



Founded 1876  
Incorporated 1899

# TOWN OF JEROME, ARIZONA

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**Celebrating Our 106th Anniversary**  
**March 1899-2005**

## Ordinance Number 328

### PROCEDURE FOR ABANDONMENT OR SALE OF PUBLIC STREETS, ROADWAYS, ALLEYS, RIGHT OF WAY OR EASEMENTS OF THE TOWN OF JEROME AND (Can not inforceenforce – Council needs to make a motion for this part only)WORKonly) WORK IN TOWN RIGHT-OF-WAYS

#### PROCEDURE FOR ABANDONMENT OR SALE OF PUBLIC STREETS, ROADWAYS, ALLEYS, RIGHT OF WAY OR EASEMENTS OF THE TOWN OF JEROME

##### New:

##### A. Definitions

"Owner" or "Owner of Record" includes a person, firm, partnership, association, or corporation.

"Roadway" includes all or part of a platted or designated public street, highway, alley, lane, parkway, avenue, road, sidewalk or other public way, whether or not it has been used as such.

"Setback" is an open and unoccupied space on a lot or parcel, as defined in the Jerome Zoning Ordinance.

"Structure" is anything constructed or erected, which requires a fixed location on the ground, including a building but not including a fence or wall used as a fence, as defined in the Jerome Zoning Ordinance.

B. The applicant shall provide a Survey Map and Legal Description of property prepared by a land surveyor registered in the States of Arizona. The following shall be included:

Show the location of both the roadways and abutting parcel (s) proposed to receive conveyance of title from the Town of Jerome. Indicate the area in square feet for the roadway proposed to be abandoned and all adjacent parcels. Indicate Assessor's Parcel Numbers on all applicable parcels and any street names.

1. The map shall be at a standard scale not to exceed one inch equals three hundred feet (1" = 300') with north point to the top, and should be submitted on a sheet measuring 18' by 24' with a one half inch border and two inch left margin.
2. Include a Title Block which shall read, "Abandonment of Public Roadway (indicate location by subdivision, street name, or other adequate description)."
3. Show the location of any recorded easements included in any portion of the roadway proposed to be abandoned, including access, utility, drainage, or other types of easements as recorded.
4. Show the location of all new easements to be recorded by the Town and to the appropriate county divisions upon abandonment of the roadway.
5. Show the location of all new easements to be recorded by the Town of Jerom and to the Appropriate County Divisions
6. The centerline or portion of the roadway to be vacated to that property in closest proximity shall be indicated on the map by a dashed line.
7. Where more than one roadway is included and/or for those half streets measured to the centerline, areas shall be sequentially numbered for reference to separate legal descriptions.

Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

~~2. Engineering Review~~

~~3. Legal review~~

~~4. Staff Review and office expenses~~

~~5. Recording Fees~~

~~6. Estimates of the consideration paid for the land by the Town or property value based on market rates where applicable.~~

~~K. An application fee as set by resolution of the Council shall be included at the time an application for abandonment of a roadway is submitted. The final cost for the sale of public property may be higher, based on various administrative expenses to be determined. All such fees and final expenses shall be received by the Town of Jerome prior to recording of the Quit Claim Deed.~~

~~L. Upon receipt of the completed application, including survey map, legal description, written agreement of all owners, mailing lists, and fee. The Town Council may authorize the vacation of the parcel pursuant to A.R.S. 28-7205 instead of A.R.S./28-7204.~~

~~M. A roadway shall not be sold or vacated if any land is left without a public or private legal and physical access connecting the land with an established public roadway, unless there is expressly reserved in the conveying instrument the roadway rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and persons lawfully conducting business on the land.~~

~~N. No portion of a roadway shall be sold or vacated without written agreement from all abutting owners and from all owners for whom the roadway provides legal or physical access.~~

~~O. The Action of the Town Council in abandoning a roadway or portion of roadway shall be by resolution of the Council. The resolution shall describe the roadway and its disposition or use, and takes effect when recorded in the office of the County Recorder.~~

