

ORDINANCE NO. 979

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, AMENDING THE CODE OF THE TOWN OF WICKENBURG, CHAPTER 2 MAYOR AND COUNCIL, BY AMENDING ARTICLE 2-7 ANNEXATION POLICY, BY AMENDING SECTION 2-7-4 RESIDENTIAL RURAL ROAD IMPROVEMENT STANDARD AND RENAMING SUCH SECTION AS "ROAD DEDICATION REQUIREMENTS"; AND AMENDING CHAPTER 8 BUILDING, ARTICLE 8-3 STREET IMPROVEMENTS BY ADDING NEW SECTION 8-3-9 DEDICATION AND ACCEPTANCE OF PRIVATE ROADS TO SET FORTH THE REQUIREMENTS FOR DEDICATION AND ACCEPTANCE OF PRIVATE ROADS INTO THE TOWN'S STREET SYSTEM; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR PENALTIES

WHEREAS, during recent annexations, the Town has been challenged with the addition of many new roadways within the Town limits that were not built to any of the Town's standards; and,

WHEREAS, there exist in the Town many private roads that may in the future be dedicated to the Town; and

WHEREAS, the Town has no written standards or policy to address the acceptance of new roads into the Town's streets system, which has created confusion and frustration on the part of both staff and affected property owners; and,

WHEREAS, on March 5, 2007, the Common Council directed staff to establish a Road Dedication Process and Policy for newly annexed territory.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, County of Maricopa, State of Arizona, as follows:

SECTION I. In General.

The Wickenburg Town Code, Chapter 2 Mayor and Council, Article 2-7 Annexation Policy is hereby amended by amending Section 2-7-4 Residential Rural Road Improvement Standard to read as follows:

ARTICLE 2-7 ANNEXATION POLICY

Section 2-7-4 Residential Rural Road Improvement Standard

~~———— All newly annexed private roads shall comply with this Section in order to be considered for acceptance by the Mayor and Council:~~

- ~~1. The property owners adjacent to the road shall cause to be prepared a map and legal description of the road proposed to be dedicated containing the seal of a registered surveyor.~~
- ~~2. A residential road requires a fifty foot (50') wide area to be dedicated to the Town.~~
- ~~3. The road shall meet the Residential Rural Road Improvement Standard as set forth in Table 1.~~

4. ~~The Mayor and Common Council shall review all requests for dedication and make a decision on accepting the roadway as a public road. Upon acceptance, the Town shall assume the maintenance of the roadway.~~

SECTION 2-7-4 ROAD DEDICATION REQUIREMENTS

DEDICATION OF PRIVATE ROADS IN NEWLY-ANNEXED TERRITORY WILL BE ACCEPTED INTO THE TOWN'S STREETS AND ROADS SYSTEM IN COMPLIANCE WITH SECTION 8-3-9 OF THIS CODE.

The Wickenburg Town Code, Chapter 8 Building, Article 8-3 Street Improvements, is hereby amended by adding Section 8-3-9 Dedication and Acceptance of Private Roads to read as follows:

SECTION 8-3-9 DEDICATION AND ACCEPTANCE OF PRIVATE ROADS

THIS SECTION SETS FORTH TOWN REQUIREMENTS FOR ACCEPTANCE OF PRIVATE ROADWAYS INTO THE TOWN'S STREET AND ROAD SYSTEM.

1. A WRITTEN REQUEST SHALL BE FILED WITH THE PUBLIC WORKS DIRECTOR IDENTIFYING THE PRIVATE ROADWAY PROPOSED TO BE ACCEPTED INTO THE TOWN'S STREET AND ROAD SYSTEM. THE PUBLIC WORKS DIRECTOR SHALL REVIEW THE REQUEST DETERMINE WHETHER THE PRIVATE ROADWAY SHALL BE ACCEPTED.

2. IF THE DIRECTOR OF PUBLIC WORKS DETERMINES THAT THE PRIVATE ROADWAY SHOULD BE ACCEPTED INTO THE TOWN'S STREET AND ROAD SYSTEM, THE TOWN WILL PAY THE COST OF HIRING A SURVEYOR TO PREPARE THE LEGAL DESCRIPTION FOR THE PROPOSED PUBLIC RIGHT-OF-WAY AND THE COST OF ANY REQUIRED TITLE SEARCH TO ESTABLISH OWNERSHIP OF SAID RIGHT-OF-WAY.

