROTECTED IN A MANNER THAT IS CONSISTENT WITH ROBUST PRIVATE PROPERTY RIGHTS.

(2) THE CITIZENS OF CAREFREE HAVE NOT BEEN SUFFICIENTLY INCLUDED IN THE PROCESS WHEREBY OPEN SPACE IS PRESERVED AND/OR DEVELOPED, AND THIS ACT REQUIRES GREATER PUBLIC PARTICIPATION IN THE DECISION MAKING PROCESS WITH REGARD TO DESERT AND OPEN SPACE PRESERVATION AND CONSERVATION THAN EXISTS UNDER CURRENT LAW.

(3) THIS ACT IS TO BE RETROACTIVE AND IS TO APPLY AS OF JANUARY 1, 2021 TO PREVENT ANY EXERCISE OF EMINENT DOMAIN WHILE THIS TOPIC HAS BEEN AT THE FOREFRONT OF PUBLIC DISCUSSION, OR ALTERNATIVELY, WHERE SUCH POWER HAS BEEN EXERCISED, TO REQUIRE DIVESTMENT OF ANY PROPERTIES TAKEN PURSUANT TO SUCH POWER AFTER JANUARY 1, 2021.

(4) GOVERNMENT IN GENERAL HAS ABUSED THE POWER OF EMINENT DOMAIN AND APPROPRIATE SAFEGUARDS MUST BE INSTITUTED TO ENSURE SUCH ABUSE DOES NOT OCCUR IN CAREFREE.

**SEC. 3. CONFLICTING PROVISIONS.**

THE PROVISIONS OF THIS ACT SHALL PREVAIL OVER ANY CONFLICTING OR INCONSISTENT PROVISIONS IN THE TOWN CODE,

AND THE ORDINANCES, RESOLUTIONS OR OTHER ENACTMENTS OF THE TOWN OF CAREFREE.

**SEC. 4. CONSTRUCTION.**

THIS ACT SHALL BE LIBERALLY CONSTRUED TO ACCOMPLISH ITS INTENT; INTERPRETED IN A MANNER CONSISTENT WITH ALL FEDERAL AND STATE LAWS, RULES AND REGULATIONS; AND CONSTRUED TO AVOID AN INTERPRETATION THAT WOULD RENDER ALL OR ANY PART OF THE ACT INVALID.

**SEC. 5. SEVERABILITY.**

IF A PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT ANY OTHER PROVISIONS OR APPLICATIONS OF THE ACT THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

**SEC. 6. THE TOWN OF CAREFREE TOWN CODE IS AMENDED BY ADDING CHAPTERS 16 AND 17:**

**CHAPTER 16—DESERT AND OPEN SPACE PROTECTION**

**16-1. PRESERVATION OF TOWN-OWNED OPEN SPACE.**

THE TOWN SHALL NOT DEVELOP, ALTER, MODIFY OR IMPROVE IN ANY WAY ANY PROPERTY THAT IS TOWN-OWNED AND THAT IS DESIGNATED AS OPEN SPACE/RECREATION BY THE GENERAL PLAN IN EFFECT ON JANUARY 1, 2021, EXCEPT AS PERMITTED IN SECTION 16-3.

**16-2. PROHIBITION OF EXERCISE OF POWER OF EMINENT DOMAIN TO ACQUIRE PRIVATELY OWNED OPEN SPACE.**

THE TOWN IS PROHIBITED FROM UTILIZING THE POWER OF EMINENT DOMAIN TO ACQUIRE ANY LAND THAT IS DESIGNATED AS OPEN SPACE/RECREATION IN THE TOWN OF CAREFREE GENERAL PLAN IN EFFECT ON JANUARY 1, 2021 EXCEPT IN THE CASE OF LAND THAT, IMMEDIATELY UPON ACQUISITION BY THE TOWN, WILL BE SET ASIDE AND DEDICATED IN PERPETUITY FOR OPEN SPACE/RECREATION USE.

**16-3. ADVANCE APPROVAL REQUIRED FOR ANY CHANGE TO TOWN-OWNED OPEN SPACE**

A. COUNCIL REFERRAL. AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF THE CAREFREE COMMON COUNCIL IS REQUIRED TO PRESENT ANY PROPOSAL TO DEVELOP, ALTER, MODIFY OR IMPROVE IN ANY WAY LAND THAT IS TOWN-OWNED AND THAT IS DESIGNATED AS OPEN SPACE/RECREATION BY THE GENERAL PLAN IN EFFECT ON JANUARY 1, 2021, TO THE REGISTERED VOTERS OF THE TOWN.