~~P. The Action of the Town Council in abandoning a roadway or portion of roadway shall be by resolution of the Council. The resolution shall state the public benefit of the sale or abandonment of the roadway, shall describe easements created upon conveyance of the roadway, shall describe the roadway and its disposition or use, and takes effect when recorded in the office of the County Recorder.~~

~~Q. Vehicle easements created upon the transfer of the roadway shall be treated as a publicly dedicated roadway for purposes of zoning setbacks.~~

~~R. The conveying instrument shall prohibit the erection of any structure on the conveyed land.~~

~~S. The Council may rescind an offer for sale or vacation of public property for any reason determined to be in the best public interest at any time prior to recording of the resolution indicating abandonment.~~

## **WORK IN TOWN RIGHT-OF-WAYS**

### **New:**

#### **A. PERMIT REQUIRED**

A permit is required for all construction work in, or encroachments on public rights-of-way, sidewalks, curbs, bridges, pedestrian walks, and bicycle paths owned or maintained by the Town of Jerome where held by deed, easement, dedication, or other claim of right. Construction work includes excavation, pavement cuts, or structural alterations such as sidewalks, curb cuts, or drainage structures. The permit shall be applied for on a form provided by the Public Works Department

In the event of an actual emergency threatening public health and safety, encroachments, including excavations for necessary public utility repairs, are allowed

without a permit. Provided a permit is applied for the next workday, all traffic control and safety devices necessary are used, and final repairs are not performed until authorized by the Town of Jerome.

#### B. PERMIT FEE

Permit fees are due upon the issuance of a permit and will be in an amount set by a resolution of the Town of Jerome Council. *The fees may be waived*

#### C. BONDING

The Town of Jerome Reserves the right to require a performance bond, in an amount determined by the Town Public Works Director.

*License, and Liability Insurance*

#### D. MINIMUM STANDARDS FOR PUBLIC WORKS CONSTRUCTIONS

The certain document known as MAG or "Public Works Standard Codes", is hereby referred to and adopted as the Public Works Code of the Town of Jerome and made a part hereof as if fully set out in this article.

#### E. LIABILITY

The Permittee assumes all responsibility and liability for any damage to any property or injury to any person while using a public road caused by or arising out of the exercise of the permit and will hold the Town of Jerome harmless from any liability or responsibility for same. The Permittee shall and will provide and maintain at all times sufficient barriers, danger signals, lanterns, and detours, and shall and will take other such safety measures until satisfactory completion of work.

#### F. STREET CUTS IN NEW PAVEMENT

~~Permits will not be granted for roadway pavement cuts within city rights-of-way on any bituminous (form of asphalt) or concrete pavement structures that was overlaid after December 31, 1995.~~

(Does not really apply to this town.)

#### G. VARIANCES

~~The Public Works Director is authorized to grant variances from the restrictions and conditions specified herein provided the public safety and welfare will be protected.~~

#### H.F. VIOLATIONS AND ENFORCEMENT

In the event the conditions of a permit are violated or a permit is not obtained, The Town of Jerome's Public Works director may order that all work cease until the violation is corrected or a permit obtained. If the work is abandoned and not repaired to Town Specifications, the Town may repair the work and recover the costs of repair from the Permittee responsible. In the event an obstruction of a public road occurs without a

permit so as to cause an immediate public hazard, the Town may remove the obstruction and seek reimbursement of all costs involved from the responsible person. Any person commencing work without a permit shall be required to obtain a permit and shall pay twice the usual permit fee.

