

Bond Case Briefs

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ANNEXATION - ARIZONA

Nation v. City of Glendale

United States Court of Appeals, Ninth Circuit - November 6, 2015 - F.3d - 2015 WL 6774044

Indian tribe brought action against city and State of Arizona, challenging the constitutionality of a law that allowed a city or town within populous counties to annex certain surrounding, unincorporated lands, as preempted by the Gila Bend Indian Reservation Lands Replacement Act.

The United States District Court for the District of Arizona granted summary judgment to the tribe. City and State appealed and tribe cross-appealed.

The Court of Appeals held that the Gila Bend Indian Reservation Lands Replacement Act preempted the Arizona annexation law.

The effect of an Arizona law, which allowed a city or town within populous counties to annex certain surrounding, unincorporated lands when a landowner submitted a request to the federal government to take ownership or hold the lands in trust, was an obstacle to the accomplishment and execution of the Gila Bend Indian Reservation Lands Replacement Act, and thus the Arizona law was preempted under obstacle preemption, where the Act sought to compensate an Indian tribe for the destruction of tribal land from flooding created by federally constructed dam, but the Arizona law would allow a city to effectively veto the tribe's application for land to be taken into trust under the Act, as the city could immediately annex the land in response to the tribe's application for the federal government to hold the land in trust, rendering the land ineligible to be held in trust.