B. VOTER RATIFICATION. ANY COUNCIL ACTION TAKEN UNDER SUBSECTION A HEREOF SHALL BECOME VALID AND EFFECTIVE ONLY UPON RATIFICATION BY THE REGISTERED VOTERS OF CAREFREE AT AN ELECTION CALLED AS PROVIDED BY LAW.

**16-4. EFFECTIVE DATE; RETROACTIVITY.**

THIS ACT SHALL BECOME EFFECTIVE ONCE ENACTED BY VOTERS IN ACCORDANCE WITH APPLICABLE LAW, AND THEREUPON SHALL APPLY AS OF JANUARY 1, 2021.

**16-5. DIVESTMENT OF PROPERTY SEIZED WITHOUT COMPLYING WITH PROVISIONS OF THIS ACT.**

A. IF THE TOWN HAS SEIZED OR ACQUIRED ANY PROPERTY BY EMINENT DOMAIN BETWEEN JANUARY 1, 2021 AND THE DATE OF PASSAGE OF THIS ACT, AND SUCH SEIZURE OR ACQUISITION IS PROHIBITED BY THE PROVISIONS OF THIS ACT, THE TOWN SHALL PROCEED AS DESCRIBED IN SUBSECTION B HEREAFTER.

B. THE TOWN SHALL:

1. IMMEDIATELY CEASE ALL ACTIVITIES AND IMPROVEMENT ON THE SEIZED PROPERTY, EXCEPT AS SPECIFICALLY PERMITTED IN THIS ACT.

2. NO LATER THAN 30 DAYS FOLLOWING THE ENACTMENT OF THIS ACT, AND FOR A PERIOD OF NOT LESS THAN SIX (6) MONTHS, OFFER THE SEIZED PROPERTY FOR REPURCHASE BY THE PERSONS OR ENTITIES FROM WHOM THE PROPERTY WAS SEIZED. THE PURCHASE PRICE THEREFOR SHALL EQUAL THE PRICE THAT THE TOWN PAID FOR THE PROPERTY PLUS INTEREST AT THE PRIME RATE FROM THE DATE THE TOWN ACQUIRED AND PAID FOR THE PROPERTY TO THE DATE OF REPURCHASE. IF THE TOWN HAS MADE ONLY PARTIAL PAYMENT, THE PURCHASE PRICE SHALL BE THE AMOUNT THAT THE TOWN HAS PAID PLUS INTEREST THEREON AT THE PRIME RATE FROM THE DATE THE TOWN MADE PARTIAL PAYMENT TO THE DATE OF REPURCHASE. IF NO PAYMENTS HAVE BEEN MADE BY THE TOWN, THE TOWN SHALL, WITHIN 30 (THIRTY) DAYS AFTER ENACTMENT OF THIS ACT, TRANSFER TITLE TO THE SEIZED PROPERTY TO THE PERSONS OR ENTITIES FROM WHOM THE PROPERTY WAS SEIZED.

3. IF THE SEIZED PROPERTY IS NOT TRANSFERRED BACK TO THE ORIGINAL OWNERS AS PROVIDED FOR ABOVE, THE TOWN MAY PROCEED TO OBTAIN THE REQUISITE APPROVAL DESCRIBED IN SECTION 16-3, BUT IT WILL CEASE ANY DEVELOPMENT OR IMPROVEMENT OF SUCH LAND UNTIL THE PROCEDURES DESCRIBED IN SECTION 16-3 ARE SATISFIED. IF THE PROCEDURES IN SECTION 16-3 ARE SATISFIED, AND THE REGISTERED VOTERS VOTE IN FAVOR OF THE DEVELOPMENTS, ALTERATIONS, MODIFICATIONS, OR IMPROVEMENTS PROPOSED, THE LAND SHALL BE DEVELOPED IN ACCORDANCE WITH THE PROPOSAL APPROVED BY THE VOTERS. IF THE DEVELOPMENTS, MODIFICATIONS, ALTERATIONS OR IMPROVEMENTS ARE REJECTED, THE TOWN SHALL PROCEED AS DESCRIBED IN SUBSECTION (C).

