

**CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street**

5:30 PM

Regular Meeting AGENDA

Tuesday, August 2, 2016

****A member of the Common Council may be attending the meeting telephonically****

REGULAR MEETING

CALL TO ORDER AND ROLL CALL

INVOCATION

The invocation will be given by Paul Daniel of First Southern Baptist Church.

PLEDGE OF ALLEGIANCE

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

- 1. APPROVAL OF MINUTES**
- 2. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

- 3. CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

- a. Resolution 5030 - Establishing New Funds for the MAGNET Grant and RICO Funds**

The City records it's grants and grant related activities in Fund 752, Grants Fund. By doing so, inter-grant activities between the Kingman Police Department's MAGNET grant and RICO funds have been recorded as expenditures and revenues rather than as inter-fund transfers, which is a more acceptable practice for these types of activities. During the FY2015 financial audit, HintonBurdick, the City's auditors, suggested that separate Funds be established for the MAGNET grant and RICO funds for the purpose of recording inter-fund transfer activities, and staff agrees. In establishing separate Funds for the MAGNET grant and RICO funds, each of their related budgets will need to be transferred from Fund 752 to the new Funds. **Staff recommends Council approve 1) Resolution 5030 which establishes separate Funds for the MAGNET grant and RICO funds, and 2) the MAGNET grant and RICO budget transfers.**

- b. Resolution No. 5028 - Authorization for the Mayor to Sign an IGA with the**

Arizona Department of Revenue

Last year all cities and towns entered into a new Intergovernmental Agreement (IGA) with the Arizona Department of Revenue (ADOR) in regard to joint taxpayer audits and the uniform method of administration, collection, audit and licensing of transaction privilege taxes, use taxes or other taxes imposed by the City of Kingman or State of Arizona, as required under ARS 42-6001. The IGA allowed for the parties to modify the agreement if necessary by mutual agreement. Several areas of improvement were identified over the course of the past year that needed to be addressed. A review process was initiated by the ADOR who worked with the League and key city and town representatives. Such amendments and inclusions will be included in the IGA dated July 1, 2016. The term will extend for one year and renew automatically. The amendments and inclusions are summarized in the attached Summary of Modifications. **Staff recommends Council approve Resolution No. 5028 authorizing the Mayor to sign the Modification to the Intergovernmental Agreement between the Arizona Department of Revenue and the City of Kingman regarding joint taxpayer audits and the uniform method of administration, collection, and audit and licensing of transaction privilege taxes, use taxes or other taxes imposed by the State or City.**

c. Authorizing the purchase of real property on Hunt Avenue for drainage purposes, ENG15-018

On March 17, 2015 Council approved Resolution No. 4936, which authorized staff to proceed with acquiring vacant property for drainage purposes at various locations, including Hunt Avenue. The subject property is owned by Marlin Investments and is identified as tax parcel 311-10-046. The property is 25,000 square feet in area and is a natural low point which ponds with drainage that crosses Eastern Street at Broudy Drive. The owner has indicated that \$24,000 is the minimum that they will accept for the property. As there are potentially five build-able sites, the price per site computes to \$4,800. The price is generally lower than other properties that the City has acquired in the Golden Gate Addition subdivision. **Staff recommends approval of the property purchase for \$24,000 plus escrow fees and authorizing the Mayor to sign all property deeds and acceptance statements associated with this acquisition.**

d. Consideration of Resolution 5027 for a City owned sewer payback

The City installed a sewer line with 2 manholes and service stub outs on Southern Avenue between Monroe Street and Adams Street. The City designed the sewer line and Freiday Construction completed the work. The construction was accepted on July 1, 2016 under project ENG14-088. The City Utility Regulations allow paybacks for water and sewer lines constructed by the City. The proposed payback agreement in Resolution 5027 is based on actual costs expended by the City for both design and construction. The only design cost is for ADEQ review fees. The costs are proportioned out along Southern Avenue based on the frontage of adjacent properties. The term of the payback will be twenty years from the date of acceptance. The payback will be collected as adjacent properties connect to the sewer. **Staff recommends approval of Resolution 5027.**

e. Proposed Resolution No. 5031, approving a release of a property escrow assurance agreement for a portion of Kingman Crossing, Tract 1993-A, a single family residential subdivision

Kingman Crossing Tract 1993-A is a single family residential subdivision located on the south side of Airway Avenue at Santa Rosa Drive and is not associated with nor a part of the city-owned parcel south of I-40. On January 17, 2012 the Kingman Common

Council passed Resolution No. 4762-R which accepted a new property escrow assurance and released a surety bond for Kingman Crossing, Tract 1993-A. The property escrow assurance was accepted to assure the completion of all remaining uncompleted off-site subdivision improvements for Kingman Crossing, Tract 1993-A east of Santa Rosa Drive. Under the assurance agreement no individual lots can be sold until all required subdivision improvements were completed. The project engineer, Raymond W. Stadler, P.E. has requested the release of the property escrow assurance agreement. The City Engineer and Public Works Inspectors have verified that the remaining subdivision improvements including curb, gutter, sidewalks, sidewalk ramps, street pavement, water lines and sewer lines have been completed and all punch list items have been addressed. **Staff recommends approval of Resolution No. 5031**

4. OLD BUSINESS

a. Combine Parks & Rec and the Golf Commissions

Council directed staff to draft an ordinance that combined the Parks & Recreation Commission and the Golf Commission into a new Commission. **Staff recommends approval of Ordinance No. 1817.**

b. Update and possible action regarding November 8, 2016, property sale election

At the June 21st Regular Meeting Council approved Resolution No. 5023 for a Call of Election to seek voter approval for the sale of City-owned property know as "Kingman Crossing". At the time the resolution was presented staff believed that a publicity pamphlet was required for this ballot measure; however, it has since been discovered that this is not the case. Not doing a publicity pamphlet will amount to approximately \$12,000 in savings for the City. Alternatively, staff is recommending that a fact sheet including factual answers to frequently answered questions be developed and put on the City of Kingman website to help inform voters regarding this issue. It would also be made to any Council members speaking to groups on this measure and the public. **Staff recommends developing a fact sheet for this ballot measure and making it available on the City website and to the public.**

5. NEW BUSINESS

a. Public hearing and consideration of Ordinance No. 1816, amending Sections 14.000, 15.000, 22.000, and 35.000 of the Zoning Ordinance of City of Kingman

Section 1-12 DRIVEWAYS of the *Streets and Sidewalks Development Rules and Regulations of the City of Kingman*, was revised under Ordinance No. 1813 on May 17, 2016 with regard to driveway distances from street intersections. Several sections of the Kingman Zoning Ordinance reference driveway standards and requirements. Staff has determined that certain references to the driveway standards in various sections of the Zoning Ordinance need to be revised in order to maintain consistency with the changes approved in the Streets and Sidewalks Development Rules and Regulations. The Planning and Zoning Commission initiated the text amendment on June 14, 2016, and held a public hearing on July 12, 2016 to consider the proposed text amendment. **The commission voted 7-0 to recommend approval of the proposed text amendment as shown in Exhibit "A" of the attached Ordinance No. 1816.**

b. Procurement Code

At the July 19th Council meeting, Councilmember Yocum requested a discussion regarding the City's procurement process. Specifically, he wanted to discuss a local preference option tied with the City's TPT, as well as the requirement for the selection of Professional Service Contracts to go through an RFP/Bid process unless the

purchase was for an emergency or urgent need. **Staff recommends that Council direct staff to update the entire procurement code.**

c. Public hearing and consideration of Resolution No. 5029 to approve the vacation (abandonment) of a portion of Simon Avenue and a land swap

This is a request from UniSource Energy Services to vacate (abandon) a portion of Simon Avenue located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise Avenue. The Planning and Zoning Commission held a public hearing on July 12, 2016. There was no objection from nearby property owners or reviewing staff. Planning staff recommended that the portion of Simon Avenue be vacated because the street would be of no use to the City for utilities or other purposes. The applicant proposed that in lieu of a cash payment for the portion of Simon Avenue proposed to be vacated, a land swap would occur with other property owned by UniSource in the area. The subject property to be considered for land swap is located at the intersection of Anson Smith Road, N. Fourth Street and Wilshire Avenue. Both the City of Kingman and the applicant agree that the land swap is beneficial to both parties and are equal in value. The Planning and Zoning Commission voted 6-0 to recommend approval of the vacation of a portion of Simon Avenue and the land swap requested by the applicant. **Staff recommends approval.**

6. REPORTS

a. European Route 66 Festival

Jim Hinckley will be present to discuss his recent marketing tour of Kingman at the 1st European Route 66 Festival.

7. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings.

ADJOURNMENT



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM:

MEETING DATE: August 2, 2016

AGENDA SUBJECT: The invocation will be given by Paul Daniel of First Southern Baptist Church.

SUMMARY:

FISCAL IMPACT:

STAFF RECOMMENDATION:

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	5/16/2016 - 2:12 PM



CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Tina D. Moline, Financial Services Director

MEETING DATE: August 2, 2016

AGENDA SUBJECT: Resolution 5030 - Establishing New Funds for the MAGNET Grant and RICO Funds

SUMMARY:

The City records its grants and grant related activities in Fund 752, Grants Fund. By doing so, inter-grant activities between the Kingman Police Department's MAGNET grant and RICO funds have been recorded as expenditures and revenues rather than as inter-fund transfers, which is a more acceptable practice for these types of activities.

During the FY2015 financial audit, HintonBurdick, the City's auditors, suggested that separate Funds be established for the MAGNET grant and RICO funds for the purpose of recording inter-fund transfer activities, and staff agrees.

In establishing separate Funds for the MAGNET grant and RICO funds, each of their related budgets will need to be transferred from Fund 752 to the new Funds. Below is the breakdown of each Fund and budget transfer:

- Fund 753 - MAGNET Grant Fund: Budget Transfer \$400,000
- Fund 754 - RICO-KPD Fund: Budget Transfer \$121,000
- Fund 755 - RICO Program Income Fund: Budget Transfer \$145,000
- Fund 756 - RICO 99 Fund: Budget Transfer \$550,000

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

Staff recommends Council approve 1) Resolution 5030 which establishes separate Funds for the MAGNET grant and RICO funds, and 2) the MAGNET grant and RICO budget transfers.

ATTACHMENTS:

Description

Resolution 5030

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Moline, Tina	Approved	7/22/2016 - 7:54 PM
City Attorney	Cooper, Carl	Approved	7/25/2016 - 11:18 AM
City Manager	Dougherty, John	Approved	7/28/2016 - 11:40 AM

CITY OF KINGMAN, ARIZONA

RESOLUTION NO. 5030

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; AUTHORIZING THE ESTABLISHMENT OF FUND 753 – MAGNET GRANT FUND; FUND 754 – RICO KPD FUND; FUND 755 – RICO PROGRAM INCOME FUND; AND, FUND 756 – RICO 99 FUND; FOR THE PURPOSE OF ISOLATING MAGNET GRANT AND RICO ACTIVITIES TO ALLOW FOR INTER-FUND TRANSFERS.

WHEREAS, The City of Kingman Police Department receives MAGNET grant funding and RICO funds annually; and,

WHEREAS, the MAGNET grant and RICO activities are currently recorded in the City’s Grant Fund, Fund 752, which is the Fund where the City’s grant related activities are recorded; and,

WHEREAS, the RICO funds meet the City’s match required by the MAGNET grant, and such matches should be recorded as inter-fund transfers and not expenditures which is the City’s current practice; and,

WHEREAS, in order to record inter-grant activities as inter-fund transfers, the MAGNET grant and RICO funds must be recorded in separate Funds;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Kingman, Arizona, that separate Funds be established for the MAGNET grants and RICO funds as follows; Fund 753 – MAGNET Grant Fund; Fund 754 – RICO KPD Fund; Fund 755 – RICO Program Income Fund; and Fund 756 – RICO 99 Fund.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on August 2, 2016.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Tina D. Moline, Financial Services Director

MEETING DATE: August 2, 2016

AGENDA SUBJECT: Resolution No. 5028 - Authorization for the Mayor to Sign an IGA with the Arizona Department of Revenue

SUMMARY:

Last year all cities and towns entered into a new Intergovernmental Agreement (IGA) with the Arizona Department of Revenue (ADOR) in regard to joint taxpayer audits and the uniform method of administration, collection, audit and licensing of transaction privilege taxes, use taxes or other taxes imposed by the City of Kingman or State of Arizona, as required under ARS 42-6001. The IGA allowed for the parties to modify the agreement if necessary by mutual agreement. Several areas of improvement were identified over the course of the past year that needed to be addressed. A review process was initiated by the ADOR who worked with the League and key city and town representatives.

Such review led to the following inclusions and amendments to the existing IGA:

Section 9.6 - Adjustments to Reported Taxes
Section 9.7 - Taxpayer Rulings and Uniformity
Section 10 - Financing Collection of Taxes.
Section 28.1 - Automatic Renewal of the Agreement
Section 28.5 - Annual Review of the Agreement

Such amendments and inclusions will be included in the IGA dated July 1, 2016. The term will extend for one year and renew automatically. The amendments and inclusions are summarized in the attached Summary of Modifications.

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

Staff recommends Council approve Resolution No. 5028 authorizing the Mayor to sign the Modification to the Intergovernmental Agreement between the Arizona Department of Revenue and the City of Kingman regarding joint taxpayer audits and the uniform method of administration, collection, and audit and licensing of transaction privilege taxes, use taxes or other taxes imposed by the State or City.

ATTACHMENTS:

Description

Resolution No. 5028

Summary of Modifications

Modification to IGA between the Department of Revenue and City of Kingman

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Moline, Tina	Approved	7/22/2016 - 8:34 PM
City Attorney	Cooper, Carl	Approved	7/25/2016 - 11:18 AM
City Manager	Dougherty, John	Approved	7/28/2016 - 11:42 AM

CITY OF KINGMAN, ARIZONA

RESOLUTION NO. 5028

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; AUTHORIZING THE MAYOR TO SIGN THE MODIFICATION TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE DEPARTMENT OF REVENUE AND THE CITY OF KINGMAN; THIS AGREEMENT SHALL SUPERSEDE AND REPLACE ALL PREVIOUS INTERGOVERNMENTAL AGREEMENTS ENTERED INTO BY THE DEPARTMENT OF REVENUE AND THE CITY OF KINGMAN IN REGARD TO JOINT TAXPAYER AUDITS AND THE UNIFORM METHOD OF ADMINISTRATION, COLLECTION, AUDIT AND LICENSING OF TRANSACTION PRIVILEGE TAXES, USE TAXES OR OTHER TAXES IMPOSED BY THE STATE OR CITY.

WHEREAS, The Arizona Department of Revenue and the City of Kingman have been operating under an intergovernmental agreement enabling the City of Kingman to be enrolled as a “program city” with the Department of Revenue; and

WHEREAS, This agreement shall supersede and replace all previous intergovernmental agreements entered into by the Department of Revenue and the City of Kingman in regard to joint taxpayer audits and the uniform method of administration, collection, audit and licensing of transaction privilege taxes, use taxes or other taxes imposed by the State or City; and

WHEREAS, Title 11, Chapter 7, Article 3 (A.R.S. § 11-952) authorizes public agencies to enter into intergovernmental agreements to contract for services, if authorized by their legislative or governing bodies; and

WHEREAS, A.R.S. § 42-6001 et seq. provides that the Department of Revenue may collect and administer any transaction privilege license tax or use tax imposed by any city or town; and provides for uniform audit functions including joint audits of a taxpayer by the Department of Revenue and cities or towns where the taxpayer conducts business; and provides the Department of Revenue and any city or town may enter into intergovernmental agreements to provide a uniform method of administration, collection, audit and licensing of transaction privilege and use taxes imposed by the State or Cities or Towns; and

WHEREAS, The City of Kingman desires to renew and enter into such an intergovernmental agreement with the Department of Revenue as modified for the term beginning July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Kingman, Arizona, that The Mayor be authorized to sign an intergovernmental agreement with the Arizona Department of Revenue for joint taxpayer audits and the uniform method of administration, collection, audit and licensing of transaction privilege taxes, use taxes or other taxes imposed by the State or City;

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on August 2, 2016.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

SUMMARY OF CHANGES TO THE IGA FOR TRANSACTION PRIVILEGE TAX COLLECTION BY THE ARIZONA DEPARTMENT OF REVENUE

The attached “Modification to Intergovernmental Agreement Between the State of Arizona And City/Town” incorporates five agreed upon changes into the existing intergovernmental agreement between the city/town and the Department related to the collection of the city/town transaction privilege tax. Below is a summary of the intent and impact of each change by section.

1) 9.6 Adjustments to Reported Taxes

The addition of this new section addresses an issue that came up during the past year. In some cases, the Department knew there was an error by the taxpayer in identifying which city or town was supposed to receive the tax, but there was no mechanism allowing them to hold the distribution while the error was being corrected. As a result there were instances when the DOR had to send funds to a city or town knowing it was incorrect, only to pull those funds back in a subsequent distribution after the error had been resolved. This change allows the Department to avoid these incorrect distributions and recoveries when they are aware of a problem from the outset.

2) 9.7 Taxpayer Rulings and Uniformity

The addition of this new section provides for municipal input in the drafting of rulings and interpretations that impact the Model City Tax Code, including interpretations of State statute that flow through to the MCTC because the Model language matches the State language. Under current statute, the DOR is responsible for addressing all taxpayer written requests for rulings, even when the question is based on the Model City Tax Code. This section allows the cities to have some influence over issues raised by taxpayers that have a direct impact on local tax imposition and interpretation, without disrupting the normal course of business within the Department on routine matters.

