

ORDINANCE No. 12-95

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE V PUBLIC WORKS, CHAPTER 50 PUBLIC WORKS CODE, § 50.16 DISPOSITION OF UNNECESSARY RIGHTS-OF-WAY RELATED TO VACATING RIGHT-OF-WAY IN CONFORMANCE WITH STATE LAW; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title V Public Works, Chapter 50 Public Works Code, Section 50.16 Disposition of Unnecessary Rights-of-Way is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 50.16 Disposition of Unnecessary Rights-of-Way

(A) IF The Town Council DETERMINES THAT A PUBLIC RIGHT-OF-WAY OWNED BY THE TOWN IS NO LONGER NECESSARY FOR PUBLIC USE, IT may dispose of ~~unnecessary public~~THE right-of-way either by sale, vacation or exchange of such right-of-way in accordance with the requirements of state law. and pursuant to the adoption of an ordinance authorizing the disposition. ~~The Town Council may extinguish unneeded easements by resolution.~~

(B) *Reservation of easements.* In the event there are existing utility lines, pipes; canals, ditches or appurtenances in any unneeded right-of-way being sold, vacated or exchanged, or if in the sole discretion of the town it is probable that there will be a need for a public utility easement in such right-of-way, the town shall reserve an easement or easements for such purposes and of such size as the town may determine.

(C) ~~Application for~~INITIATION OF disposition of right-of-way. VACATION, SALE OR EXCHANGE OF UNNECESSARY RIGHT-OF-WAY SHALL BE INITIATED BY THE TOWN ENGINEER OR PUBLIC WORKS DIRECTOR. SUCH INITIATION MAY BE IN RESPONSE TO A REQUEST FROM AN ADJACENT PROPERTY OWNER, IN WHICH CASE THE APPLICANT ~~An applicant for disposition of unnecessary right-of-way or for extinguishment of an easement~~ shall submit an application in such form and with such information as may be required by administrative

regulation and shall pay such fees as are established by resolution approved by the Town Council.

(D) *Decision to dispose of roadway or easement.*

~~{1}—The decision to dispose of an unnecessary right-of-way or to extinguish an unneeded public easement, lies solely with the Town Council and shall be made upon receipt of staff's recommendation.~~

~~{2}—Revesting VESTING of title to roadway vacated by the town shall be, to the extent permitted by law, subject to consideration from the owner of the abutting property to the Town deemed by the Town Council, in its sole discretion, to be commensurate with the value of the abandoned roadway, giving due consideration to its degree of fragmentation and marketability and any other public benefit received by the town in return for the abandoned roadway.~~

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99 of the Dewey-Humboldt Code of Ordinances

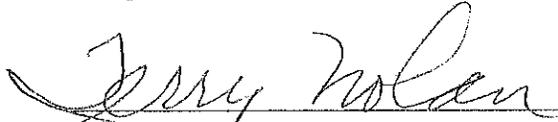
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 20th day of November, 2012 by the following vote:

AYES: 5

NAYES: 0 ABSENT: 1

EXCUSED: 0 ABSTAINED: 0

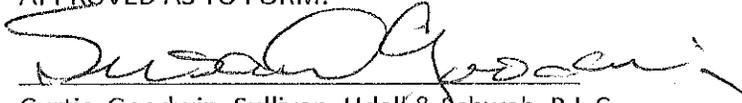
APPROVED this 20th day of November, 2012


Terry Nolan, Mayor

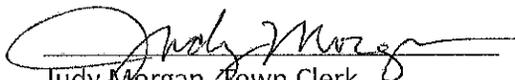
ATTEST:


Judy Morgan, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 12-95 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 20 DAY OF November, 2012 WAS POSTED IN THREE PLACES ON THE 26th DAY OF December, 2012.


Judy Morgan, Town Clerk