Any person who shall violate any provisions of the MAG or "Public Works Standard Codes" hereby adopted or fails to comply there with, or who shall violate or fails to comply with any order made there under or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Office, within the time fixed herein, shall severally, for each and every such violation and noncompliance, respectively, be guilty of a Class 1 misdemeanor. This is punishable by a fine or by imprisonment or by both such fine and imprisonment as set forth by the court. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

#### **I.G. WORK INTENDED TO BECOME PUBLIC PROPERTY**

All improvements, which are intended to become public property of the Town of Jerome, shall be constructed in accordance to the standards and specifications set forth in this article and shall be constructed according to the plans approved by the Public Works Director.

#### **J. WORK NOT INTENDED TO BECOME PUBLIC PROPERTY**

~~All improvements within public rights-of-way, not intended to become public property, must be constructed or maintained under the terms of a franchise agreement or other authorization. The location of such facilities, their installation, and the restoration of the area after installation shall be done in accordance with the standards and specifications set forth in this article.~~

#### **K. SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTIONS**

~~The certain document known as MAG or "Public Works Standard Codes", is hereby referred to and adopted as the Public Works Code of the Town of Jerome and made apart hereof as if fully set out in this article.~~

#### **L.H. USE OF TOWN RIGHT-OF-WAYS**

Commercial traffic shall not be allowed on any town roadway, unless in service to a property owner, resident or business on that roadway.

~~No commercial traffic will be allowed on Town Roads. This includes but is not limited to jeep tours, all terrain vehicle tours, motorcycle tours (this does not include delivery trucks). All commercial traffic must stay on the State Highway and abide by State Highway and Arizona Department of Transportation Regulations.~~

8. A place for the signatures of the Mayor, Town Clerk, and Town Attorney should be included along with a place for the date of signing.
9. The land survey map shall show all existing easements, including sewer, gas, water, similar pipelines, electric, telephone, and similar lines and any canals, laterals or ditches, as well as any building or structural encroachments.
10. The survey map shall show legal and physical access after the abandonment of a roadway to all parcels for which the roadway provides legal access. All parcels for which the roadway provides legal access shall have adequate legal and physical access according to minimum Town of Jerome standards upon abandonment or the proposed abandonment shall be denied. Recorded legal descriptions and maps may be required to show that such legal and physical access is provided to all parcels for which the roadway provides legal access. Additionally, the survey map must show any structures, building and/or encroachments that are existing within an area proposed for abandonment or on any adjacent parcels.
- C. A separate vicinity map drawn to scale shall be required to show legal access to all associated parcels after the abandonment of a roadway. Any parcels remaining in proximity to propose road abandonment must be able to show adequate legal access according to minimum Town of Jerome standards or the proposed abandonment shall be denied.
- Recorded legal descriptions and maps may be required to show that such legal access remains to all associated parcels. Additionally, the vicinity map must show any structures, building and/or encroachments that are existing within an area proposed for abandonment or on any adjacent parcels.
- D. Upon receipt of the completed application, including survey map, legal description, vicinity map, mailing lists and fee, the Planning Director shall place the proposal before the Planning and Zoning Commission for their consideration. The Planning Commission shall make a recommendation to the Council regarding the appropriateness of the proposal based in various planning concerns including compliance with zoning ordinance and General Plan.
- E. The Town Council may authorize the sale of the parcel pursuant to A.R.S. 28-7204 only upon receipt of the completed application, including survey map, legal description, written agreement of all owners, mailing lists, and fee. At least sixty (60) dates before the date of sale of roadway, a notice of sale describing the roadway shall be posted in at least two places along the side of the roadway. This notice shall reference ARS 28-7204, and state that people may make bids but that the abutting owners have preference rights for purchase, and such notice shall be delivered or mailed to all abutting property owners of record if there addresses are known or can be readily discovered.
- F. The sale shall not be made until an invitation for bids for the purchase of property has been published as per ARS 39-204 and the notice for bids has been posted in three (3) or more public places within the Town. The notification process shall include the following:
1. If published in a daily newspaper, publication shall be four consecutive times.
  2. If published in a weekly newspaper, publication shall be once each week for two consecutive weeks.
- G. All surrounding property owners within 200 feet of any portion of any parcel associated with the vacating of a roadway shall be notified of pending sale and Council hearing. Any jurisdictions adjacent to associated parcels or to the subject roadway, as well as private and public utility companies shall also be informed, including water, gas, electric, telephone, and cable television.
- H. Abutting owners must submit a written offer to purchase the property to the Town Clerk at or before the sale, according to the amount indicated, if any. If the Council waives the fees, the offer to accept such property for conveyance as such must be indicated in writing by the applicant.
- I. In the absence of an offer to purchase the property from the abutting property owners, the Council may sell the roadway to any person with a valid bid or reject all offers.
- J. The Council shall determine an amount for the sale of the property through consideration of marketability, degree of fragmentation, any public benefit to be derived, the initial consideration paid for the land by the Town of Jerome, if any, and the cost to the Town of Jerome for processing the application. The abutting owners of record in whom title to a portion of the roadway would vest may deliver a written offer to purchase the roadway for the consideration paid for the land the Town of Jerome. All costs for publication, notification, recording, engineering review, legal review, staff review, and any other expenses related to the sale of the Town of Jerome property may be included in estimating a final cost unless otherwise waived by the Council for reasons declared to be in the best public interest. Staff shall estimate a fee based on project costs so as to determine a minimum amount. The sale amount of the public property shall be based on the following cost estimates at a minimum and may be more or less depending on the deliberations of the Council:
1. Publication of Official Notices