3) 10. Financing Collection of Taxes

This section is being amended by adding the second sentence. This addition recognizes that the cities and towns have agreed to a statutory financial obligation to contribute to the State for the operation of the DOR, and this obligation is not in conflict with the Department’s TPT collection and administration efforts being financed through the State general fund appropriation.

4) 28.1 (relating to automatic annual renewal of the agreement)

This section has been changed to remove the specific years in the original document, so this section will not need to be changed annually. Also, this section added a provision stating any agreed upon changes that arise from the annual review in Section 28.5 are retroactive to July 1st of each year. The agreement automatically renews without any action unless there are modifications agreed upon in any given year, and if so, you only need to adopt the modifications.

5) 28.5 (relating to annual review of the IGA)

This section has been changed to state the review period begins on June 1st, rather than requiring the review being completed by March 1st. The March 1st deadline was simply unrealistic given the legislative session responsibilities of many of the typical reviewers.

**MODIFICATION TO INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA AND CITY OF KINGMAN**

WHEREAS, The Arizona Department of Revenue, hereinafter referred to as Department of Revenue and City/Town of Kingman, hereinafter referred to as City/Town, have entered into an Intergovernmental Agreement regarding the administration of taxes imposed by the State or City/Town dated June 16, 2015, hereinafter referred to as the IGA, and

WHEREAS, the Department of Revenue and the City/Town intend to continue with the IGA for an additional one year term in order to determine whether the general terms of the IGA meet the parties' needs, with the exception of the modifications set forth below.

The parties agree to modify the IGA as follows effective July 1, 2016:

1. Add the following new subsection to Section 9, Collection of Municipal Taxes:

9.6 Adjustments to Reported Taxes: If the Department of Revenue determines that a payment remitted by a taxpayer incorrectly identifies the city or town to which the payment should be made, the Department of Revenue may temporarily hold the payment until the distribution of the payment is corrected so that the appropriate city or town receives the payment.

2. Add the following new subsection to Section 9, Collection of Municipal Taxes:

9.7 Taxpayer Rulings and Uniformity: Recognizing taxpayer written requests for interpretation of the statutes and/or the Model City Tax Code, as well as guidance regarding uniform application and interpretation of the statutes and the Model City Tax Code impact all taxing jurisdictions, and further recognizing responsibility for such rulings and interpretation of the Model City Tax Code had previously been the sole domain of the municipalities, the Department shall include at least two representatives of the municipalities as regular members of any group established to respond to such taxpayer ruling requests and to issue such uniform interpretations and guidance promulgated by the Department. Participation by the two representatives of the municipalities on any such group is limited to instances when there is an issue raised that solely involves the Model City Tax Code and/or presents an issue of first impression, including requests for private taxpayer rulings. The municipal representatives may also be consulted by the Department on information letters, or when issuing statements of general guidance. Written requests involving common questions or issues that have previously been addressed, whether unique to the Model City Tax Code or not, may be handled in the regular course of Department processes without consulting the representatives of the municipalities.

3. Amend Section 10, Financing Collection of Taxes as follows:

10. Financing Collection of Taxes.

The costs incurred by the Department in administering this Agreement shall be financed through the State general fund appropriation to the Department. This provision does not relieve City/Town of any financial obligation imposed by statute.

4. Amend subsection 28.1 of Section 28, Duration, relating to automatic renewal of the agreement as follows:

28.1 The term of this Agreement shall be from July 1 through June 30 of each year. This Agreement shall automatically be renewed for successive one year terms thereafter unless either party shall terminate this Agreement by notice, in writing, no later than sixty calendar days prior to the expiration of the term then in effect. Any agreed upon modifications to the terms and conditions of this agreement shall be incorporated to be effective during the term identified by the review committee provided for in section 28.5.

5. Amend subsection 28.5 of Section 28, Duration, relating to annual review of the agreement as follows:

28.5 During the term of this Agreement, the terms and conditions of this Agreement will undergo an annual review to be initiated no later than June 1st of each year. The review will be performed by a committee made up of equal parts representatives of the Department and representatives of the municipal taxing jurisdictions entering into an IGA with the Department for the administration and collection of Municipal Taxes.

Signature Authority.

By signing below, the signer certifies that he or she has the authority to enter into this Agreement and has read the foregoing and agrees to accept the provisions herein. This modification may be executed in counterparts.

Signature	Date	Signature	Date
Typed Name and Title		Typed Name and Title	
Entity Name		Entity Name	

RESERVED FOR THE ATTORNEY GENERAL:	RESERVED FOR CITY/TOWN ATTORNEY:
<p>Attorney General no. _____, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Arizona Department of Revenue represented by the Attorney General.</p> <p style="text-align: center;">MARK BRNOVICH The Attorney General</p> <hr/> <p style="text-align: center;">Signature Assistant Attorney General</p> <p>Date: _____</p>	<p>APPROVED AS TO FORM AND AUTHORITY:</p> <p>BY: _____ CITY/TOWN ATTORNEY</p> <p>Date: _____</p>



CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Engineering Services

MEETING DATE: August 2, 2016

AGENDA SUBJECT: Authorizing the purchase of real property on Hunt Avenue for drainage purposes, ENG15-018

SUMMARY:

On March 17, 2015 Council approved Resolution No. 4936, which authorized staff to proceed with acquiring vacant property for drainage purposes at various locations, including Hunt Avenue. The subject property is owned by Marlin Investments and is identified as tax parcel 311-10-046. The property is 25,000 square feet in area and is a natural low point which ponds with drainage that crosses Eastern Street at Broudy Drive. The owner has indicated that \$24,000 is the minimum that they will accept for the property. As there are potentially five build-able sites, the price per site computes to \$4,800. The price is generally lower than other properties that the City has acquired in the Golden Gate Addition subdivision.

Staff recommends proceeding with the Hunt Avenue property acquisition. This acquisition will be necessary for the proposed improvements to Eastern Street. Upon Council approval, staff will open an escrow with one of the local Title agencies to finalize this land purchase.

FISCAL IMPACT:

The purchase price will be \$24,000 plus escrow closing costs. The Flood Control Budget identified \$100,000 in Flood Control Funds for Land Acquisition for Drainage Purposes.

STAFF RECOMMENDATION:

Staff recommends approval of the property purchase for \$24,000 plus escrow fees and authorizing the Mayor to sign all property deeds and acceptance statements associated with this acquisition.

ATTACHMENTS:

Description

Property Map

REVIEWERS:

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Approved	7/22/2016 - 12:58 PM
City Attorney	Cooper, Carl	Approved	7/22/2016 - 3:32 PM
City Manager	Dougherty, John	Approved	7/28/2016 - 11:29 AM



**SUBJECT
PROPERTY**

**Drainage
Flows**





CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Engineering Services

MEETING DATE: August 2, 2016

AGENDA SUBJECT: Consideration of Resolution 5027 for a City owned sewer payback

SUMMARY:

The City installed a sewer line with 2 manholes and service stub outs on Southern Avenue between Monroe Street and Adams Street. The City designed the sewer line and Freiday Construction completed the work. The construction was accepted on July 1, 2016 under project ENG14-088. The City Utility Regulations allow paybacks for water and sewer lines constructed by the City. The proposed payback agreement in Resolution 5027 is based on actual costs expended by the City for both design and construction. The only design cost is for ADEQ review fees. The costs are proportioned out along Southern Avenue based on the frontage of adjacent properties. The term of the payback will be twenty years from the date of acceptance. The payback will be collected as adjacent properties connect to the sewer.

FISCAL IMPACT:

Funds collected from this payback will be returned to the Wastewater Expansion Fund.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 5027.

ATTACHMENTS:

Description
Resolution 5027

REVIEWERS:

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Approved	7/22/2016 - 11:33 AM
City Attorney	Cooper, Carl	Approved	7/22/2016 - 3:33 PM
City Manager	Dougherty, John	Approved	7/28/2016 - 11:31 AM

When Recorded Return to:

Kingman City Clerk
310 N. 4th Street
Kingman, AZ 86401
#S-262

SEWER LINE PAYBACK

**CITY OF KINGMAN, ARIZONA
RESOLUTION NO. 5027**

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; DECLARING THE CITY'S INTENT TO COLLECT PAYBACKS FOR AN 8-INCH SEWER LINE AND APPURTENANCES ON SOUTHERN AVENUE FROM MONROE STREET TO ADAMS STREET.

WHEREAS, Article IX, Section 9.1 of the Municipal Utilities Regulations allows to City to establish and collect paybacks for water and/or sewer projects constructed by the City, and;

WHEREAS, Article IX, Section 9.1 of the Municipal Utilities Regulations requires the calculations for paybacks to be made based upon the adjacent properties pro-rata share of the line, and;

WHEREAS, the City of Kingman did install, at its sole expense, 297 L.F. of eight inch PVC gravity sewer line with two manholes and other appurtenances along Southern Avenue between Monroe Street and Adams Street under Project No. ENG14-088 for a total cost of \$30,449.78 which includes both design and construction costs, and;

WHEREAS, information on the properties affected by this payback, the costs of the sewer line, and calculations of the payback amounts based upon the property frontage are available as called out on the attached Exhibit "A", and;

WHEREAS, the monies collected from this payback will go into the Wastewater Expansion Fund.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Kingman hereby declares:

1. It is the City's intention that lots or parcels which connect to this sewer line within twenty (20) years from August 2, 2016 shall pay to the City a proportionate share of the original costs, as determined by the Municipal Utility Regulations, and as outlined on Exhibit "A". A list of the properties affected is attached hereto as Exhibit "A".
2. The City shall collect the amount due in accordance with the Municipal Utility Regulations and deposit the money into the Wastewater Expansion Fund.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on August 2, 2016.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

EXHIBIT A

PAYBACK #: S-262
Term: 20 Years

City of Kingman File #: ENG14-088
Approval Date: 8/2/2016

Project Description: Installation of approximately 297 LF of 8 inch PVC gravity sewer line with 2 manholes and other related appurtenances on Southern Avenue.

Engineering Costs

Vendor	Invoice #	Invoice Amount
ADEQ	N/A	\$ 1,000.00
	Total	\$ 1,000.00

Construction Costs

Vendor	Invoice #	Invoice Amount
Freiday Construction, Inc.	1	\$ 3,048.72
Freiday Construction, Inc.	2	\$ 26,401.06
Less non-sewer construction items		\$ -
	Total	\$ 29,449.78

Grand Total	\$ 30,449.78
Less sewer services	\$ (6,000.00)
	<u>\$ 24,449.78</u>

Total Front Footage: 585.00 LF
Cost Per Lineal Front Foot: \$ 41.7945 per LF

Installing Party

City of Kingman
310 N. 4th Street
Kingman, AZ 86401

EXHIBIT A

PAYBACK #: S-262

Assessor Parcel #	Block	Lot	Cost per Lineal Front Foot	Frontage L.F.	Frontage Cost	Sewer Service Cost	Total Payback
311-08-255B	24	37 & 38	\$ 41.7945	50.0	\$ 2,089.72	\$ 1,000.00	\$ 3,089.72
311-08-255A	24	35 & 36	\$ 41.7945	50.0	\$ 2,089.72	\$ 1,000.00	\$ 3,089.72
311-08-254B	24	33 & 34	\$ 41.7945	50.0	\$ 2,089.72	\$ 1,000.00	\$ 3,089.72
311-08-254A	24	31 & 32	\$ 41.7945	50.0	\$ 2,089.72	\$ 1,000.00	\$ 3,089.72
311-08-253	24	29 & 30	\$ 41.7945	50.0	\$ 2,089.72	\$ 1,000.00	\$ 3,089.72
311-08-252	24	27 & 28	\$ 41.7945	39.0	\$ 1,629.99	\$ 1,000.00	\$ 2,629.99
321-05-073C	14	3	\$ 41.7945	35.0	\$ 1,462.81	\$ -	\$ 1,462.82
321-05-073D	14	4	\$ 41.7945	75.0	\$ 3,134.59	\$ -	\$ 3,134.59
321-05-073E	14	5	\$ 41.7945	75.0	\$ 3,134.59	\$ -	\$ 3,134.59
321-05-073F	14	6	\$ 41.7945	75.0	\$ 3,134.59	\$ -	\$ 3,134.59
321-05-073G	14	7	\$ 41.7945	36.0	\$ 1,504.60	\$ -	\$ 1,504.60



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Rich Ruggles, Development Services Department

MEETING DATE: August 2, 2016

AGENDA SUBJECT: Proposed Resolution No. 5031, approving a release of a property escrow assurance agreement for a portion of Kingman Crossing, Tract 1993-A, a single family residential subdivision

SUMMARY:

Kingman Crossing Tract 1993-A is a single family residential subdivision located on the south side of Airway Avenue at Santa Rosa Drive and is not associated with nor a part of the city-owned parcel south of I-40. On January 17, 2012 the Kingman Common Council passed Resolution No. 4762-R which accepted a new property escrow assurance and released a surety bond for Kingman Crossing, Tract 1993-A. The property escrow assurance was accepted to assure the completion of all remaining uncompleted off-site subdivision improvements for Kingman Crossing, Tract 1993-A east of Santa Rosa Drive. Under the assurance agreement no individual lots can be sold until all required subdivision improvements were completed.

The project engineer, Raymond W. Stadler, P.E. has requested the release of the property escrow assurance agreement. The City Engineer and Public Works Inspectors have verified that the remaining subdivision improvements including curb, gutter, sidewalks, sidewalk ramps, street pavement, water lines and sewer lines have been completed and all punch list items have been addressed.

FISCAL IMPACT:

Acceptance of improvements will add additional streets and utilities for city maintenance.

STAFF RECOMMENDATION:

Approve Resolution No. 5031.

ATTACHMENTS:

Description
Resolution No. 5031
Release request letter
Subdivision Survey

REVIEWERS:

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	7/22/2016 - 6:55 PM
City Attorney	Cooper, Carl	Approved	7/25/2016 - 11:16 AM

City Manager

Dougherty, John

Approved

7/28/2016 - 11:34 AM

CITY OF KINGMAN RESOLUTION NO. 5031

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; RELEASING THE PROPERTY ESCROW ASSURANCE AGREEMENT FOR A PORTION OF KINGMAN CROSSING, TRACT 1993-A, AND ACCEPTING THE COMPLETED OFF-SITE SUBDIVISION IMPROVEMENTS FOR CITY MAINTENANCE

WHEREAS, a property escrow assurance agreement offered by Pioneer Title Agency, Inc., Trust was accepted for Lots 1 through 21, inclusive, Block 3; Lots 1 and 14, Block 4; Lots 1, 2, 13 and 14, Block 5; Lots 1 through 6, inclusive, Block 7; Lot 11, Block 42; and Lot 13, Block 44 of Kingman Crossing, Tract 1993-A on January 12, 2012 under Resolution No. 4762-R, and

WHEREAS, the aforementioned property escrow agreement was recorded on April 11, 2012 at Fee No. 2012018438, and

WHEREAS, Raymond W. Stadler, P.E., a licensed civil engineer in the State of Arizona, has requested on behalf of the property owner the release of the property escrow assurance agreement stating that all required improvements including curb, gutter, sidewalks, sidewalk ramps, street pavement, water lines and sewer lines have been completed in conformance with the approved subdivision improvement plans, and

WHEREAS, the constructed improvements have been completed and inspected by the City Engineer and Public Works Inspectors and other concerned agencies and were found to be in compliance with the terms of the final plat, improvement plans, and the requirements of the City of Kingman Subdivision Ordinance, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Kingman, Arizona:

1. That the recorded property escrow assurance agreement for Lots 1 through 21, inclusive, Block 3; Lots 1 and 14, Block 4; Lots 1, 2, 13 and 14, Block 5; Lots 1 through 6, inclusive, Block 7; Lot 11, Block 42; and Lot 13, Block 44 of Kingman Crossing, Tract 1993-A is hereby released.

2. That the completed water, sewer, drainage, and street improvements for Lots 1 through 21, inclusive, Block 3; Lots 1 and 14, Block 4; Lots 1, 2, 13 and 14, Block 5; Lots 1 through 6, inclusive, Block 7; Lot 11, Block 42; and Lot 13, Block 44 of Kingman Crossing, Tract 1993-A are hereby accepted into the City's maintenance system for maintenance.

PASSED AND ADOPTED by the Honorable Mayor and Common Council of the City of Kingman, Arizona this 2nd day of August, 2016.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

RAYMOND W. STADLER, P.E.

2504 Airfield Court
Kingman, Arizona 86401
(928) 753-8927
(928) 753-4050 (FAX)

July 21, 2016

City of Kingman
Engineering Division
310 N 4th Street
Kingman, AZ 86401

Re: Kingman Crossing Tract 1993-A
Block 3, Lots 1-21; Block 4, Lots 1, 14; Block 5, Lots 1,2,13,14; Block 7, Lots 1-9;
Block 42, Lot 11; & Block 44, Lot 13

Gentlemen:

I hereby acknowledge that the required improvements including curb & gutter, sidewalks and sidewalk ramps; pavement, water and sewer for the above referenced portion of the Kingman Crossing Tract 1993-A subdivision have been completed in substantial conformance with the approved subdivision improvement plans.

Respectfully,



EXPIRES 6/30/19

Raymond W. Stadler, P.E.

