

TOWN OF PINETOP-LAKESIDE

ORDINANCE 24-472

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, ADOPTING THE “TOWN CODE ADDITIONAL CHAPTER 25 THE ABANDONMENT OF PUBLIC EASEMENTS AND/OR PUBLIC RIGHTS-OF-WAY TO TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES.”

WHEREAS, the Town Council of the Town of Pinetop-Lakeside believes that adding Town Code Chapter 12.25 THE ABANDONMENT OF PUBLIC EASEMENTS AND/OR PUBLIC RIGHTS-OF-WAY to Title 12 STREETS, SIDEWALKS, AND PUBLIC PLACES are in the best interest of the citizens of the Town.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, NAVAJO COUNTY, ARIZONA, as follows:

Section 1. **Adoption by Reference.** Pursuant to A.R.S. §9-802, the Town hereby adopts Town Code Chapter 12.25 THE ABANDONMENT OF PUBLIC EASEMENTS AND/OR PUBLIC RIGHTS-OF-WAY to Title 12 STREETS, SIDEWALKS, AND PUBLIC PLACES as set forth on Exhibit A, a copy of which is on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, at 325 W. White Mountain Blvd. Lakeside, AZ 85929.

Section 2. **Effective Date.** This Ordinance is to be effective when publication and posting pursuant to A.R.S. § 9-812 is accomplished.

Section 3. **Severability.** All ordinances, or parts of ordinances, adopted by the Town of Pinetop-Lakeside in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

PASSED AND ADOPTED by the Mayor and Town Council in an open meeting by the Town Council, Town of Pinetop-Lakeside, Arizona, this 18th day of July 2024, to be effective upon the expiration of a thirty (30) day period following adoption and publication pursuant to A.R.S. § 9-812 is complete.



TOWN OF PINETOP-LAKESIDE

Stephanie Irwin
Stephanie Irwin
Mayor

ATTEST:

Kristi Salskov
Kristi Salskov, CMC
Town Clerk

APPROVED AS TO FORM:

William J. Sims
William J. Sims, III
Town Attorney

EXHIBIT A

**Town Code Additional Chapter 25 THE ABANDONMENT OF
PUBLIC EASEMENTS AND/OR PUBLIC RIGHTS-OF-WAY to Title 12
STREETS, SIDEWALKS, AND PUBLIC PLACES**

Chapter 12.25

THE ABANDONMENT OF PUBLIC EASEMENTS AND/OR PUBLIC RIGHTS-OF-WAY

Sections:

- 12.25.010 Application Requirements**
- 12.25.020 Review of Application**
- 12.25.030 Application Fees**
- 12.25.040 Notice to Affected Property Owners**
- 12.25.050 Time Limits**

12.25.010 Application Requirements

Any person may apply to the Public Works Department for the abandonment by the Town of all or a portion of any public rights-of-way that have been dedicated as streets, alleys, or easements, which is subject to being abandoned by the Town pursuant to Arizona State Law (A.R.S. Sections 28-7201 through 28-7215). All such applications for abandonment shall be submitted for project review upon forms prepared and available from the Public Works Department and shall be accompanied by the following information:

- A. A completed application together with the application fee per Town fee schedule. The application should identify whether a purchase, exchange or vacation, or the extinguishment of an easement is proposed.
- B. An accurate legal description and location map of the street, alley or easement, or part thereof, sought to be abandoned, prepared and sealed by an Arizona registered Engineer or Land Surveyor. The map must include an accurate list of properties abutting the property to be abandoned along with current property owners' names and addresses including all persons, partnerships, corporations, or other entities owning abutting property. A current title report shall be submitted at the time of the application showing all current owners of the abutting properties.
- C. Permission and authorization for the requested abandonment from all affected public utilities.
- D. A complete, written explanation by the applicant why the abandonment is sought, and why it is felt that the road is no longer needed for public use.

12.25.020 Review of Application

All applications for the abandonment of streets, alleys or easements shall be reviewed by the appropriate Town staff. Based on such a review, the Public Works Director shall have reports and recommendations submitted to the Town Council. If the application has been found to be complete, the Public Works Director shall set a date for the hearing of the application. All applications shall be heard and decided upon by the Town Council. The decision to grant the request for abandonment shall be solely at the discretion of the Town Council.

If the Town Council approves a proposed sale, exchange or vacate, the approval may be conditioned on the applicant providing, at the applicant's expense, a qualified appraisal of the roadway or affected portion. In the case of an exchange, the applicant may also be required to provide a qualified appraisal of the new roadway.

12.25.030 Application Fees

A. At the time of filing an application for the abandonment of any street, alley or an easement for right-of-way, the applicant shall pay a fee as determined by the Town's fee schedule to cover legal and administrative costs incurred by the Town. This fee is non-refundable.

B. Separate applications must be filed for each street, alley, or easement which the Town is being requested to abandon except in cases where the street, alley or easement is contiguous.

12.25.040 Notice to Affected Property Owners

In case of a proposed sale, a notice of sale must be posted at least sixty (60) days before the sale. The notice must be posted along the roadway or affected portion at intervals of no more than one mile but at least in three places. The notice must refer to A.R.S. § 28-7204, must state that anyone can submit a written purchase offer to the Town's Public Works Department before the proposed date of sale, and must state that certain abutting owners as required by A.R.S. § 28-7204 have preference rights. The notice of sale must also be delivered or mailed to certain abutting owners as required by A.R.S. § 28-7204.

Notice shall be given by first class mail to all owners of property within three hundred (300) feet of the affected roadway or portion thereof at least sixty (60) days before the matter will be heard by the Town Council.

12.25.060 Time Limits

The abandonment shall be effective upon approval by the Town Council, however, if additional requirements or conditions have been placed upon the approval, the abandonment shall not be effective until the conditions or requirements have been satisfied. The applicant shall have sixty (60) days from the time of the Council hearing to complete the additional requirements for conditions placed upon the approval period. By action of the Council, one time extension of not more than sixty (60) days may be granted if a formal written request has been submitted to the Council before the expiration date. If the conditions imposed by the Town Council are not met, or the time limit has expired, the approval will automatically become null and void.