**M.I. PRIORITY OF PUBIC WORKS CODE AND STANDARD SPECIFICATIONS FOR STREET CLASSIFICATIONS**

The Town of Jerome shall not accept for ownership, or maintenance, any street that is not in conformance with the Public Works Code and the Standard Specifications for Street Classification, except when ~~it is determined, by the Town Council~~the Town Council determines it, to be in the best interests of the Town of Jerome to accept, for ownership or maintenance, substandard streets.

**J. VARIANCES**

The Public Works Director is authorized to grant variances from the restrictions and conditions specified herein provided the public safety and welfare will be protected.

**N. FRANCHISEMENT, ABANDONMENT, SALE, OR CONVEYANCE OF PUBLIC ROADWAYS**

~~The Town of Jerome will not franchise, abandon, sell, or convey any right of way or portion of a right of way without written recommendation from the Planning Director, The Public Works Director, the Fire Chief, and the Police Chief to Town of Jerome Town Council for review.~~

~~The Town of Jerome shall not franchise, abandon, sell, or convey any right of way or portion of a right of way without written agreement from all property owners abutting the right of way and from all property owners for whom the right of way provides legal access.~~

~~The Town of Jerome shall not franchise, abandon, sell, or convey any right of way or portion of a right of way if such action would leave any property owners without legal or physical access.~~

~~Arizona Revised Statues authorizes and regulates the abandonment, sale, or conveyance of any or all public property, whether or not the property is devoted exclusively to public use.~~

(Does not apply to this ordinance.)

**APPROVED:** \_\_\_\_\_

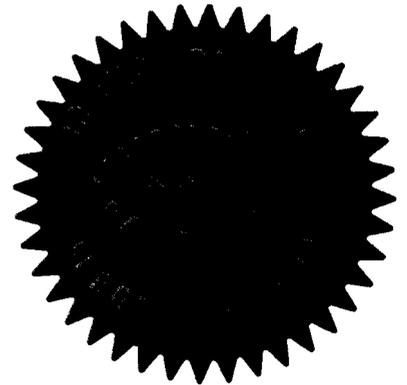
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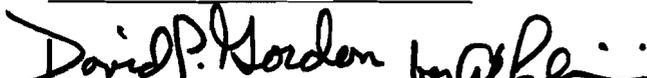
**Bob Bouwman, Mayor**



**Al Palmieri, Town Clerk**



**APPROVED AS TO FORM:**

  
**David P. Gordon, Town Attorney**