CITY OF KINGMAN
BUILDING

JUL 21 REC'D

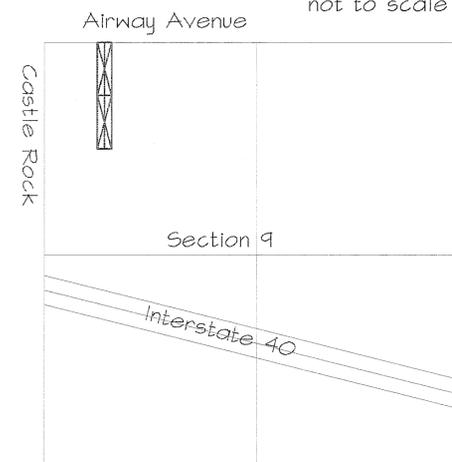
RCV'D

RECORD of SURVEY

of a portion of Kingman Crossing Tract 1993-A, Section 9, Township 21 North, Range 16 West, Mohave County, Arizona

Lots 1 through 21 and Parcel B, Block 3
Lots 1 and 14, Block 4
Lots 1, 2, 13 and 14, Block 5
Lots 1 through 9, Block 7
Lot 11, Block 42
Lot 13, Block 44

Vicinity Map not to scale



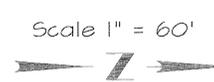
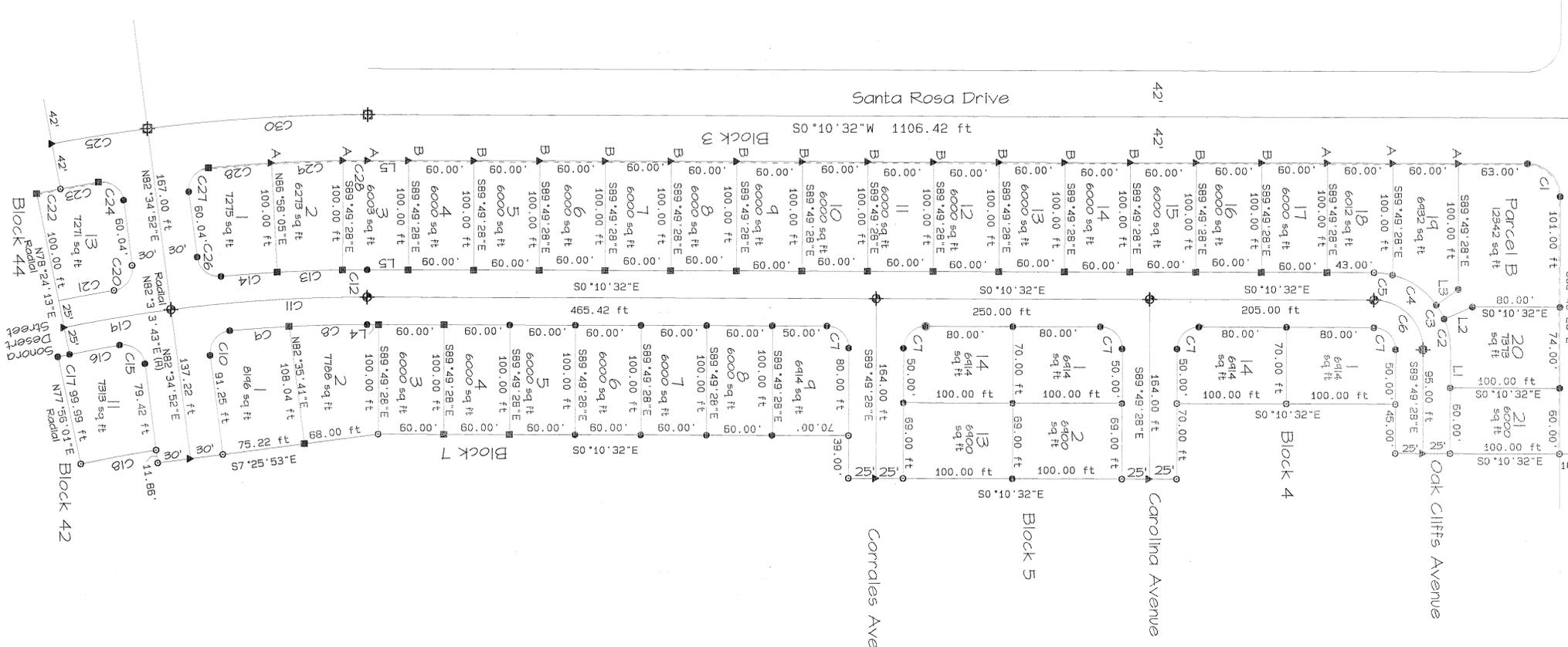
SURVEYOR'S NOTES:
(R) = the Plat of Kingman Crossing Tract 1993-A, by LS 24514, circa 2005.
All courses shown are measured.

- ▲ = Set Nail & Tag, L5 25074
 - = Fd. 1/2" Rebar with Cap, L5 24514
 - = Fd. 5/8" Rebar with Cap, L5 24514
 - ⊕ = Set Almn. Cap in conc., L5 25074
 - ⊙ = Fd. Almn. Cap in conc., L5 24514
 - ⊗ = Fd. BC in conc. Section corner
 - ⊘ = Fd. PK Nail & Tag, illegible
- A = 0.1' E WC
B = 0.5' E WC

BASIS of BEARING is the West Half of the North line, Section 21 rotated to (R)

LINE TABLE:
L1 = S89°44'28"E 35.00 ft
L2 = S23°15'11"E 28.07 ft
L3 = S35°21'44"E 24.63 ft
L4 = S0°10'32"E 10.42 ft
L5 = S0°10'32"E 37.42 ft

CURVE DATA:	C9 = 2°20'38"	C17 = 0°28'12"	C25 = 3°19'13"
C1 = 90°00'00"	R = 1332.50 ft	R = 1332.50 ft	R = 1524.50 ft
L = 47.12 ft	L = 54.51 ft	L = 10.43 ft	L = 88.34 ft
C2 = 23°25'43"	R = 20.00 ft	R = 3°15'10"	C26 = 84°47'11"
L = 28.62 ft	L = 32.26 ft	L = 69.47 ft	R = 20.00 ft
C3 = 12°06'32"	R = 7°35'41"	R = 4°10'34"	L = 31.34 ft
L = 70.00 ft	R = 1357.50 ft	R = 1357.50 ft	C27 = 40°34'01"
L = 14.79 ft	L = 174.94 ft	L = 48.98 ft	R = 20.00 ft
C4 = 40°24'24"	R = 0°56'08"	R = 89°37'33"	C28 = 2°13'35"
L = 49.37 ft	L = 22.57 ft	L = 31.29 ft	R = 1482.50 ft
C5 = 14°03'27"	R = 2°24'06"	R = 2°08'03"	L = 57.60 ft
L = 70.00 ft	R = 1382.50 ft	R = 1382.50 ft	C29 = 0°52'29"
L = 17.17 ft	L = 59.46 ft	L = 51.44 ft	R = 1482.50 ft
C6 = 90°00'00"	R = 2°01'42"	R = 0°51'27"	C30 = 2°31'54"
L = 45.00 ft	L = 51.35 ft	L = 22.14 ft	R = 1482.50 ft
C7 = 90°00'00"	R = 42°04'33"	R = 2°13'04"	C31 = 7°35'40"
L = 70.69 ft	L = 20.00 ft	L = 1482.50 ft	R = 1524.50 ft
C8 = 3°03'52"	R = 1332.50 ft	L = 57.38 ft	L = 202.07 ft
L = 31.42 ft	L = 71.27 ft	R = 20.00 ft	
		L = 31.55 ft	



RECORDER'S CERTIFICATE:
Filed and Recorded at the Request of R.W. Holmquist of
R.W. Holmquist & Associates, LLC on MAY 29th, 2016
in Book 18511 Page 111 Records
of Mohave County, Arizona.

by Karen Jeffreys Deputy Recorder
Robert Ballard Recorder
Reception No. 2016023105 #24.00



SURVEYOR'S STATEMENT:
This plat represents my findings based on an actual field survey of the described property. The Monuments described as found were found;
The Monuments described as set were set. The information is true and accurate to the best of my knowledge and belief.
The information contained herein was based on an actual field survey of the subject property, and the information is correct to the best of my knowledge and belief.

PREPARED FOR:
Angie Homes Inc.
2231 Hualapai Mountain Rd. Ste. A
Kingman, AZ 86401

R.W. Holmquist & Associates LLC
Rural & Remote Land Surveying
& R/W Services
703 E. Beale Street
Kingman, Arizona 86401
(928) 753-7774
(928) 247-0773 Fax
contact@rwholmquist.com



Expires 3/31/2018

151012

Notation made by Recorder's office to correct filing information. 4/2/16 MMO



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council
FROM: Carl Cooper, City Attorney
MEETING DATE: August 2, 2016
AGENDA SUBJECT: Combine Parks & Rec and the Golf Commissions

SUMMARY:

Council directed staff to draft an ordinance that combined the Parks & Recreation Commission and the Golf Commission into a new Commission.

FISCAL IMPACT:

Saving Staff Time

STAFF RECOMMENDATION:

Adopt Ordinance 1817

ATTACHMENTS:

Description
Ord 1817

REVIEWERS:

Department	Reviewer	Action	Date
City Attorney	Cooper, Carl	Approved	7/21/2016 - 2:18 PM
City Attorney	Cooper, Carl	Approved	7/21/2016 - 2:18 PM
City Manager	Dougherty, John	Approved	7/28/2016 - 11:30 AM

CITY OF KINGMAN

ORDINANCE NO. 1817

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, AMENDING CHAPTER 2 OF THE CITY OF KINGMAN CODE OF ORDINANCES BY COMBINING THE PARKS AND RECREATION COMMISSION WITH THE GOLF COMMISSION.

WHEREAS, the Mayor and Common Council has determined that the public health, safety, and welfare will be promoted by modifying the following provision to the City of Kingman Code of Ordinances;

WHEREAS, the Mayor and Common Council has determined that combining the Parks and Recreation Commission and the Golf commission will better utilize the City's limited funds and resources, while providing a more comprehensive and unified approach to recreation options in the City;

WHEREAS, there are current members on each board; the Mayor and Common Council have determined that it is the most efficient manner to combine these two commissions by vacating the terms of all the commission members effective December 31, 2016;

WHEREAS, the Mayor and Common Council have determined that they will appoint new commission members from either the prior commissions or from the public at large with staggered terms beginning on January 1, 2017;

WHEREAS, the Mayor and Common Council have determined that this ordinance will go into effect December 31, 2016;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

SECTION 1 Chapter 2, Article IX of the Code of Ordinances of the City of Kingman, is modified by adding bold capital text and strikeout to read as follows

Sec. 2-158.40 ~~Created;—purpose~~ **ESTABLISHMENT OF THE PARK, AQUATICS, RECREATION AND GOLF COMMISSION.**

~~A golf course~~ **THIS** advisory commission is hereby created for the purpose of assisting the **MAYOR AND Ceommon council** in establishing and maintaining a policy for the use of the **VARIOUS CITY PARKS, AQUATIC FACILITIES, RECREATION PROGRAMS AND THE** municipal golf course.

Sec. 2-158.41 Membership.

The ~~golf course~~ commission shall be comprised of seven (7) members of the public. ~~The golf pro and parks and recreations director shall act as nonvoting members of the commission.~~ **COMMISSION MEMBERS SHOULD BE APPOINTED THAT HAVE AN INTEREST IN THE COMMISSION AND ITS RESPONSIBILITIES. NO SECTOR OF INTEREST SHOULD DOMINATE THE COMMISSION DURING THE APPOINTMENT PROCESS.**

Sec. 2-158.42 Function.

The ~~golf course~~ commission shall advise and recommend to **THE MAYOR AND COMMON Ceouncil** policy with respect to the current use and future needs of the **CITY'S** ~~golf—course~~ **RECREATIONAL FACILITIES AND PROGRAMS, SUCH AS:**

- (A) NEW PARK, RECREATION, AQUATICS, AND GOLF IMPROVEMENTS OR FACILITIES.**
- (B) THE PROMOTION OF RECREATION PROGRAMS AND ACTIVITIES.**

(C) THE FEE STRUCTURE.

(D) OTHER AREAS AS DIRECTED BY THE MAYOR AND COMMON COUNCIL

~~Sec. 2-158.50 Establishment; purpose.~~

~~A parks, recreation and aquatics commission is hereby created to serve as an advisory group to the common council on parks, recreation and aquatics issues within the city.~~

~~Sec. 2-158.51 Membership.~~

~~The parks, recreation and aquatics commission shall be comprised of seven (7) members of the public.~~

~~Sec. 2-158.52 Responsibilities.~~

~~(a) Review and make recommendations on citizen requests for park, recreation and aquatics improvements.~~

~~(b) Coordinate recreation activities and the use of city, county and school facilities for such activities.~~

~~(c) Coordinate special interest activities such as adult basketball, adult volleyball, youth basketball, youth volleyball, sports camps, aquatic and health safety trainings, fitness and exercise, trips and excursions, etc.~~

~~(d) The promotion of recreation programs and activities.~~

~~(e) Evaluate the need for and recommend to the council improvements to city parks, recreation and aquatic facilities.~~

SECTION 2 Penalties for violation of this Chapter shall be in accordance with Section 1-8 of the Code of Ordinances for the City of Kingman.

SECTION 3 If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on the _____ day of _____, 2016.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Sydney Muhle, City Clerk

MEETING DATE: August 2, 2016

AGENDA SUBJECT: Update and possible action regarding November 8, 2016, property sale election

SUMMARY:

At the June 21st Regular Meeting Council approved Resolution No. 5023 for a Call of Election to seek voter approval for the sale of City-owned property know as "Kingman Crossing".

At the time the resolution was presented staff believed that a publicity pamphlet was required for this ballot measure; however, it has since been discovered that this is not the case. Not doing a publicity pamphlet will amount to approximately \$12,000 in savings for the City.

Alternatively, staff is recommending that a fact sheet including factual answers to frequently answered questions be developed and put on the City of Kingman website to help inform voters regarding this issue. It would also be made to any Council members speaking to groups on this measure and the public.

FISCAL IMPACT:

Not completing a publicity pamphlet will save the City approximately \$12,000.

STAFF RECOMMENDATION:

Staff recommends developing a fact sheet for this ballot measure and making it available on the City website and to the public.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	7/29/2016 - 1:42 PM



CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Rich Ruggles, Development Services Department

MEETING DATE: August 2, 2016

AGENDA SUBJECT: Public hearing and consideration of Ordinance No. 1816, amending Sections 14.000, 15.000, 22.000, and 35.000 of the Zoning Ordinance of City of Kingman

SUMMARY:

Section 1-12 DRIVEWAYS of the *Streets and Sidewalks Development Rules and Regulations of the City of Kingman*, was revised under Ordinance No. 1813 on May 17, 2016 with regard to driveway distances from street intersections. Several sections of the Kingman Zoning Ordinance reference driveway standards and requirements. Staff has determined that certain references to the driveway standards in various sections of the Zoning Ordinance need to be revised in order to maintain consistency with the changes approved in the Streets and Sidewalks Development Rules and Regulations.

The Planning and Zoning Commission initiated the text amendment on June 14, 2016, and held a public hearing on July 12, 2016 to consider the proposed text amendment. **The commission voted 7-0 to recommend approval of the proposed text amendment as shown in Exhibit "A" of the attached Ordinance No. 1816.**

FISCAL IMPACT:

None expected.

STAFF RECOMMENDATION:

Approve Ordinance No. 1816

ATTACHMENTS:

Description

Ordinance No. 1816

P&Z Commission Report

Copy of Ordinance No. 1813

REVIEWERS:

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	7/20/2016 - 6:10 PM
City Attorney	Cooper, Carl	Approved	7/20/2016 - 6:14 PM
City Manager	Dougherty, John	Approved	7/28/2016 - 11:35 AM

WHEN RECORDED HOLD FOR
KINGMAN CITY CLERK
310 N. 4th Street
Kingman, Arizona 86401

CITY OF KINGMAN ORDINANCE NO. 1816

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA AMENDING SECTIONS 14.000, 15.000, 22.000, AND 35.000 OF THE ZONING ORDINANCE OF THE CITY OF KINGMAN, REGARDING DRIVEWAY LOCATIONS NEAR STREET INTERSECTIONS

WHEREAS, Section 1-12 DRIVEWAYS of the *Streets and Sidewalks Development Rules and Regulations of the City of Kingman*, was amended by Ordinance No. 1813 on May 17, 2016 with regard to driveway distances from street intersections; and

WHEREAS, multiple sections of the *Zoning Ordinance of the City of Kingman* make reference to the driveway standards and requirements; and

WHEREAS, staff has determined that certain references to the driveway standards in various section of the Zoning Ordinance need to be revised to maintain consistency with the changes approved to Section 1-12 of the *Streets and Sidewalks Development Rules and Regulations*; and

WHEREAS, on June 14, 2016, the City of Kingman Planning and Zoning Commission initiated a text amendment to consider possible changes to Sections 14.000, 15.000, 22.000, and 35.000 of the *Zoning Ordinance of the City of Kingman*; and

WHEREAS, on July 12, 2016, the City of Kingman Planning and Zoning Commission held a public hearing on the proposed text amendment to Sections 14.000, 15.000, 22.000, and 35.000 of the *Zoning Ordinance of the City of Kingman* and recommended approval of the proposed text amendment as shown in Attachment "A" of this ordinance; and

WHEREAS, on August 2, 2016, the Mayor and Common Council of the City of Kingman held a public hearing on the proposed text amendment to Sections 14.000, 15.000, 22.000, and 35.000 of the *Zoning Ordinance of the City of Kingman*; and

WHEREAS, the Mayor and Common Council of the City of Kingman has taken into consideration the individual property rights and personal liberties of the residents of Kingman prior to adopting this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

SECTION 1. Sections 14.000, 15.000, 22.000, and 35.000 of the *Zoning Ordinance of the City of Kingman* are hereby amended as shown in Attachment "A" with the bold blue underline text to show the additions and red strikeout text to show the deletions.