C. IF EITHER (a) THE SEIZED PROPERTY IS TO BE RETURNED TO THE PERSONS OR ENTITIES FROM WHOM THE PROPERTY WAS SEIZED PURSUANT TO SUBSECTION (B)(2) ABOVE, OR (b) THE PROCEDURES DESCRIBED IN SECTION 16-3 ARE ATTEMPTED BUT REJECTED BY THE CAREFREE COMMON COUNCIL OR THE REGISTERED VOTERS, THE TOWN SHALL RESTORE THE SEIZED PROPERTY TO ITS CONDITION IMMEDIATELY PRIOR TO THE TOWN OBTAINING POSSESSION THEREOF, WHICH SHALL INCLUDE THE DEMOLITION AND REMOVAL OF ANY FACILITY, IMPROVEMENT,

STRUCTURE, EQUIPMENT, ROADWAY, OR OTHER ELEMENT ADDED TO THE PROPERTY BY OR ON BEHALF OF THE TOWN.

D. NOTHING IN THE ACT SHALL BE CONSTRUED TO PREVENT THE TOWN FROM REMOVING ANY PERSONAL PROPERTY OWNED BY THE TOWN FROM ANY SEIZED PROPERTY THAT IS SUBJECT TO SALE PURSUANT TO SUBSECTION B, REGARDLESS OF WHETHER SUCH PROPERTY HAS BECOME A FIXTURE OR OTHERWISE ATTACHED TO THE REAL PROPERTY THAT WAS SEIZED.

**16-6. DEFINITIONS.**

AS USED IN THIS CHAPTER, THE FOLLOWING DEFINITIONS SHALL APPLY:

“PRIME RATE” SHALL MEAN THE WALL STREET JOURNAL PRIME RATE IN EFFECT FOR THE DAY THAT IS THE EFFECTIVE DATE OF THIS ACT.

“TOWN” SHALL MEAN THE TOWN OF CAREFREE.

**CHAPTER 17—PRIVATE PROPERTY PROTECTION**

**17-1. EMINENT DOMAIN—APPROVAL BY REGISTERED VOTERS.**

THE POWER OF EMINENT DOMAIN MAY ONLY BE EXERCISED BY THE TOWN THROUGH AN AFFIRMATIVE VOTE OF THE REGISTERED VOTERS OF THE TOWN AFTER A PROPOSAL TO EXERCISE THE POWER OF EMINENT DOMAIN HAS BEEN PROPERLY PRESENTED TO THE REGISTERED VOTERS AS PROVIDED IN SECTION 17-2. **17-2.**

**EMINENT DOMAIN—REFERRAL TO REGISTERED VOTERS.**

AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF THE CAREFREE COMMON COUNCIL IS REQUIRED TO PRESENT ANY PROPOSAL TO UTILIZE THE POWERS OF EMINENT DOMAIN TO THE REGISTERED VOTERS OF THE TOWN.

**17-3. RETROACTIVITY.**

THIS ACT APPLIES AS OF JANUARY 1, 2021.

**17-4. DIVESTMENT OF PROPERTY SEIZED WITHOUT COMPLYING WITH PROVISIONS OF THIS ACT.**

A. IF THE TOWN HAS SEIZED OR ACQUIRED ANY PROPERTY BY EMINENT DOMAIN BETWEEN JANUARY 1, 2021 AND THE EFFECTIVE DATE OF THIS ACT AFTER PASSAGE, AND SUCH SEIZURE OR ACQUISITION IS PROHIBITED BY THE PROVISIONS OF THIS ACT, THE TOWN SHALL PROCEED AS DESCRIBED IN SUBSECTION B HEREAFTER.

**B. THE TOWN SHALL:**

1. IMMEDIATELY CEASE ALL ACTIVITIES AND IMPROVEMENT ON THE SEIZED PROPERTY, EXCEPT AS SPECIFICALLY PERMITTED IN THIS ACT.