3. ALL OWNERS OF PROPERTY ADJACENT TO THE PROPOSED RIGHT-OF-WAY SHALL DEDICATE THE RIGHT-OF-WAY TO THE TOWN AT NO COST TO THE TOWN. THE RIGHT-OF-WAY DEDICATION SHALL BE IN FEE SIMPLE AND SHALL INCLUDE ANY UTILITY EASEMENTS REQUIRED BY THE TOWN.

4. UPON COMPLETION OF STEPS 2 AND 3 ABOVE, THE TOWN WILL BEGIN ROAD GRADING TO UPGRADE THE CONDITION OF THE ROAD.

5. ANY PHASES OF ADDITIONAL ROADWAY IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO CHIPSEAL, DOUBLE CHIPSEAL, OR HOT MIX ASPHALT SURFACING SHALL BE REVIEWED BY THE PUBLIC WORKS DIRECTOR AND FINAL DETERMINATION SHALL BE MADE BY THE WICKENBURG COMMON COUNCIL.

6. ANY ADDITIONAL PHASES OF ROADWAY IMPROVEMENTS SHALL REQUIRE A WRITTEN AGREEMENT BETWEEN THE TOWN AND ADJACENT PROPERTY OWNERS WHO WILL BE RESPONSIBLE FOR PAYING THE COST OF SAID ADDITIONAL IMPROVEMENTS SETTING FORTH THE TERMS AND CONDITIONS OF PAYMENT FOR DESIGN AND CONSTRUCTION OF THE IMPROVEMENTS. DESIGN AND CONSTRUCTION SHALL NOT BEGIN UNTIL 100% OF THE ESTIMATED COST OF DESIGN AND CONSTRUCTION OF THE ROADWAY IS DEPOSITED WITH THE TOWN, AS DETERMINED

BY THE PUBLIC WORKS DIRECTOR. THE DEPOSIT FOR THE DESIGN AND CONSTRUCTION OF THE ROADWAY SHALL BE PLACED IN A SPECIAL ACCOUNT AND USED ONLY FOR SUCH PURPOSES. IF THE ACTUAL COST OF DESIGN AND CONSTRUCTION IS GREATER THAN THE ESTIMATED COST, THE PROPERTY OWNERS WHO ARE PARTIES TO THE AGREEMENT SHALL PAY SUCH ADDITIONAL COST. IF THE ACTUAL COSTS OF DESIGN AND CONSTRUCTION IF LESS THAN THE ESTIMATED COST, THE TOWN SHALL REFUND THE BALANCE OF THE DEPOSIT TO THE PROPERTY OWNERS IN PROPORTION TO THE AMOUNT THEY DEPOSITED.

7. ANY AND ALL UTILITY IMPROVEMENTS WILL BE CONSIDERED AT A FUTURE DATE; HOWEVER, THE PROPOSED RIGHT-OF-WAY SHALL ALLOW FOR FUTURE UTILITY NEEDS AS SET FORTH IN PARAGRAPH 3.

SECTION II. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

SECTION III. Severability Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION IV. Penalties Clause

Any person found guilty of violating any provision of this Ordinance shall be subject to the violations and penalty provisions of Section 1-8 of the Wickenburg Town Code.

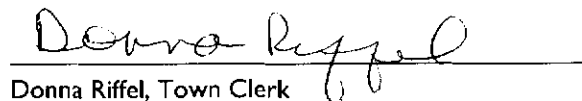
PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, STATE OF ARIZONA, ON THIS 16 DAY OF April 2006.



R.R. BADOWSKI, MAYOR

Date Signed: 4/23/07

ATTEST:


Donna Riffel, Town Clerk

Date Signed: 4/23/07

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, PLC

By: Susan Goodwin

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I, Donna Riffel, the duly appointed and qualified Town Clerk of the Town of Wickenburg, an Arizona Corporation, do hereby Certify that the foregoing Ordinance Number 979 was duly passed, approved and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 16 day of April 2007, and that a quorum was present at the meeting.

Donna Riffel
Donna Riffel, Town Clerk