SECTION 2. Penalties for violations of these sections shall be in accordance with Section 1-8 of the Code of Ordinances of the City of Kingman, Arizona.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona this 2nd day of August, 2016.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

ATTACHMENT “A”

SECTION 14.000: C-2: HMR OVERLAY DISTRICT: DISTRICT REVIEW MANUAL FOR THE HUALAPAI MOUNTAIN ROAD AREA

14.800 SITE DEVELOPMENT

1. A project shall be developed to be compatible with the immediate environment of the site and to be sensitive to the surrounding neighborhood. Damage to the natural environment should be minimized. Clear grading of lots, especially large lots, should be avoided.
2. Projects shall be designed to minimize interference with the privacy, quiet and views of neighbors.
3. Projects shall be designed to minimize traffic problems.
4. Projects shall be designed to retain a site’s natural topography whenever possible. The project should be planned to fit the site’s natural conditions rather than altering the site to accommodate the project. Excessive cuts and fills should be avoided.
5. The street grid should respond to topography. Curvilinear streets may have to be used in some instances.
6. All developments shall have the buildings setback a minimum of twenty (20) feet from ~~the~~ **all** property lines **and** along ~~Hualapai Mountain Road and the Parkway/collector~~ **adjacent** street(s), ~~or the minimum distance required in the particular zoning district, whichever is greatest.~~
7. Curb cuts onto Hualapai Mountain Road and Mission Blvd. and collector streets shall be limited. The guidelines for access onto **major** arterial, **minor arterial**, and collector streets **as defined by the City of Kingman Streets and Sidewalks Development Rules and Regulations** are as follows:
 - a. No driveway onto ~~an~~ **a minor** arterial street or collector street shall be located closer than one-hundred (100) feet to the nearest intersecting curb line. **No driveway onto a major arterial street shall be located closer than two-hundred (200) feet to the nearest intersecting curb line. If these minimum distances cannot be achieved within the property limits, the driveway shall be placed as far from the intersection as possible. Commercial driveways that do not meet the minimum distance from the curb return may be restricted to right-in, right-out driveway configurations.**
 - b. Access to and from Hualapai Mountain Road and Mission Blvd. and collector streets should be limited to street intersections. ~~Properties with frontage on these streets should have access by a parallel road or a side street when this option is available.~~ **Where a corner lot abuts Hualapai Mountain Road or Mission Boulevard and a collector or local side street, driveway access shall be permitted only on the non-arterial side street.** One (1) driveway will be permitted ~~on side streets~~ when the frontage is less than ~~two-hundred (200)~~ **three hundred (300) feet**. Two (2) driveways will be permitted ~~on side streets~~ when the frontage is three-hundred (300) to six-hundred (600) feet. **Three (3) driveways will be permitted when the frontage is greater than six-hundred (600) feet.**

- c. The use of shared driveways between adjacent parcels ~~on arterials is~~ **will be required when appropriate and is encouraged whenever possible.**
 - d. Adjacent driveways should be no closer than sixty (60) feet **unless there is clearly no alternative access available.**
 - e. Driveways on opposite sides of a street should not be offset less than one-hundred-fifty (150) feet.
8. A main driveway into a site should have adequate space for stacking of vehicles. If over forty (40) parking spaces are required by the use and building size, fifty percent (50%) of the required parking spaces should be located to the side or rear of the proposed building.
- ~~9. Access to and from Hualapai Mountain Road and the Parkway/collector street should be limited to street intersections. Properties with frontage on these streets should have access by a parallel road or a side street when this option is available.~~
10. Sidewalks and tree landscaping (properly irrigated and maintained by the property owner) shall be required as properties develop along Hualapai Mountain Road ~~and the Parkway/collector street.~~
11. Exterior lighting, when used, shall adhere to Section 34.000: OUTDOOR LIGHTING CODE, of the City Zoning Ordinance.
12. There should be a pleasant transition from the street to the buildings. This can be accomplished by the use of sidewalks and landscaping.
13. The site organization of a project should take into consideration the arrangement of building in relation to open spaces, landscaping and the elements of adjacent sites.
14. Proportion, scale, continuity and balance should prevail in all aspects of a project.

SECTION 15.000: BANK STREET DESIGN REVIEW OVERLAY DISTRICT

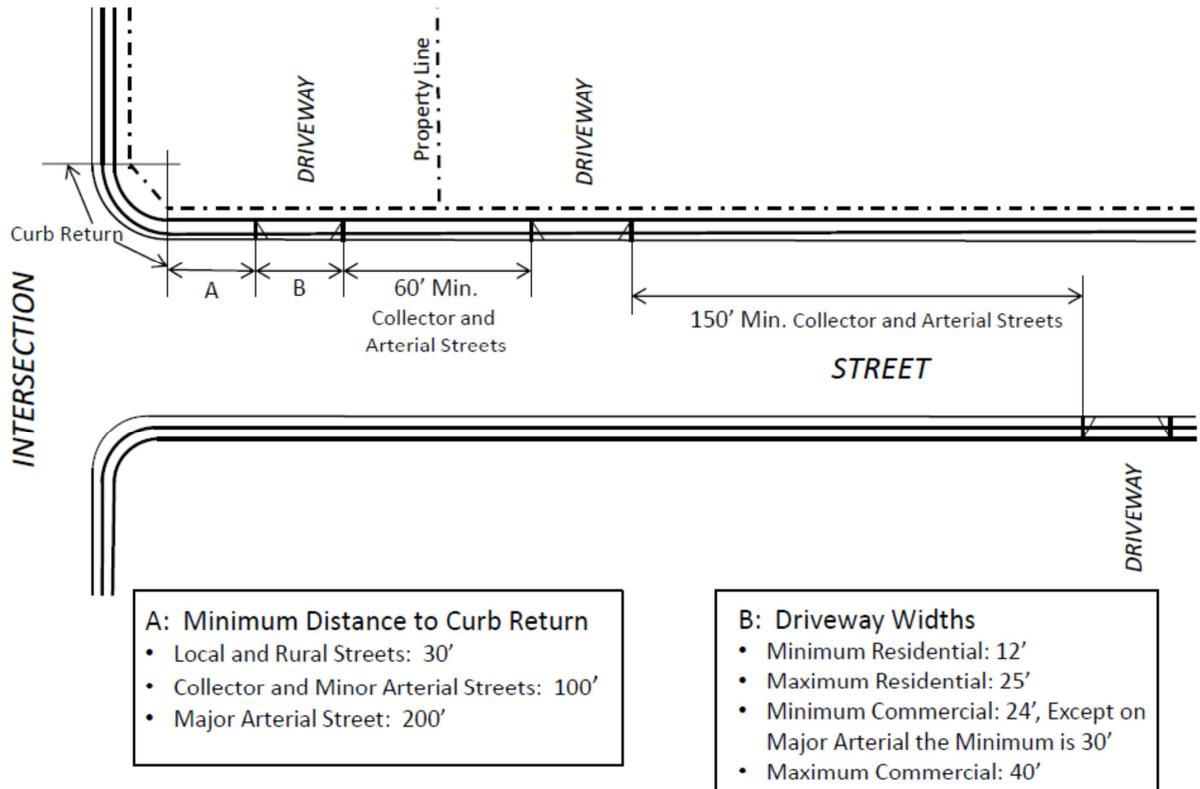
15.700 SITE DEVELOPMENT

- 1. A project should be developed to be compatible with the immediate environment of the site and to be sensitive to the surrounding neighborhood. Clear grading of lots, especially large lots, should be avoided.
- 2. Projects should be designed to minimize interference with the privacy, quiet and views of neighbors.
- 3. Projects should be designed to minimize traffic problems.
- 4. All developments shall have the buildings setback a minimum of ten (10) feet from the property line or the minimum distance required in the particular zoning district, whichever is greatest.
- 5. Curb cuts onto Bank Street shall be limited. The guidelines for access onto **major arterial, minor arterial** and collector streets ~~according to the 2003 Kingman Area Transportation Study area as defined by the City of Kingman Streets and Sidewalks Development Rules and Regulations are~~ as follows:

- a. No driveway onto ~~an~~ **a minor** arterial street or collector street shall be located closer than one-hundred (100) feet to the nearest intersecting curb line, ~~unless there is no alternative for access.~~ **No driveway onto a major arterial street shall be located closer than two-hundred (200) feet to the nearest intersecting curb line. If these minimum distances cannot be achieved due to existing property limits, the driveway shall be placed as far from the intersection as possible. Commercial driveways that do not meet the minimum distance from the curb return may be restricted to right-in, right-out configurations.**
 - b. **Where a corner lot abuts Bank Street and a collector or local side street, driveway access shall be permitted only on the non-arterial side street.** One driveway will be permitted when the frontage is less than three-hundred (300) feet. Two (2) driveways will be permitted when the frontage is three-hundred (300) to six-hundred (600) feet. Three (3) driveways will be permitted when the frontage is greater than six-hundred (600) feet.
 - c. Adjacent driveways should be no closer than sixty (60) feet, unless there is clearly no alternative access possible.
 - d. The use of shared driveways between adjacent parcels **will be required when appropriate and is encouraged** ~~should be done~~ whenever possible, ~~and it is possible that if proposed building sites are too narrow, shared driveways will be required.~~
 - e. Driveways on opposite sides of a street should not be offset less than one-hundred-fifty (150) feet.
 - f. Culverts may be needed for driveways in a portion of the corridor.
6. A main driveway into a site should have adequate space for stacking of vehicles.
 7. ~~Access to and from Bank Street should be limited to street intersections if on a corner lot. Properties with frontage on these streets should have access by a parallel road or a side street when this option is available.~~
 8. Sidewalks and tree landscaping (properly irrigated and maintained by the property owner) shall be required as properties develop along the Bank Street corridor.
 9. Exterior lighting, when used, shall adhere to Section 34.000: OUTDOOR LIGHTING CODE, of the City Zoning Ordinance. Exterior lights shall be shielded and filtered so as not to glare off-site into adjoining neighborhoods.
 10. There should be a pleasant transition from the street to the buildings. This can be accomplished by the use of sidewalks, berms, transitional surfaces, and landscaping.
 11. The site organization of a project should take into consideration the arrangement of buildings in relation to open spaces, landscaping and the elements of adjacent sites.

22.000 OFF-STREET PARKING AND LOADING REQUIREMENTS

ILLUSTRATION 2: DRIVEWAY ENTRANCES AND EXITS (Replaces existing Illustration 2)



ALL CURB CUTS AND DRIVEWAY PLANS SHALL BE APPROVED BY THE CITY ENGINEER

SECTION 35.000: OVERLAY DISTRICT: DESIGN REVIEW MANUAL FOR THE HUALAPAI MOUNTAIN ROAD AREA

35.600 SITE DEVELOPMENT

1. A project shall be developed to be compatible with the immediate environment of the site and to be sensitive to the surrounding neighborhood. Damage to the natural environment should be minimized. Clear grading of lots, especially large lots, should be avoided.
2. Projects shall be designed to minimize interference with the privacy, quiet and views of neighbors.
3. Projects shall be designed to minimize traffic problems.
4. Projects shall be designed to retain a site's natural topography whenever possible. The project should be planned to fit the site's natural conditions rather than altering the site to accommodate the project. Excessive cuts and fills should be avoided.
5. The street grid should respond to topography. Curvilinear streets may have to be used in some instances.
6. All developments shall have the buildings setback a minimum of twenty (20) feet from ~~the~~ **all** property lines **and** along ~~Hualapai Mountain Road and~~ the **Parkway/collector** adjacent street(s), or the minimum distance required in the particular zoning district, whichever is greatest.
7. Curb cuts onto Hualapai Mountain Road and Mission Blvd. and collector streets shall be limited. The guidelines for access onto **major** arterial, **minor arterial** and collector streets ~~according to the 1987 Kingman Area Transportation Study area as defined by the City of Kingman Streets and Sidewalks Development Rules and Regulations~~ **are** as follows:
 - a. No driveway onto ~~an~~ **a minor** arterial street or collector street shall be located closer than one-hundred (100) feet to the nearest intersecting curb line. **No driveway onto a major arterial street shall be located closer than two-hundred (200) feet to the nearest intersecting curb line. If these minimum distances cannot be achieved within the property limits, the driveway shall be placed as far from the intersection as possible. Commercial driveways that do not meet the minimum distance from the curb return may be restricted to right-in, right-out driveway configurations.**
 - b. **Access to and from Hualapai Mountain Road and Mission Blvd. and collector streets should be limited to street intersections. Where a corner lot abuts Hualapai Mountain Road or Mission Boulevard and a collector or local side street, driveway access shall be permitted only on the non-arterial side street.** One (1) driveway will be permitted ~~on side streets~~ when the frontage is less than ~~two-hundred (200)~~ **three-hundred (300) feet**. Two (2) driveways will be permitted ~~on side streets~~ when the frontage is three-hundred (300) to six-hundred (600) feet. **Three (3) driveways will be permitted when the frontage is greater than six-hundred (600) feet.**
 - c. The use of shared driveways between adjacent parcels ~~on arterials is~~ **will be** required when appropriate.

- d. Adjacent driveways should be no closer than sixty (60) feet **unless there is clearly no alternative access available.**
 - e. Driveways on opposite sides of a street should not be offset less than one-hundred-fifty (150) feet.
8. A main driveway into a site should have adequate space for stacking of vehicles.
- ~~9. Access to and from Hualapai Mountain Road and the Parkway/collector street should be limited to street intersections. Properties with frontage on these streets should have access by a parallel road or a side street when this option is available.~~
10. Sidewalks and tree landscaping (properly irrigated and maintained by the property owner) shall be required as properties develop along Hualapai Mountain Road ~~and the Parkway/collector street.~~
11. Exterior lighting, when used, shall adhere to Section 34.000: OUTDOOR LIGHTING CODE, of the City Zoning Ordinance.
12. There should be a pleasant transition from the street to the buildings. This can be accomplished by the use of sidewalks and landscaping.
13. The site organization of a project should take into consideration the arrangement of building in relation to open spaces, landscaping and the elements of adjacent sites.
14. Proportion, scale, continuity and balance should prevail in all aspects of a project.



CITY OF KINGMAN
Development Services Department
ZONING ORDINANCE TEXT AMENDMENT CASE: ZO16-003
Planning and Zoning Report
August 2, 2016

Applicant: City-Initiated request for a text amendment to the Zoning Ordinance of the City of Kingman.

Requested Action: This is a request to amend Sections 14.000, 15.000, 22.000, and 35.000 of the Zoning Ordinance of the City of Kingman related to driveway locations along city streets.

RECOMMENDATION

The Planning and Zoning Commission recommended by a vote of 7-0 the text amendment as shown in Attachment "A". This recommendation is based on the Standards for Review, Findings of Fact, and Analysis contained in this report.

STANDARDS FOR REVIEW

Section 14.000: C-2-HMR Overlay District, Section 15.000: Bank Street Design Review Overlay District, Section 22.000: Off-Street Parking and Loading, Section 35.000: Overlay District: Design Review Manual for the Hualapai Mountain Road Area Plan, and Section 31.000: Amendments and Zone Changes.

FINDINGS OF FACT

On May 17, 2016 the Kingman City Council passed Ordinance No. 1813. This ordinance made changes to certain portions of the City of Kingman Streets and Sidewalks Development Rules and Regulations (aka Street Policy). The Street Policy represents the official city policy in regards to the improvement and maintenance of city streets "to a condition that allows for the safe movement of pedestrian, bicycle and vehicular traffic."

The Street Policy was amended in regards to the standards for street improvements on roadways where new development is occurring and the street on which the development

will be located is not currently being maintained by the City. Also Section 1-12 of the Street Policy was amended in regards to the location and width of driveways that intersect with city streets.

ANALYSIS

The Street Policy was recently modified to state that all new development, including commercial and residential uses that require a building permit, will now be required to be accessed from streets that are being maintained by the City of Kingman as of the ordinance date of May 17, 2016. The purpose of this new regulation is to avoid new development on streets that have no improvements and have never been previously maintained by the City of Kingman. While new subdivisions are required to have fully improved streets within the development, older subdivisions platted prior to the 1960s generally had no such requirement. The minimum residential standard for platted streets that were not previously improved (aka paper streets) was that the street must be improved and maintained as an all-weather graded dirt street. For commercial development there is the additional requirement that the portion of the street in front of the developed property is required to be improved with a half street pavement section, and curb, gutter and sidewalk.

Under the new policy, if a street is not currently being maintained by the City, the developer would be responsible for improving the street with a pavement section along with curb, gutter and sidewalk in front of the property being developed. Those improvements would also have to be extended to the nearest paved street. The purpose of this requirement is to avoid the costs of maintaining additional dirt streets. If an existing dirt street is on the City's Unimproved Streets Maintenance List, new development can still occur along that street in accordance with existing regulations.

In addition to these changes, Section 1-12 of the Street Policy was also modified. Section 1-12 regulates the location and width of driveways. Some of the changes were done to bring the Street Policy into harmony with Section 22.000: Off-Street Parking and Loading of the Zoning Ordinance in regards to driveway widths. However the distance a driveway may be located from a curb return at an intersection was increased on Local streets from 10 feet to 30 feet; on Rural streets from 20 feet to 30 feet; and on Collector streets and Minor Arterial Streets from 20 feet to 100 feet and on Major Arterial Streets from 30 feet to 200 feet. Additionally, where a corner lot abuts an arterial street and a collector or local side street, the driveway access will only be permitted from the non-arterial side street.

The Kingman Zoning Ordinance makes a number of references to driveway locations in Sections 14.000, 15.000, 22.000 and 35.000. Planning staff has reviewed the Zoning Ordinance and suggests certain modifications to these sections in order to bring the ordinance into harmony with the Street Policy.

In Attachment "A" text that is proposed to be removed is shown in ~~red-strikeout~~ and text proposed to be added is shown in **bold green**.