2. NO LATER THAN 30 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS ACT, AND FOR A PERIOD OF NOT LESS THAN SIX (6) MONTHS, OFFER THE SEIZED PROPERTY FOR REPURCHASE BY THE PERSONS OR ENTITIES THAT THE SEIZED PROPERTY WAS SEIZED FROM. THE OFFERED PURCHASE PRICE SHALL EQUAL THE PRICE THAT THE TOWN PAID FOR THE PROPERTY PLUS INTEREST AT THE PRIME RATE FROM THE DATE THE TOWN ACQUIRED AND PAID FOR

THE PROPERTY TO THE DATE OF REPURCHASE. IF THE TOWN HAS MADE PARTIAL PAYMENT, THE REPURCHASE PRICE SHALL BE WHATEVER HAS BEEN PAID PLUS INTEREST AT THE PRIME RATE FROM THE DATE THE TOWN PARTIALLY PAID FOR THE PROPERTY TO THE DATE OF REPURCHASE. IF NO PAYMENTS HAVE BEEN MADE BY THE TOWN, THE TOWN SHALL TRANSFER TITLE TO THE SEIZED PROPERTY UPON THE ELECTION OF THE PERSONS OR ENTITIES THAT THE SEIZED PROPERTY WAS SEIZED FROM.

3. IF THE SEIZED PROPERTY IS NOT SOLD BACK TO THE ORIGINAL OWNERS AS PROVIDED FOR ABOVE, THE TOWN MAY PROCEED AS DESCRIBED IN SECTIONS 17-1 AND 17-2, BUT WILL CEASE ANY DEVELOPMENT OR IMPROVEMENT OF SUCH LAND UNTIL THE PROCEDURES DESCRIBED IN SECTIONS 17-1 AND 17-2 ARE FOLLOWED. IF THE PROCEDURES IN SECTIONS 17-1 AND 17-2 ARE FOLLOWED, AND THE REGISTERED VOTERS VOTE IN FAVOR OF THE DEVELOPMENTS, ALTERATIONS, MODIFICATIONS, OR IMPROVEMENTS PROPOSED, THE LAND SHALL BE DEVELOPED IN ACCORDANCE WITH THAT PROPOSAL. IF THE DEVELOPMENTS, MODIFICATIONS, ALTERATIONS OR IMPROVEMENTS ARE REJECTED, THE TOWN SHALL PROCEED AS DESCRIBED IN SUBSECTION (C).

C. IF THE SEIZED PROPERTY EITHER IS TO BE RETURNED TO THE PERSONS OR ENTITIES THAT THE SEIZED PROPERTY WAS SEIZED FROM PURSUANT TO SUBSECTION (B)(2) ABOVE, OR IF THE PROCEDURES DESCRIBED IN SECTIONS 17-1 AND 17-2 ARE ATTEMPTED BUT REJECTED BY THE CAREFREE COMMON COUNCIL OR THE REGISTERED VOTERS, THE TOWN SHALL RESTORE THE PROPERTY TO ITS CONDITION IMMEDIATELY PRIOR TO THE TOWN OBTAINING POSSESSION THEREOF, WHICH SHALL INCLUDE THE DEMOLITION AND REMOVAL OF ANY FACILITY, IMPROVEMENT, STRUCTURE, EQUIPMENT, ROADWAY, OR OTHER ELEMENT ADDED TO THE PROPERTY BY OR ON BEHALF OF THE TOWN.

D. NOTHING IN THE ACT SHALL BE CONSTRUED TO PREVENT THE TOWN FROM REMOVING ANY PERSONAL PROPERTY OWNED BY THE TOWN FROM ANY SEIZED PROPERTY THAT IS SUBJECT TO SALE PURSUANT TO SUBSECTION B, REGARDLESS OF WHETHER SUCH PROPERTY HAS BECOME A FIXTURE OR OTHERWISE ATTACHED TO THE REAL PROPERTY THAT WAS SEIZED.

#### **17-5. DEFINITION.**

AS USED IN THIS CHAPTER, THE FOLLOWING DEFINITION APPLIES: "PRIME RATE" SHALL MEAN THE WALL STREET JOURNAL PRIME RATE IN EFFECT FOR THE DAY THAT IS THE EFFECTIVE DATE OF THIS ACT.

#### **SEC. 7. SEVERABILITY.**

IF A PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS FOUND TO BE INVALID, ANY SUCH INVALIDITY WILL NOT AFFECT ANY OTHER PROVISIONS OR APPLICATIONS OF THE ACT THAT CAN BE GIVEN EFFECT WITHOUT UTILIZING THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.