DECISION OPTIONS

1. Recommend approval of text amendment language contained in Attachment "A".
2. Recommend denial of text amendment request.

RECOMMENDATION

The Planning and Zoning Commission voted 7-0 to recommend approval of the text amendment as shown in Attachment "A". This recommendation is based on the Standards for Review, Findings of Fact, and Analysis contained in this report.

ATTACHMENTS

1. Attachment "A", proposed text amendment
2. Ordinance No. 1813

ATTACHMENT “A”

PROPOSED TEXT AMENDMENT

SECTION 14.000: C-2: HMR OVERLAY DISTRICT: DISTRICT REVIEW MANUAL FOR THE HUALAPAI MOUNTAIN ROAD AREA

14.800 SITE DEVELOPMENT

1. A project shall be developed to be compatible with the immediate environment of the site and to be sensitive to the surrounding neighborhood. Damage to the natural environment should be minimized. Clear grading of lots, especially large lots, should be avoided.
2. Projects shall be designed to minimize interference with the privacy, quiet and views of neighbors.
3. Projects shall be designed to minimize traffic problems.
4. Projects shall be designed to retain a site’s natural topography whenever possible. The project should be planned to fit the site’s natural conditions rather than altering the site to accommodate the project. Excessive cuts and fills should be avoided.
5. The street grid should respond to topography. Curvilinear streets may have to be used in some instances.
6. All developments shall have the buildings setback a minimum of twenty (20) feet from ~~the all~~ property lines ~~and~~ along ~~Hualapai Mountain Road and~~ the ~~Parkway/collector~~ adjacent street(s), ~~or the minimum distance required in the particular zoning district, whichever is greatest.~~
7. Curb cuts onto Hualapai Mountain Road and Mission Blvd. and collector streets shall be limited. The guidelines for access onto **major** arterial, **minor arterial**, and collector streets **as defined by the City of Kingman Streets and Sidewalks Development Rules and Regulations are** as follows:
 - a. No driveway onto ~~an~~ **a minor** arterial street or collector street shall be located closer than one-hundred (100) feet to the nearest intersecting curb line. **No driveway onto a major arterial street shall be located closer than two-hundred (200) feet to the nearest intersecting curb line. If these minimum distances cannot be achieved within the property limits, the driveway shall be placed as far from the intersection as possible. Commercial driveways that do not meet the minimum distance from the curb return may be restricted to right-in, right-out driveway configurations.**
 - b. Access to and from Hualapai Mountain Road and Mission Blvd. and collector streets should be limited to street intersections. ~~Properties with frontage on these streets should have access by a parallel road or a side street when this option is available.~~ **Where a corner lot abuts Hualapai Mountain Road or Mission Boulevard and a collector or local side street, driveway access shall be permitted only on the non-arterial side street.** One (1) driveway will be permitted ~~on side streets~~ when

the frontage is less than ~~two hundred (200)~~ **three hundred (300) feet**. Two (2) driveways will be permitted ~~on side streets~~ when the frontage is three-hundred (300) to six-hundred (600) feet. **Three (3) driveways will be permitted when the frontage is greater than six-hundred (600) feet.**

- c. The use of shared driveways between adjacent parcels ~~on arterials is~~ **will be required when appropriate and is encouraged whenever possible.**
 - d. Adjacent driveways should be no closer than sixty (60) feet **unless there is clearly no alternative access available.**
 - e. Driveways on opposite sides of a street should not be offset less than one-hundred-fifty (150) feet.
8. A main driveway into a site should have adequate space for stacking of vehicles. If over forty (40) parking spaces are required by the use and building size, fifty percent (50%) of the required parking spaces should be located to the side or rear of the proposed building.
- ~~9. Access to and from Hualapai Mountain Road and the Parkway/collector street should be limited to street intersections. Properties with frontage on these streets should have access by a parallel road or a side street when this option is available.~~
10. Sidewalks and tree landscaping (properly irrigated and maintained by the property owner) shall be required as properties develop along Hualapai Mountain Road ~~and the Parkway/collector street.~~
11. Exterior lighting, when used, shall adhere to Section 34.000: OUTDOOR LIGHTING CODE, of the City Zoning Ordinance.
12. There should be a pleasant transition from the street to the buildings. This can be accomplished by the use of sidewalks and landscaping.
13. The site organization of a project should take into consideration the arrangement of building in relation to open spaces, landscaping and the elements of adjacent sites.
14. Proportion, scale, continuity and balance should prevail in all aspects of a project.
-

SECTION 15.000: BANK STREET DESIGN REVIEW OVERLAY DISTRICT

15.700 SITE DEVELOPMENT

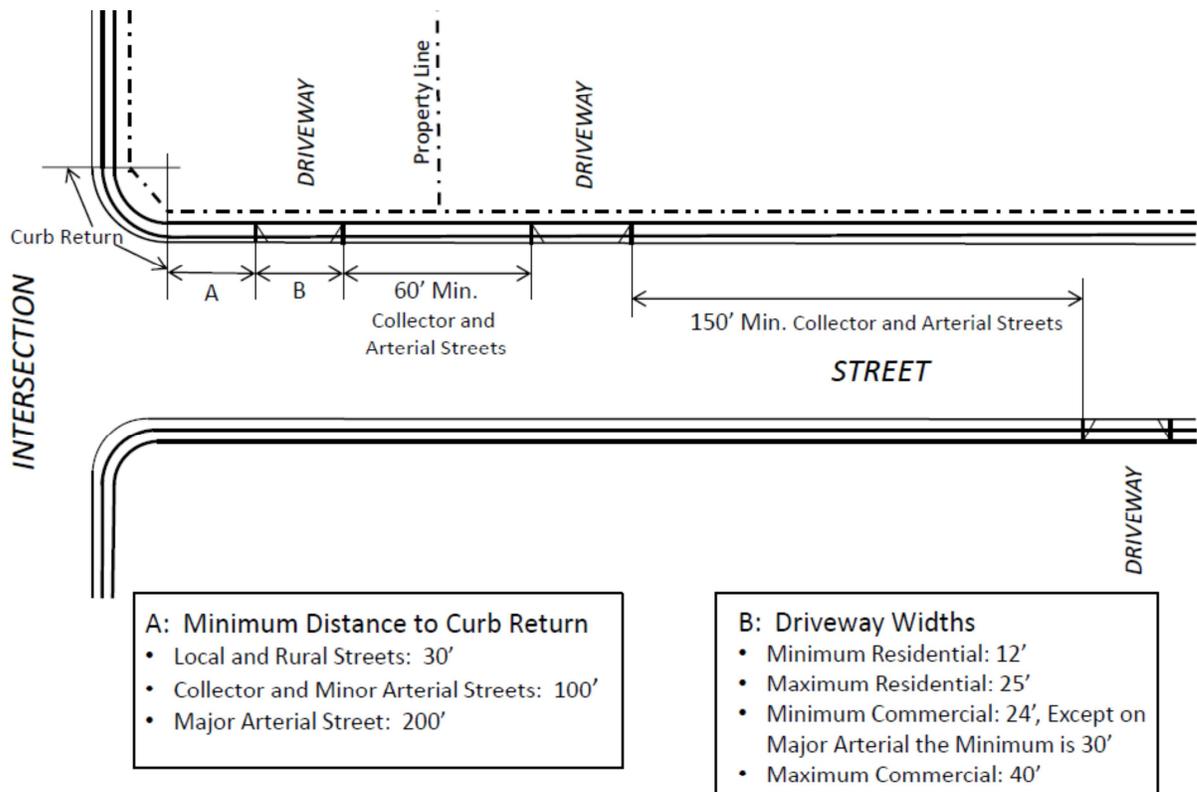
- 1. A project should be developed to be compatible with the immediate environment of the site and to be sensitive to the surrounding neighborhood. Clear grading of lots, especially large lots, should be avoided.
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4. All developments shall have the buildings setback a minimum of ten (10) feet from the property line or the minimum distance required in the particular zoning district, whichever is greatest.
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 - a. No driveway onto ~~an~~ **a minor** arterial street or collector street shall be located closer than one-hundred (100) feet to the nearest intersecting curb line, ~~unless there is no alternative for access.~~ **No driveway onto a major arterial street shall be located closer than two-hundred (200) feet to the nearest intersecting curb line. If these minimum distances cannot be achieved due to existing property limits, the driveway shall be placed as far from the intersection as possible. Commercial driveways that do not meet the minimum distance from the curb return may be restricted to right-in, right-out configurations.**
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 - d. The use of shared driveways between adjacent parcels **will be required when appropriate and is encouraged** ~~should be done whenever possible, and it is possible that if proposed building sites are too narrow, shared driveways will be required.~~
 - e. Driveways on opposite sides of a street should not be offset less than one-hundred-fifty (150) feet.
 - f. Culverts may be needed for driveways in a portion of the corridor.
6. A main driveway into a site should have adequate space for stacking of vehicles.
7. ~~Access to and from Bank Street should be limited to street intersections if on a corner lot. Properties with frontage on these streets should have access by a parallel road or a side street when this option is available.~~
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11. The site organization of a project should take into consideration the arrangement of buildings in relation to open spaces, landscaping and the elements of adjacent sites.

22.000 OFF-STREET PARKING AND LOADING REQUIREMENTS

ILLUSTRATION 2: DRIVEWAY ENTRANCES AND EXITS

(Replaces existing Illustration 2)



ALL CURB CUTS AND DRIVEWAY PLANS SHALL BE APPROVED BY THE CITY ENGINEER

SECTION 35.000: OVERLAY DISTRICT: DESIGN REVIEW MANUAL FOR THE HUALAPAI MOUNTAIN ROAD AREA

35.600 SITE DEVELOPMENT

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4. Projects shall be designed to retain a site's natural topography whenever possible. The project should be planned to fit the site's natural conditions rather than altering the site to accommodate the project. Excessive cuts and fills should be avoided.
5. The street grid should respond to topography. Curvilinear streets may have to be used in some instances.
6. All developments shall have the buildings setback a minimum of twenty (20) feet from ~~the~~ **all** property lines **and** along ~~Hualapai Mountain Road and~~ the ~~Parkway/collector~~ **adjacent** street(s), or the minimum distance required in the particular zoning district, whichever is greatest.
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 - c. The use of shared driveways between adjacent parcels ~~on arterials is~~ **will be** required when appropriate.
 - d. Adjacent driveways should be no closer than sixty (60) feet **unless there is clearly no alternative access available.**

- e. Driveways on opposite sides of a street should not be offset less than one-hundred-fifty (150) feet.
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- 12. There should be a pleasant transition from the street to the buildings. This can be accomplished by the use of sidewalks and landscaping.
- 13. The site organization of a project should take into consideration the arrangement of building in relation to open spaces, landscaping and the elements of adjacent sites.
- 14. Proportion, scale, continuity and balance should prevail in all aspects of a project.

CITY OF KINGMAN ORDINANCE NO. 1813

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, AMENDING SECTIONS 1-1, 1-4, TABLE 2 NOTES, AND SECTION 1-12 OF THE STREETS AND SIDEWALKS RULES AND REGULATIONS OF THE CITY OF KINGMAN ARIZONA

WHEREAS, City of Kingman Streets and Sidewalks Development Rules and Regulations represents the official city policy in regards to the improvement and maintenance of city streets to a condition that allows for the safe movement of pedestrian, bicycle, and vehicular traffic, and

WHEREAS, the Mayor and Common Council has determined that the public health, safety, and welfare will be further promoted by requiring new subdivisions and development requiring a building permit to be accessed from streets that are currently maintained by the City of Kingman, and if not currently maintained, such streets shall be fully improved by the developer at the time of development to the adopted standards of this ordinance, and

WHEREAS, the Mayor and Common Council has determined that the public health, safety, and welfare will be further promoted by increasing the minimum distances for driveways from street intersections.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

SECTION 1. Sections 1-1, 1-4, Table Two Notes, and Section 1-12 of *Streets and Sidewalks Development Rules and Regulations of the City of Kingman* is hereby amended as shown in Exhibit "A" with bold capitalized text to show the additions and red strikeout text to show the deletions.

SECTION 2. City of Kingman Unimproved Streets Maintenance List is hereby referenced as Exhibit "B" to this ordinance.

SECTION 3. Penalties for violations of these sections shall be in accordance with Section 1-8 of the Code of Ordinances of the City of Kingman, Arizona.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on the 17th day of May, 2016.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

EXHIBIT "A"

Sec. 1-1. Policy Statement

It will be the policy of the City of Kingman to **improve and** maintain streets within the City to a condition that allows for the safe movement of pedestrian, bicycle, and vehicular traffic. The development or opening of any street by private developers shall be approved by the City only upon satisfactory demonstration that the development or opening will meet the **FULL** street development standards and specifications adopted by the City Council, **AS SHOWN IN TABLE ONE AND TABLE TWO OF THESE REGULATIONS**, that proper engineering and safety standards have been addressed, and that provisions for drainage are in accordance with the Kingman Area Master Drainage Plan Design and Administrative Manual.

NO NEW SUBDIVISION SHALL BE APPROVED UNLESS THE AREA TO BE SUBDIVIDED HAS PERMANENT ACCESS FROM A PAVED FEDERAL, STATE, COUNTY OR CITY HIGHWAY OR STREET WHICH HAS BEEN OR WILL BE IMPROVED, PRIOR TO FINAL PLAT APPROVAL, TO STANDARDS CONTAINED HEREIN. IF THE SUBDIVISION IS NOT CONTIGUOUS TO SUCH A ROADWAY, OR THE ROADWAY HAS NOT BEEN IMPROVED TO THESE STANDARDS, THE DEVELOPER SHALL BE REQUIRED TO OBTAIN RIGHT-OF-WAY AND CONSTRUCT AN ACCESS ROAD TO SUCH ROADWAY OR SUBDIVISION, IN ACCORDANCE WITH THE CITY STANDARDS AND SPECIFICATIONS.

NO BUILDING PERMIT SHALL BE APPROVED UNLESS THE LOT(S) OR PARCELS(S) TO BE DEVELOPED HAS PERMANENT ACCESS FROM A FEDERAL, STATE, COUNTY OR CITY HIGHWAY OR STREET WHICH IS ACCEPTED AND MAINTAINED AS OF THE DATE OF ORDINANCE NO. 1813, OR IS ON THE CITY OF KINGMAN UNIMPROVED STREETS MAINTENANCE LIST, (EXHIBIT "B" TO THIS ORDINANCE).

ANY LOT(S) OR PARCEL(S) LOCATED ADJACENT TO A FEDERAL, STATE, COUNTY, OR CITY HIGHWAY OR STREET THAT IS NOT MAINTAINED AS OF THE DATE OF THIS ORDINANCE, SHALL BE REQUIRED TO IMPROVE THE ADJACENT STREET(S) TO THE STANDARDS OF THESE REGULATIONS ACROSS THE FULL FRONTAGE(S) OF THE LOT(S) OR PARCEL(S) AT THE TIME OF DEVELOPMENT. ADDITIONALLY, AT THE TIME OF DEVELOPMENT, THE REQUIRED STREET IMPROVEMENTS SHALL BE EXTENDED TO THE NEAREST PAVED FEDERAL, STATE, COUNTY, OR CITY HIGHWAY OR STREET.

The City Council also recognizes that infill development on dirt/graveled streets can increase particulates in the air, creating an undesirable air quality condition. The Council encourages the residences in these neighborhoods to work with the City in getting these streets paved **in the most cost effective process** through the formation of an improvement district, ~~or where appropriate through the use of the "Low Cost Maintenance Paving Program".~~

Sec. 1-4. Construction/Reconstruction of Streets

The Kingman Area Transportation Study (KATS) will serve as the primary tool for programming major street construction and reconstruction projects. Supplemental engineering studies, maintenance records, traffic counts and traffic projections may also be used in the programming of street construction and reconstruction projects.

- (a) MAJOR AND MINOR ARTERIALS (KATS refers to these as Primary Arterial). The programming of the construction and reconstruction of arterials shall be the responsibility of the Public Works Department. Funding for such projects may be derived from local improvement districts, City revenues, Highway User Funds, Lottery Funds, State and/or Federal grants, and/or bond issues.

Exceptions to this rule may be required for certain subdividing and land development programs, whereby the Common Council may determine that a development cannot be approved unless the developer improves or participates in the improvement of the arterial.

(See Sec. 4.6(1) of the City Subdivision Ordinance and Sec. 1-5 of this Article).

- (b) COLLECTOR STREETS (KATS - Collector). The construction of collector streets to or in a new subdivision shall be the responsibility of the developer. Construction of collector streets in existing subdivisions shall be the responsibility of the property owners and may be financed by either cash, an improvement district, an assessment district, a bond issue, or when available with State and Federal Grant monies. Reconstruction of collector streets may be financed by City funds, grants, improvement districts or bond issues.

- (c) LOCAL AND RURAL STREETS. The construction of local and rural streets in new subdivisions shall be the responsibility of the developer. Construction of such streets in existing subdivisions or in unsubdivided areas shall be the responsibility of the property owners and may be financed by cash or through the formation of an improvement district, assessment district, ~~or through the use of the City's Low-Cost Maintenance Paving Program as described below~~. When available, State and Federal grants may also be used to construct these types of streets.

- (d) HALF WIDTH STREETS. In cases where a developer only controls property on one side of the street right-of-way, street improvements for one half the width plus eight feet of additional paving shall be required, in accordance with the Table One.

~~(e) GRADED ACCESS. In existing subdivisions, where a dedicated roadway has not been opened and developed, it shall be the responsibility of the developer or lot owner(s) to have the roadway opened at such time that development occurs. Engineering plans for the opening of the roadway shall be provided to the City Engineer for review and approval, prior to the construction. Said plans shall be in accordance with the design standards called out in Section 4.6 of the City Subdivision Ordinance and the Kingman Area Master Drainage Plan Design and Administrative Manual, and shall include grading, shaping, and placement of four inches of AB gravel.~~

~~(f) LOW-COST MAINTENANCE PAVING PROGRAM. To provide a procedure for local residents in existing residential subdivisions or developed areas that are serviced by graded access, a Low-Cost Maintenance Paving Program may be utilized. The criteria and standards for this program are as follows:~~

SCOPE OF PROGRAM:

~~Eligible Street Class: _____ Local
Pavement Width: _____ 24 ft. to 32 ft
Pavement Depth: _____ 2 inches~~

~~Pavement Type: _____ Asphalt-Cold or Hot Mix
Curb and Gutter: _____ Not required
Base Material: _____ ABC - Placed by
_____ City as required
Drainage: _____ Drain to shoulder
_____ Minimal flows (accepts and discharges drainage of local area only)~~

Grade: _____ Graded to drain only, along natural grade

PROCEDURE:

~~(1) City notifies the general public of receipt of applications from interested property owners (fall months).~~

~~(2) City accepts applications from residential areas that have:~~

~~a. Evidence that at least 80% of the property owners adjacent to the street to be paved are willing to subscribe to the program.~~

~~b. The property owners have someone from the neighborhood to act as liaison between the City and property owners.~~

~~(3) City reviews applications for eligibility based on:~~

~~a. Traffic volume.~~

~~b. Access to paved roadway(s).~~

~~c. Adequacy of drainage.~~

~~d. Need.~~

~~e. Adequacy of existing base material.~~

~~f. Utilities already in place.~~

~~g. Availability of City resources.~~

~~(4) Eligible projects will be selected and processed in accordance with the following:~~

~~a. Estimate made of cost of labor and materials for force account project by City crews.~~

~~b. Cost estimates apportioned to adjacent properties by multiplying number of linear feet of frontage of each property which fronts on the improvement by the cost per front foot.~~

~~c. Property owners notified of their costs by liaison person.~~

~~d. Total payments collected and placed on deposit with the City prior to July 1.~~

~~e. Residents who cannot pay proportionate share immediately may be allowed to pay an established monthly amount with interest for a 12-month period.~~

~~f. After total payments have been collected, the project is scheduled for construction during summer, early fall months.~~

SUMMARY:

~~(1) The Low Cost Maintenance Paving Program is completely voluntary.~~

~~(2) Only projects that have 100% cost participation from affected property owners will be built.~~

~~(3) Nothing will be started which cannot be completed by October 31st of each year.~~

~~(4) Projects will be prioritized on a first come -- first served basis.~~

TABLE TWO NOTES

- NOTE 1. A.D.T, is average daily traffic.
- NOTE 2. Expected A.D.T, is based on the total developable area. Densities of population shall be determined from the General Plan, Area Plan, and/or Zoning Regulations.
- NOTE 3. Drainage facilities may require additional right-of-way and/or slope easements.
- NOTE 4. When urban development expands adjacent to a rural street section, that street shall be designed and built to urban standards.
- NOTE 5. At the intersection of two streets of different classifications, the corner cut-off dimension and curb return radius of the wider street shall be used.
- NOTE 6. Right-of-way width may have to be increased in areas to allow the installation of suitable sidewalks, drainage structures, turn lanes, and other necessary offsite improvements. In addition the functional classification and geographic location of the roadway may dictate additional right-of-way width. ~~The 1997 Kingman Area Transportation Plan identifies a 130-foot right-of-way width for Principal/Major Arterial where 6 lanes of traffic are projected; Major Arterial (typical section line road – 4 lanes), 100 foot right-of-way width; Major Arterial (two lanes) with a 70 foot right-of-way width; Minor Arterial/Collector (typical mid-section line road – two lanes) with a 70 foot right-of-way width. (This note amended by Ord.1179, adopted 07/20/98)~~
- THE 2011 KINGMAN AREA TRANSPORTATION PLAN IDENTIFIES A 130-FOOT RIGHT-OF-WAY WIDTH FOR MAJOR ARTERIAL STREETS; MINOR-ARTERIAL 100 FOOT RIGHT-OF-WAY WIDTH; COLLECTOR, 80 FOOT RIGHT-OF-WAY WIDTH; RURAL COLLECTOR, 70 FOOT RIGHT-OF-WAY WIDTH.**
- NOTE 7. Street width is measured from the back of curbs for urban sections, and pavement edges for rural sections.
- NOTE 8. Rural roadways may be considered in lieu of local and collector streets only, with applicable urban design criteria.
- NOTE 9. When development occurs on one side of the street (where both sides of the street can be developed), minimum limits – of roadway construction shall be per Section 1-4. (d) for half streets. (This note amended by Ord. 1235, adopted 10/18/99)
- NOTE 10. ~~Street width may be reduced to 29 foot minimum (back of curb) on streets separated from the main flow of traffic which would provide access to properties on one side of the street only (where development of the other side of the street is unlikely due to physical circumstances) if adequate for drainage facilities and as individually approved by the City Council.~~
- ~~NOTE 11.~~ The right-of-way radius is defined as the property line radius required at intersecting street corner.

Other design considerations should be based on the following standards:

- (a) Except on super elevated curves and at intersections, or where streets are used for

drainage, all street sections will have a positive crown to provide drainage from the centerline to each gutter. The slope provided by the crown should not be more than 2% as measured from centerline to edge of pavement.

(b) Finish slope resulting from excavation or embankment shall not exceed 2:1 unless approved by the City Engineer upon receipt of a determination in a soils report that the steeper slope, as constructed, will be stable.

(c) Inverted streets used for storm drainage shall have vertical curb and gutter and inverted crown not exceeding 2%.

Sec. 1-12. Driveways (Also See Figure 1-1)

Residential driveways are defined as those serving single family or duplex housing. Those serving more than two dwelling units **AS WELL AS PUBLIC, COMMERCIAL, AND INDUSTRIAL USES** are considered commercial driveways.

The minimum width of residential driveways on Collector, **and** Local **AND RURAL** streets shall be 12 feet; the maximum width shall be 25 feet. **THE MINIMUM WIDTH OF COMMERCIAL DRIVEWAYS SHALL BE 24 FEET, EXCEPT ON MAJOR ARTERIAL STREETS THEY SHALL BE 30 FEET. THE MAXIMUM WIDTH OF COMMERCIAL DRIVEWAYS SHALL BE 40 FEET.**

The minimum distance from the curb return at an intersection **FOR ALL DRIVEWAYS** shall be ~~10~~ **30** feet on Local **AND RURAL** streets and ~~20~~ **100** feet on Collector and **Rural** MINOR ARTERIAL streets. **THE MINIMUM DISTANCE FROM A CURB RETURN AT AN INTERSECTION FOR A COMMERCIAL DRIVEWAY ON A MAJOR ARTERIAL STREET SHALL BE 200 FEET.**

Residential driveway access to Major Arterial streets is prohibited, and strongly discouraged on Minor Arterial streets; however, should it be determined by the City Engineer that it is unavoidable due to topographic conditions or former platting, **A RESIDENTIAL DRIVEWAY MAY BE PERMITTED ON A MINOR ARTERIAL STREET.** ~~†~~The same driveway widths as noted above shall apply and the minimum distance from the curb return shall be ~~30~~ **100** feet.

~~Commercial driveways are all driveways and alley entrances not described above. Commercial~~
~~d~~Driveway design and spacing requirements are defined in Section ~~XXII~~ **22.000** of the City Zoning Ordinance. In addition to the criteria called out in Section ~~XXII~~ **22.000** of the Zoning Ordinance, the following standards shall also apply to **COLLECTOR, MINOR ARTERIAL, AND MAJOR** arterial streets:

(a) Where possible, no driveway shall be located closer ~~than 30-feet~~ to the nearest intersecting curb line **THAN THE DISTANCES CALLED OUT ABOVE AND SHOWN IN FIGURE 1-1. IF MINIMUM DISTANCES CANNOT BE ACHIEVED WITHIN THE PROPERTY LIMITS, THE DRIVEWAY SHALL BE PLACED AS FAR FROM THE INTERSECTION AS POSSIBLE. COMMERCIAL DRIVEWAYS THAT DO NOT MEET THE MINIMUM DISTANCE FROM THE CURB RETURN MAY BE RESTRICTED TO RIGHT-IN, RIGHT-OUT CONFIGURATIONS.**

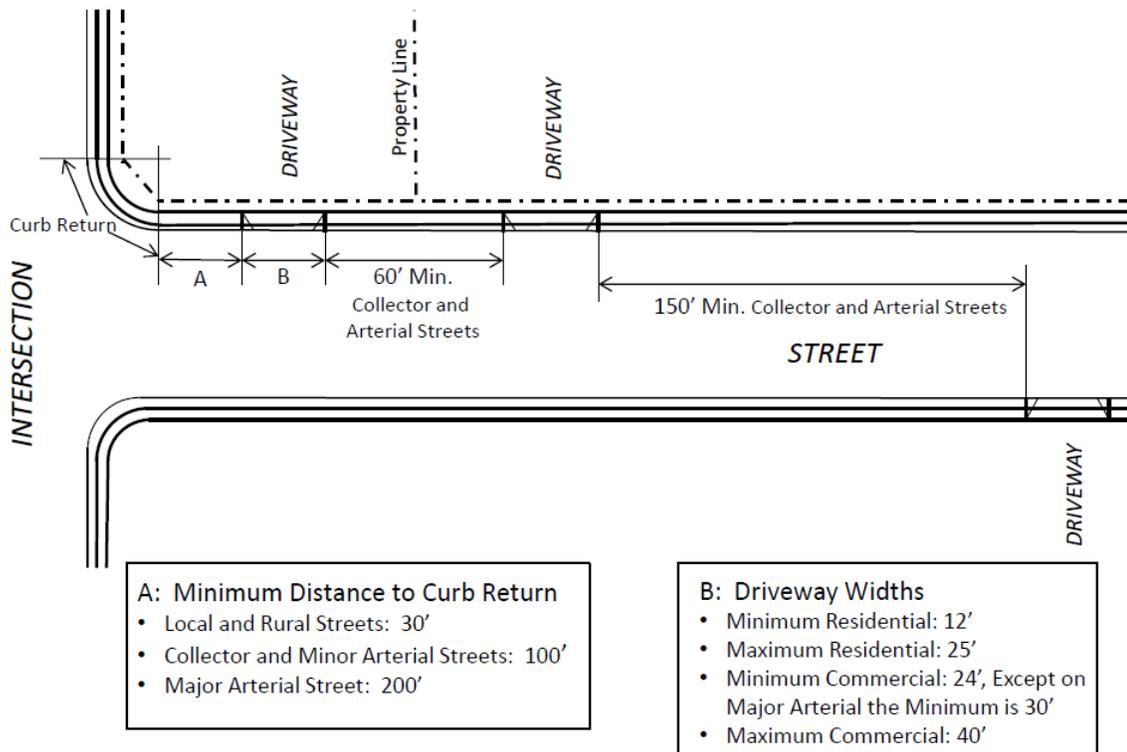
(b) One driveway will be permitted when frontage is less than 300 feet. Two driveways will be permitted when the frontage is 300 to 600 feet. Three driveways will be permitted when the frontage is greater than 600 feet.

(c) Adjacent driveways should be no closer than 60 feet.

(d) The use of shared driveways between adjacent parcels is encouraged whenever possible.

- (e) Driveways on opposite sides of a street should not be offset less than 150 feet.
- (f) A main driveway into a site shall not have any intersections from parking aisles or on-site streets within 80 feet of the arterial street curb line.
- (g) **WHERE A CORNER LOT ABUTS AN ARTERIAL STREET AND A COLLECTOR OR LOCAL SIDE STREET, DRIVEWAY ACCESS SHALL BE PERMITTED ONLY ON THE NON-ARTERIAL SIDE STREET.**

Figure 1-1



ALL CURB CUTS AND DRIVEWAY PLANS SHALL BE APPROVED BY THE CITY ENGINEER

EXHIBIT "B"

CITY OF KINGMAN UNIMPROVED STREETS MAINTENANCE LIST

STREET	LOCATION
1st St.	Golconda Ave. to Goldroad Ave.
3rd St.	Old Trails Rd. to Oatman Ave.
6th St.	Hoover Ave. to Phoenix Ave.
Airfield Ave.	Washington St. to Eastern St.
Arizona St.	Airway Ave to Kino Ave.
Arizona St.	Kino Ave. to Gordon Ave.
Astor Ave.	Western Ave. to West End
Astor Ave.	Harvard St. to West End
Atlantic Ave.	Fort Beale Rd. to north to City Limits
Benton St.	Stephens Ave. to Airway Ave.
Benton St.	Kino Ave. to Gordon Ave.
Berry Ave.	Washington St. to Eastern St.
Byrd Ave.	Townsend St. to Bank St.
Calumet Ave.	Swing St. to Rutherford St.
Camelback Blvd.	Christy Dr. to 550' West
Cerbat Vista Dr.	Latigo Ln. to 334' north of Latigo
Clare Ave.	Beale St. to end of right of way
Colorado Ave.	Railroad St. to Adams St.
Colorado Ave.	Washington St. to Eastern St.
Commercial St.	Park Ave. to Golconda Ave.
Coolidge St.	Stephens Ave. to Airway Ave.
Coronado Ave.	Benton St. to Adams St.
Crozier Ave.	Airfield Ave. to Hoover St.
Crozier Ave.	Dawes St. to Harrison St.
Cypress St.	Pacific Ave. to Airfield Ave.
Du Bois Ln.	Utility Lane to Ericson Dr.
Eagle Rock Rd.	Pacific Ave. to Detroit Ave.
El Rancho Dr.	Harvard St. to West End
Essco St.	Stephens Ave. to Morrow Ave.
Evans St.	Kino Ave. to Gordon Ave.

Florence Ave.	Stockton Hill Rd. to Western Ave.
Glen Rd.	Airway Ave. to Morrow Ave.
Glen Rd.	Morrow Ave. to Roland Ct.
Gold St.	Gulley Dr. to Stowell Ave.
Golconda Ave.	Commercial St. to 1st St.
Gulley Dr.	Silver St. to Gold St.
Hall Ln.	Evelyn Dr. to east 200'
Harrison St.	Southern Ave. to Emerson Ave.
Harvard St.	Shadow Mountain Rd. to Carlton St.
Irving St.	Kino Ave. to Gordon Ave.
Johnson Ave.	Vermont St. to west 261'
Kachina Ave.	Adams St. to Washington St.
Karen Ave.	Jackson St. to Monroe St.
Kemp Ave.	Airfield Ave. to Hoover St.
Kenwood Ave.	Fairfax St. to East End
La Salle St.	Robinson Ave. to Pasadena Ave.
Lampton Ave.	Kit Carson Rd. to North End
Latigo Ln.	Cattle Dr. to Harvard St.
Lomita St.	Gordon Ave. to South dead end
Louise Ave.	Stockton Hill Rd. to West End
Lovin Ave.	Railroad St. to Washington St.
Lucille Ave.	Stockton Hill Rd. to Western Ave.
Melody St.	Kino Ave. to Gordon Ave.
Mohave Wash Dr.	Airway Ave. to Morrow Ave.
Monroe St.	Wikieup Ave. to Pasadena Ave.
Morrow Ave.	Bank St. to Benton St.
Mountain Ave.	Railroad St. to Washington St.
Nevada St.	Kino Ave. to Peart Ave.
Nevada St.	Stephens Ave. to Airway Ave.
Oatman Ave.	3rd St. to 4th St.
Pacific Ave.	Prescott St. to Sage St.
Palo Christi Dr.	Palo Christi Rd. to South end of R/W
Park St.	6th St. to 7th St.
Pasadena Ave.	Railroad St. to Adams St.
Peart Ave.	Bank St. to Arizona St.

Phoenix Ave.	Monroe St. to Adams St.
Pico St.	Stockton Hill Rd. to West End
Pinal St	Stephens Ave. to Airway Ave.
Pinal St.	Coronado Ave. to Gordon Ave.
Prescott St.	Sunshine Dr. to Kino Ave.
Prescott St.	Kino Ave. to Gordon Ave.
Railroad St.	Ross Ave. to Mountain Ave.
Rainbow Dr.	Kino Ave. to Gordon Ave.
Ralph St.	Wilshire Ave. to Berk Ave.
Rhoades Ave	Townsend St. to Evans St.
Rhoades Ave	Townsend St. to Bank St.
Rutherford St.	Armour Ave. to Airway Ave.
Sage St.	Southern Ave. to Louise Ave.
Sage St.	Louise Ave. to Pasadena Ave.
Sage St.	Detroit Ave. to Airfield Ave.
Stephens Ave.	Nevada St. to Roosevelt St.
Sheldon Ave.	Western Ave. to Manor Dr.
Short St.	Ashfork Ave. to Valentine Ave.
Simon Ave.	6th St. to Ralph St.
Slaughter House Cyn. Rd.	Diamondback St. to West End
Stone St.	Longview Ave. to Lydia Dr.
Sunrise Ave.	West Limit of Asphalt to City Limit
Sunset Blvd.	Stockton Hill Rd. to West End
Superba Ave.	Railroad St. to Adams St.
Swing St.	Beverly Ave. to Calumet Ave.
Swing St.	Stephens Ave. to Airway Ave.
Sycamore Ave.	Harvard St. to west of Harvard 535'
Utility Ln. N	Du Bois Ln. to north 130'
Valentine Ave.	Airfield Ave. to Hoover St.
Valentine Ave.	Dawes St. to Harrison St.
Vermont St.	East and West of Jefferson
Wellman Ave.	Anson Smith Rd. to west 900' from Anson Smith
Wilshire Ave.	Fairfax St. to east 230'
Yavapai St.	Airfield Ave. to North End



CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Carl Cooper, City Attorney

MEETING DATE: August 2, 2016

AGENDA SUBJECT: Procurement Code

SUMMARY:

At the July 19th Council meeting, Councilmember Yocum requested a discussion regarding the City's procurement process. Specifically, he wanted to discuss a local preference option tied with the City's TPT, as well as the requirement for the selection of Professional Service Contracts to go through an RFP/Bid process unless the purchase was for an emergency or urgent need.

It is my recommendation that the Council direct staff to review the entire procurement code for needed updates.

FISCAL IMPACT:

STAFF RECOMMENDATION:

Direct Staff to update the entire procurement code.

ATTACHMENTS:

Description
Kingman Procurement Code

REVIEWERS:

Department	Reviewer	Action	Date
City Attorney	Cooper, Carl	Approved	7/21/2016 - 12:38 PM
City Attorney	Cooper, Carl	Approved	7/21/2016 - 12:38 PM
City Manager	Dougherty, John	Approved	7/28/2016 - 11:32 AM

ARTICLE X.
CITY PROCUREMENT CODE¹

Sec. 2-159 In general.

(a) The city manager shall be the purchasing agent for the City of Kingman. Unless otherwise required by state law, no purchase or contract for services of any kind or description, payment for which is to be made from funds of the city, shall be made by the purchasing agent, or any officer, employee or agent of the city, except in the manner set forth in this article.

(b) The city manager shall issue direction to staff providing for a centralized purchasing procedure, a procedure for disposition of surplus property and a periodic inventory of city property.

(c) This article shall apply to the purchase, rent or lease of non-construction-related supplies, services and personal property for the City of Kingman. For requirements for the procurement of construction services and related materials and architecture and engineering services, see A.R.S. § 34-201, et seq.

(d) Where applicable, city purchases of, or contracts for, goods or services shall abide by federal purchasing requirements when funded with federal resources; including but not limited to:

- (1) The Davis-Bacon Act (29 CFR Part 5).
- (2) Suspension and disbarment (2 CFR Part 176).

(e) The artificial division of purchases to avoid the bidding process is prohibited.

(f) The use of city procurement resources for personal benefit is prohibited.

(g) Except as otherwise provided in this article, city purchases of, or contracts for, goods or services, other than in connection with the construction of public buildings and public works improvements, shall be made according to the following procedure:

- (1) *Under \$5,000.00.* Whenever any contemplated purchase of, or contract for, goods or services is for the sum of less than five thousand dollars (\$5,000.00), the purchasing agent may purchase the item or items as needed without further formality.
- (2) *\$5,000.00 to \$50,000.00.* Whenever any contemplated purchase of, or contract for, goods or services is for the sum of at least five thousand dollars (\$5,000.00) but not more than fifty thousand dollars (\$50,000.00), the purchasing agent shall solicit at least three (3) written proposals for the item or service. The purchasing agent shall document the substance of the proposals and shall procure the goods or services from the vendor whose proposal best meets the needs and interests of the city, in terms of cost, specifications and qualifications of the vendor.
- (3) *\$50,000.00 and over.* Whenever any contemplated purchase of, or contract for, goods or services is for the sum of fifty thousand dollars (\$50,000.00) or more, the purchasing agent shall subject the purchase or contract to the formal competitive bidding process in accordance with section 2-161.
- (4) *When council approval is required.* No contract of fifty thousand dollars (\$50,000.00) or more shall be let except with the approval of the common council. Whenever any contemplated purchase or contract for services is for the sum of fifty thousand dollars (\$50,000.00) or more, the purchasing agent shall present the bids to the council for approval, and advise the council of the advantages or disadvantages of contract and bid proposals.

(Ord. No. 1239, § 2, 12-20-99; Ord. No. 1732, § 1, 6-19-12)

Sec. 2-160 Exceptions to the formal bidding requirement.

In the following instances, any applicable formal bidding requirement is waived; provided, that purchases or contracts of fifty thousand dollars (\$50,000.00) or more shall be subject to approval by the common council.

(a) *Council discretion.* Whenever competitive bidding would be otherwise required under this article, if it is determined that the use of competitive sealed bidding is either not practicable or not advantageous to this city, the purchasing agent shall prepare a written report to the common council and the council may authorize an alternative procedure, taking into consideration the need to provide for fair competition and, at the same time, the need to serve the best interests of the city.

(b) *Emergency purchases.* In case of an emergency which requires immediate purchases of supplies or services and time is of the essence, the mayor shall be empowered to authorize the purchasing agent to purchase or secure services without complying with procedures as set forth above. A full report in writing of the circumstances of any emergency purchase shall be filed by the purchasing agent with the common council at its next meeting.

(c) *Sole source.* Contracts may be awarded for goods and services covered by this article without competitive bidding if the purchasing agent determines in writing that there is only one source for the required goods or services. The purchasing agent may require the submission of cost or pricing data in connection with an award under this section. Sole source procurement shall be avoided, except when no reasonable alternative sources exist. A written determination of the basis for the sole source procurement shall be included in the contract file.

(d) *Professional services.* The purchasing agent may suspend the application of section 2-159 in the employment of professional services. For purposes of this section, "professional services" means the furnishing of labor, time or effort by a contractor or subcontractor engaged in an activity of special skill or experience which does not involve the delivery of a specific end product other than required reports and performance directly related to his/her specialized field or occupation. Such services shall include, but not be limited to, the following: physicians, attorneys, expert witnesses, appraisers, consultants, maintenance agreements and technical support, etc.

(e) *Cooperative purchasing.* Section 2-159 shall not apply to purchases made by, through or with any United States Federal, state, or political subdivisions thereof. The city may make purchases or award contracts for services without a formal bidding process whenever other governmental units have done so pursuant to competitive bidding for the same item or service if, in the opinion of the purchasing agent, a separate bidding process is not likely to result in a lower price for such items or services.

(f) *Petroleum products.* Unless required by the council, this article shall not apply to the purchase of petroleum products, including gas, oil and diesel fuel.

(g) *Used items.* The purchasing agent may purchase used items without competitive bidding.

(Ord. No. 1239, § 2, 12-20-99; Ord. No. 1598, § 1, 11-19-07; Ord. No. 1732, § 1, 6-19-12)

Sec. 2-161 Bidding.

Whenever formal bidding is required under this article, the purchasing agent and all parties contracting with the city for the goods and services covered by this article shall follow the procedure hereinafter set forth in relation to all bidding.

(a) The purchasing agent shall cause a notice of invitation for bids to be published in one issue of a newspaper of general circulation within the city no less than ten (10) days prior to the date set for receipt and opening of the bids. All notices shall state the time and place for receipt of bids, the time and place for opening and where the invitation for bids and a complete set of specifications may be obtained. The notice shall also include a general but brief description of the articles to be purchased or the services to be performed in sufficient detail to enable bidders to determine their desire and ability to bid. In addition, the purchasing agent shall post the notice of invitation for bids in the city complex and may also mail a copy of the notice and invitation for bids to responsible prospective suppliers.

(b) All bids shall bear the original signature of a responsible agent of the bidder, shall be physically delivered to the city clerk by mail or other means before the time set for receipt of bids, shall be submitted in a sealed envelope or

other container and shall be identified as bids for specified items or services on the envelope or container. Unsealed bids or bids delivered by facsimile or other electronic means shall not be considered.

(c) Bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as may be specified by rule, together with the name of each bidder shall be recorded. This record shall be open to public inspection at the bid opening in a manner prescribed by rule. The bid documents in their entirety shall not be open for public inspection until a contract is brought to council for approval, at which time all bid materials shall be public information in accordance with section 2-164.

(d) A tabulation of all bids received shall be posted for at least five (5) days in the city complex for public inspection.

(e) The purchasing agent may require bid guarantees for up to five (5) percent of the amount of the bid. The bid guarantee shall consist of a certified check, cashier's check, letter of credit or surety bond and shall guarantee that the contractor or bidder will enter into a contract or provide the product in accordance with the bid, and shall constitute liquidated damages in the event of failure or refusal to enter into the contract or provide the product. The bid guarantee shall be returned to any bidder whose proposal is not accepted, and to the successful bidder upon the execution of a satisfactory contract, or delivery of product or service. The purchasing agent under section 2-159(g)(1) and (2), and the common council under section 2-159(4), may waive minor informalities and may reject any and all bids and parts of all bids and, in its discretion, readvertise or re-solicit bids or delay award.

(Ord. No. 1239, § 2, 12-20-99; Ord. No. 1732, § 1, 6-19-12)

Sec. 2-162 Determination of lowest responsible bidder.

Unless the council or purchasing agent shall exercise the right of rejection as provided by section 2-161, the purchase or contract shall be made from or with the lowest responsible bidder for the entire purchase or contract or for any part thereof. In determining the lowest responsible bidder, the council and purchasing agent shall consider:

(a) The ability, capacity and skill of the bidder to perform the contract or provide the goods or services required.

(b) Whether the bid is materially responsive to the invitation for bids and whether the bidder can otherwise perform the contract or provide the goods or services promptly or within the specified time, without delay or interference.

(c) The quality of performance of previous contracts with the city and/or other government agencies; i.e., previous and current demonstration of the bidder's ability to complete projects in a timely manner, within the bid price submitted and in accordance with bid specifications and contract terms and conditions.

(d) The previous and existing compliance by the bidder with laws and ordinances of the city.

(e) The financial resources and ability of the bidder to perform the contract.

(f) The quality, availability and adaptability of the supplies or services.

(Ord. No. 1239, § 2, 12-20-99; Ord. No. 1732, § 1, 6-19-12)

Sec. 2-163 Performance and payment bonds.

In an invitation for bids, the purchasing agent may require a performance and/or payment bond for such amount as he may deem sufficient to secure the execution of the contract for the best interest of the city. An acceptable performance or payment bond shall consist of a certified check, cashier's check, letter of credit or surety bond. Failure to post the required performance and/or payment bond constitutes a failure to execute a satisfactory contract and shall result in the forfeiture of the bidder's bid guarantee.

(Ord. No. 1239, § 2, 12-20-99; Ord. No. 1732, § 1, 6-19-12)

Sec. 2-164 Public information.

All bids and materials submitted in connection with bids or informal proposals shall be open to the public once a successful bid is to be brought to council for approval or the decision to purchase has been made. Except to the extent the bidder specifically designates in a timely response to the invitation for bids and the purchasing agent

concur, trade secrets or other proprietary data contained in the bid documents or material submitted for proposal shall be public information once a successful bid is to be brought to council for approval or the decision to purchase has been made. For purposes of this article, the terms “trade secrets” and “proprietary data” shall be limited to plans or processes, tools, mechanisms or compounds known only to the bidder and those of his employees with the “need to know.” The terms shall not include any information, including but not limited to pricing and promotional data and literature, submitted in direct response to an invitation for bids.

(Ord. No. 1239, § 2, 12-20-99; Ord. No. 1732, § 1, 6-19-12)

Secs. 2-165—2-177. Reserved.

Sec. 2-178 Mistakes in bids.

(a) A bidder may modify or withdraw its bid at any time before bid opening if the modification or withdrawal is received in writing before the time and date set for bid opening in the location designated in the invitation for bids for receipt of bids. A bidder or the bidder’s authorized representative may withdraw the bid in person if, before the time and date set for bid opening, the identity of the person requesting withdrawal is established and that person signs a receipt for the bid.

(b) After bid opening, a bid mistake may not be corrected or withdrawn, except that the bid may be withdrawn, in which event the bidder shall forfeit any bid guarantee.

(Ord. No. 1239, § 2, 12-20-99; Ord. No. 1732, § 1, 6-19-12)

Sec. 2-179 Protests and appeals.

Any bidder wishing to protest the bidding procedure shall file a written objection setting forth the grounds for the protest with the city clerk within five (5) days of the bid opening. The city manager shall review and decide on the protest as soon as practicable, but not less than ten (10) days after the protest is filed. The city manager shall immediately notify the objecting bidder of his determination. The objecting bidder may appeal the city manager’s decision by filing a written notice with the city clerk within five (5) days of the decision. Council shall conduct a hearing at the next regular or special meeting.

(Ord. No. 1239, § 2, 12-20-99; Ord. No. 1732, § 1, 6-19-12)

Secs. 2-180—2-189. Reserved.²

¹ **Editor’s note:** Section 1 of Ord. No. 1239, adopted Dec. 20, 1999, repealed Art. X, purchasing policy, and section 2 enacted similar provisions to read as herein set out. Former Art. X contained §§ 2-159—2-179 and derived from Ord. No. 591, adopted Oct. 21, 1985; Ord. No. 596, adopted Jan. 20, 1986; Ord. No. 693, adopted Dec. 7, 1987; Ord. No. 746, adopted June 5, 1989; Ord. No. 828, adopted June 4, 1990; Ord. No. 829-R, adopted June 18, 1990; Ord. No. 890, adopted Dec. 2, 1991; and Ord. No. 1070, adopted Feb. 5, 1996.

² **Editor’s note:** Ord. No. 1734, § 1, adopted July 17, 2012, repealed § 2-180 as derived from Ord. No. 1694, § 1, adopted Dec. 7, 2010, and Ord. No. 1732, § 1, adopted June 19, 2012.



CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Sylvia Shaffer, Planner I

MEETING DATE: August 2, 2016

AGENDA SUBJECT: Public hearing and consideration of Resolution No. 5029 to approve the vacation (abandonment) of a portion of Simon Avenue and a land swap

SUMMARY:

This is a request from UniSource Energy Services to vacate (abandon) a portion of Simon Avenue located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise Avenue as shown in Exhibit A and a land swap as shown in Exhibits B and C.

The Planning and Zoning Commission held a public hearing on July 12, 2016. There was no objection from nearby property owners or reviewing staff. Planning staff recommended that the portion of Simon Avenue as shown on Exhibit A, be vacated because the street would be of no use to the City for utilities or other purposes. Simon Avenue is unpaved and undeveloped as it is located on relatively flat terrain.

The applicant proposed that in lieu of a cash payment for the portion of Simon Avenue proposed to be vacated, a land swap would occur with other property owned by UniSource in the area. The subject property to be considered for land swap is shown in Exhibits B and C and is at the intersection of Anson Smith Road, N. Fourth Street and Wilshire Avenue. This area is adjacent to an existing electrical substation that will be decommissioned by Unisource once the new substation is constructed. There are portions of the three streets that cross parts of the substation property that do not have adequate right-of-way. The land swap will allow these streets to be located on city-owned right-of-way property. Both the City of Kingman and the applicant agree that the land swap is beneficial to both parties and are equal in value. The size of the City of Kingman property along with the abandoned portion of Simon Avenue is approximately 0.30 acres and the UniSource properties is approximately 0.30 acres.

The Planning and Zoning Commission voted 6-0 to recommend approval of the vacation of a portion of Simon Avenue and the land swap requested by the applicant. Conditions included that in lieu of accepting cash value for the abandoned portion of Simon Avenue and adjacent city property shown in Exhibit A, that the property shown in Exhibit B and Exhibit C shall be swapped. That upon recordation of the deed, title to the abandoned portion of the Simon Avenue right-of-way and the adjacent City of Kingman property shall pass to the UniSource Energy. That upon recordation of the deed, title of the UniSource property being swapped shall pass to the City of Kingman. The newly acquired property will also need to be rezoned from R-2 to R-R by the applicant.

FISCAL IMPACT:

None expected at this time.

STAFF RECOMMENDATION:

Staff Recommends Approval

ATTACHMENTS:

Description

P&Z Commission Report

Application for Abandonment

Resolution #5029

Exhibits A, B, and C

Legal for UniSource Property

Legal for Simon Ave

Aerial Simon Ave

Aerial UniSource Property

Zoning Map

REVIEWERS:

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	7/22/2016 - 7:05 PM
City Attorney	Cooper, Carl	Approved	7/25/2016 - 11:17 AM
City Manager	Dougherty, John	Approved	7/28/2016 - 11:39 AM



CITY OF KINGMAN
Development Services Department
Abandonment Case: AB16-0002
Planning and Zoning Commission Report
August 2, 2016

Summary of Request: A request for approval of the vacation (abandonment) of a portion of Simon Avenue located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise Avenue.

The subject property is adjacent to the property owner's parcel described as Lots 1-30, Block 6, Kingman Country Club Addition Unit 1 (APN 305-18-100A). The city will consider abandoning the portion of the 50 feet right-of-way as shown in Exhibit A.

The City of Kingman will also be considering a land swap in lieu of cash payment for the portion of Simon Avenue proposed to be vacated. The subject property to be considered for land swap is shown in Exhibits B and C.

GENERAL INFORMATION:

Applicant/Property Owner: UniSource Energy Services
88 E Broadway Blvd
Tucson, AZ 85701
(520) 884-3642

RECOMMENDATION

Staff recommends approval of the vacation (abandonment) of a portion of Simon Avenue located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise Avenue in exchange for the proposed land swap.

This recommendation is based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis contained in this report.

The Planning and Zoning Commission voted 6-0, recommending approval of the right-of-way abandonment and land swap request under AB16-0002 with conditions as stated in this report.

STANDARDS FOR REVIEW

APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE KINGMAN GENERAL PLAN 2030

- *Chapter 4: Land Use Element, Land Use Categories*
- *Chapter 5: Growth Area Element*

ARIZONA REVISED STATUTES, §9-240, §28-7201 and §28-7205

9-240. General powers of common council,

B. The common council shall also have power within the limits of the town:

3. (a) To exercise exclusive control over the streets, alleys, avenues and sidewalks of the town and to give and change the names thereof.

(e) To vacate or abandon any street, avenue, alley, park, public place or sidewalk in such town or to abolish them, provided that rights-of-way or easements of existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals or ditches and appurtenances, and for electric, telephone, and similar lines and appurtenances shall continue as they existed prior to the vacating, abandonment, or abolishment thereof.

28-7201. Definitions

In this article, unless the context otherwise requires:

1. "Governing body" means the city or town council or other authority of a city or town, the board of supervisors of a county or the transportation board.
2. "Owner" or "owners of record" includes a person, firm, partnership, association or corporation.
3. "Owners association" means a nonprofit corporation authorized to do business in this state.
4. "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.

28-7205. City, town or county road vacated

If the roadway is a city, town or county roadway, the governing body may resolve that the roadway or portion of the roadway be vacated. On the making of the resolution, title to the roadway or portion of the roadway vests, subject to the same encumbrances,

liens, limitations, restrictions and estates as exist on the land to which it accrues, as follows:

1. If a roadway that is the exterior boundary of a subdivision or other tract of land is vacated, title to the roadway vests in the owners of the land abutting the vacated roadway to the same extent that the land included within the roadway, at the time the roadway was acquired for public use, was a part of the subdivided land or was a part of the adjacent land.
2. If less than the entire width of the roadway is vacated, title to the vacated portion vests in the owners of the land abutting the vacated portion.
3. If a roadway bounded by straight lines is vacated, title to the vacated roadway vests in the owners of the abutting land and each abutting owner takes to the center of the roadway, except as provided in paragraphs 1 and
4. If the boundary lines of abutting lands do not intersect the roadway at a right angle, the land included within the roadway vests as provided in paragraph 4.
5. In all instances not specifically provided for, title to the vacated roadway vests in the owners of the abutting land, and each abutting owner takes that portion of the vacated roadway to which the abutting owner's land or any part of the abutting owner's land is nearest in proximity.
6. On vacation of a roadway no portion accrues to an abutting roadway.

APPLICABLE SECTIONS OF THE CITY OF KINGMAN STREETS AND SIDEWALKS DEVELOPMENT RULES AND REGULATIONS

DIVISION 5. RIGHT-OF-WAY VACATION

(This division was amended by Ord. 1128, May 5, 1997)

Sec. 5-1. Vacation of public rights-of-way and extinguishment of public easements.

A. Purpose

This section outlines the procedures to be followed by the City when dealing with requests to vacate public rights-of-way by owners of abutting property. It is intended to ensure consistent processing and disposal practices associated with vacations and to ensure compliance with applicable State law.

Dispositions of public rights-of-way by exchange and/or public sale are not within the scope of this section. As to matters regarding disposition of public rights-of-way not addressed in this section, and whenever and to the extent that this section conflicts with State law, in particular A.R.S. §§ 9-240(B)(3) and 28-1901, et seq. [after October 1, 1997, A.R.S. §28-7201, et seq.], State law shall be applied and followed.

B. General Provisions

1. For the purpose of this section, right-of-way shall have the same meaning as in Section 2-1(b).

2. Public rights-of-way or right-of-way easements containing existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals or ditches and appurtenances, and for electric, telephone and similar lines and appurtenances shall not be eligible for vacation.

3. A right-of-way or right-of-way easement shall not be vacated so as to leave any land adjoining without ingress and egress for public or emergency vehicles, the property owners, their guests and invitees and persons lawfully conducting business on the land.

4. Any resolution of vacation shall be subject to the giving of consideration by the owner of the abutting property in an amount deemed by the Common Council to be commensurate with the value of the right-of-way. In determining the value, the Common Council shall give due consideration to the degree of fragmentation and marketability and any public benefit received by the City in return for the right-of-way.

5. If the City owns no title to a right-of-way but holds a right-of-way or utility easement only, such easement may be extinguished by resolution, without consideration or determination of value, upon finding of the Common Council that the easement is no longer necessary for public use or purposes.

6. A resolution for vacation of a right-of-way or for extinguishing of a right-of-way or utility easement shall not take effect unless and until it is recorded by the City Clerk in the office of the county recorder.

C. Procedure

1. In order to initiate the vacation of any right-of-way, the abutting owner shall complete and submit the City's "Request for Right-of-Way Vacation" form to the Planning Director, along with the required processing fee. In completing this form, the abutting owner shall outline the location and dimensions of the right-of-way, give an estimate of value and state why the vacation should be considered. The applicant shall also submit a preliminary title report showing ownership of all properties contiguous to the right-of-way, and a map depicting the area.

2. Any vacation requiring a survey and written legal description, as determined by the City Engineer, shall be prepared by a qualified registrant at the expense of the applicant and submitted to the City Engineer for review and approval.

3. Upon receipt of the above materials, the Planning Director shall initiate the processing of the vacation in the following manner:

a. Forward a copy of the request to the City Engineer, City Attorney, Public Works Director, City Fire Chief and all utility companies providing service to the Kingman area.

b. Forward a letter outlining the request to all property owners within 300 feet of the proposed vacation.

c. Schedule a public hearing before the Planning and Zoning Commission for evaluation of the proposed vacation.

- d. Post the area proposed for vacation in no less than three places.
- e. Review the request for conformance with A.R.S. § 28-1901, et seq. [after October 1, 1997, A.R.S. § 28-7201] and this section.
- f. Present the Planning and Zoning Commission a comprehensive report, outlining all comments received from the reviewing agencies. The report shall also include staff's analysis and recommendations concerning the required finding value as referenced by subsection B.4. above.
- g. Schedule the request along with the recommendation of the Planning and Zoning Commission for review and action by the Common Council.

D. Disposition of the right-of-way

1. Upon determining that the subject right-of-way or right-of-way or utility easement is no longer necessary for public use, the Common Council shall:
 - a. In the case of a right-of-way easement to which the City holds not title, resolve that the easement be extinguished.
 - b. In the case of a right-of-way to which the City holds title, determine the amount of consideration to be given by the abutting owner in accordance with subsection B.4., above, and resolve that the right-of-way be vacated subject to payment of that amount.
2. Title shall pass and/or the City's interest shall be extinguished upon payment of the consideration, if any, and after recording of the resolution by the City Clerk.

FINDINGS OF FACT

Legal Description, Location, and Size: The subject property is a portion of the 50-foot wide public right-of-way known as Simon Avenue located east of N. Fairfax Avenue, south of Berk Avenue, and north of Sunrise Avenue, as shown in Exhibit A.

Existing Land Use: The subject property is a public right-of-way which was created by recordation of Kingman Country Club Addition Unit No. 1. The portion of the road to be abandoned is not improved or maintained.

Existing Zoning: The subject property is zoned R-2, Residential, Multiple Family, Low Density. The surrounding properties are zoned R-MH-6: Residential Manufactured Homes, 6,000 square foot lot minimum and R-2: Residential, Multiple Family, Low Density.

Projected Land Use: The Kingman General Plan 2030 indicates that the property is designated as Intermediate Density Residential, 9-16 dwelling units per acre. The surrounding property is designated Medium, Intermediate, and High Density Residential.

Zoning and Development History:

- Kingman Country Club Addition, Unit No. 1 was recorded on March 28, 1929 which includes Simon Avenue and the surrounding lots and streets.
- This area was annexed into the City of Kingman in 1971, under Ordinance No. 139.
- The property immediately north of Simon Avenue was rezoned from R-2: Residential, Multiple Family, Low Density to R-R: Rural Residential under Ordinance No. 1798 on June 2, 2015 to allow for the development of an electrical substation for UniSource Energy.

Physical Characteristics:

- The subject site relatively flat.
- The property lies within Flood Zone "X", according to the FEMA panel map dated February 18, 2015. Zone "X" are areas determined to be outside of 0.2% annual chance flood plain

Public Utilities:

- There are existing water lines in Sunrise Avenue, Berk Avenue, and N. Fairfax Street near this site.
- There are existing sewer lines located in Beverly Avenue near to the site.
- There are no utilities in Simon Avenue.

Transportation:

- The subject site is accessible from Sunrise Avenue and N. Fairfax Street. These roadways are paved without additional improvements.

Public Notification and Expected Comment:

- The site was posted with a zoning notice on June 27, 2016.
- A public notice was published in the Kingman Daily Miner on June 26, 2016.
- Eight surrounding property owners within 300 feet of the subject property were sent a notice of the public hearing via first class mail on June 27, 2016. The list of property owners was generated using information provided by the Mohave County Assessor's Office.
- No comments from the public have been received as of July 5, 2016 when this staff report was completed.

Comments from the Applicant:

- The applicant is requesting to swap land in lieu of paying cash for the abandoned portion of Simon Avenue.
- The subject properties to be swapped are shown in Exhibits A, B and C of this staff report. The size of the City of Kingman property along with the abandoned portion of Simon Ave is approximately 0.30 acres and the UniSource property is approximately 0.30 acres.
- The value of the abandoned right-of-way along with the property to be swapped is equal in value based upon the Mohave County Assessment of Full Cash Value of similar properties nearby.

- The City of Kingman met with the applicant and mutually agrees that the land swap would be beneficial to both parties and have no objection.

Department and Agency Comments:

- City Engineering Department: No objection. I think this a good swap since we need the R/W. The intersection of Fairfax and Sunrise needs to be reconstructed to be a 90 degrees intersection for improved safety, so we are requesting that a small section be reserved for R/W instead of being included in the area to be swapped for UNS property.
- City Surveyor: No objection.
- City Building Department: No objection.
- City Fire Department: No objection.
- UniSource Energy: No objection
- Frontier Communications: No objection.

ANALYSIS

This request is for an approval of the vacation (abandonment) of a portion of Simon Avenue located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise Avenue. The applicant is requesting that a portion of the 50-foot wide right-of-way be vacated which is abutting property owned by the applicant. The subject right-of-way is adjacent to the property owner's parcel described as Lots 1-30, Block 6, Kingman Country Club Addition Unit 1 (APN 305-18-100A) as shown in Exhibit A. Immediately south of Simon Avenue is a remnant of Block 4 of Kingman Country Club Addition Unit 1 which is also owned by the City of Kingman which is also requested to be included as part of a land swap.

The applicant is also proposing that in lieu of a cash payment for the portion of Simon Avenue proposed to be vacated, a land swap would occur with other property owned by UniSource in the area. The subject property to be considered for land swap is shown in Exhibits B and C and is at the intersection of Anson Smith Road, N. Fourth Street and Wilshire Avenue. This area is adjacent to an existing electrical substation that will be decommissioned by Unisource once the new substation is constructed. There are portions of the three streets that cross parts of the substation property that do not have adequate right-of-way. The land swap will allow these streets to be located on city-owned right-of-way property.

Staff is recommending that the portion of the 50-foot wide right of way for Simon Avenue, as well as a portion of the city property to the south, be vacated. The street is of no use to the City for either utilities or other purposes. Simon Avenue is currently unpaved and undeveloped. Vacating this right-of-way will not negatively impact the neighborhood or remove access to any of the neighboring property owners. Staff is recommending, however, that a triangular portion of Simon Avenue and a portion of the city property be retained to allow N. Fairfax Street to be realigned at a 90 degree angle to its intersection with Sunrise Avenue. This realignment would occur with construction of street improvements that will be required at the time of the electrical substation development.

According to ARS §28-7205, if a roadway bounded by straight lines is vacated, title to the vacated roadway vests in the owners of the abutting land and each abutting owner takes to the center of the roadway if the full width right of way is to be abandoned.

Based on Sec. 5-1, of the City of Kingman Streets and Sidewalks Development Rules and Regulations, if the vacation of the portion of Simon Avenue is approved by the City Council, any resolution of vacation shall be subject to the giving of consideration by the owner of the abutting property in an amount deemed by the Common Council to be commensurate with the value of the right-of-way. In determining the value, the Common Council shall give due consideration to the degree of fragmentation and marketability and any public benefit received by the City in return for the right-of-way. The City's interest in the right-of-way shall be extinguished upon payment of the consideration, if any, and after recording of the resolution vacating the right-of-way.

As previously stated, the applicant requests a swap land owned by the City of Kingman with portions of property owned by UniSource in lieu of payment for the abandoned portion of Simon Avenue. Both the applicant and City staff are in agreement that the swap will be mutually beneficial to both parties and that the full cash market value of the subject properties to be swapped should be considered equal.

RECOMMENDATION

The Planning and Zoning Commission recommends approval of the vacation (abandonment) of the portion of 50-foot wide public right-of-way known as Simon Avenue located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise Avenue, as shown in Exhibit A with the following conditions:

- A. That in lieu of accepting cash value for the abandoned portion of Simon Avenue and adjacent city property shown in Exhibits A and B, that the property shown in Exhibit C shall be swapped.
- B. That upon recordation of the deed, title to the abandoned portion of the Simon Avenue right-of-way and the adjacent City of Kingman property shall pass to the UniSource Energy.
- C. That upon recordation of the deed, title of the UniSource property being swapped as shown in Exhibit B shall pass to the City of Kingman.

ATTACHMENTS

- 1. Vacation (Abandonment) Application
- 2. Area Zoning Map
- 3. Exhibits A, B and C
- 4. Aerial Map, Legal Description and Survey of Simon Avenue abandonment
- 5. Aerial Map, Legal Description and Survey of UniSource property swap

CITY OF KINGMAN
PLANNING & ZONING

MAY 27 REC'D

RCY'D [Signature]
TIME 11:45 PM



CITY OF KINGMAN
ABANDONMENT APPLICATION FORM
CASE # AB- 16-0003

REQUEST TO: (check one) VACATE RIGHT-OF-WAY EXTINGUISH EASEMENT

APPLICATION DATE: May 27, 2016

APPLICANT NAME: UNS Electric, Inc.

APPLICANT ADDRESS: 2498 Airway Avenue, Kingman AZ 86409

APPLICANT PHONE #: 928-681-8923

LOCATION OF RIGHT-OF-WAY OR EASEMENT (attach a map).
LEGAL DESCRIPTION and/or PARCEL NUMBER: portion Section 12, T21N, R17W

SUBMITTAL INFORMATION

- ▶ \$500.00 processing fee (non-refundable)
- ▶ Proposition 207 Waiver form. An applicant is not required to complete this form.
- ▶ Fill out and return this page with processing fee
- ▶ A preliminary title report showing ownership of contiguous properties
- ▶ A written legal description may be required by the City Engineer
- ▶ One map of proposed abandonment or extinguishment areas
- ▶ List of property owners within 300 feet of proposed abandonment or extinguishment areas

NAME OF STREET RIGHT-OF-WAY (if any) Simon Avenue and adjacent parcels

NOTE: RIGHTS-OF-WAY OR EASEMENTS CONTAINING SEWER, WATER, GAS, ELECTRIC, TELEPHONE UTILITIES, OR THAT ARE USED FOR ACTIVE DRAINAGE FACILITIES CANNOT BE CONSIDERED FOR VACATION OF EXTINGUISHMENT. IF FACILITIES ARE RELOCATED, THE VACATION COULD BE CONSIDERED.

Reason for abandonment request:

improvement of Simon Avenue would produce safety issues, proposed swap of right of way would benefit City traffic flows.

Estimated value of right-of-way proposed for abandonment: \$ acreage match

MAY 27 REC'D

RCY'D [Signature]

Applicant's signature: Bill DeFuria Date: May 27, 2016

**AGREEMENT FOR THE WAIVER OF CLAIMS FOR DIMINUTION IN VALUE OF PROPERTY
UNDER A.R.S. §12-1134**

This agreement is entered into this 27 day of May, 2016, by and between UNS Electric, Inc. (Owner) and the CITY OF KINGMAN, an Arizona Municipal Corporation, (City).

RECITALS

- A. The Owner owns certain real property located with in the City or is with in the City's service area. This real property is depicted and legally described in the attached Exhibit A, incorporated into this agreement by this reference; and
- B. The Owner has requested that the City enact a certain land use change directly applicable to the Owner's property and agrees that this change will increase the value and use of the land; and
- C. The Owner is aware that, as a condition of receiving approvals under the City's land use laws, the City may impose various requirements, conditions, and stipulations upon the property that will govern development of the property; and
- D. The Owner agrees and consents to all the conditions imposed by the City regarding the land use action in:
 - a. _____ Rezoning/Zoning Change
 - b. _____ Conditional Use Permit
 - c. _____ General Plan Amendment
 - d. _____ Variance
 - e. _____ Site Plan
 - f. _____ Subdivision
 - g. _____ Ordinance
 - h. _____ Development Agreement
 - i. _____ Water/Wastewater Service
 - j. x other R/W abandonment (please specify)
- E. By signing this agreement, the Owner acknowledges that Owner waives any right to claim diminution in value or claim for just compensation for diminution in value under A.R.S. §12-1134 related to the land use action as a result of the City's approval of the action in regards to the above referenced property. This waiver constitutes a complete release of any and all claims and causes of action that may arise or may be asserted under A.R.S. §12-1134 as it exists or may be enacted in the future or that may be amended from time to time with regard to the subject property.
- F. This agreement in no way acquiesces to or obligates the City to perform any legislative or administrative act.

- G. This agreement, any exhibits attached hereto, and any addendum, constitute the entire understanding and agreement of the Owner and the City and shall supersede all prior agreements or understandings between the Owner and the City regarding the above referenced property in accordance with A.R.S. §12-1134. This agreement may not be modified or amended except by written agreement by the Owner and the City.
- H. This agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona.
- I. If any legal action is brought by either party to enforce any provisions of this agreement, the prevailing party shall be entitled to recover from the other party reasonable attorneys' fees and court costs in such amounts as shall be allowed by the court.
- J. Within ten (10) days after the execution of this agreement, the City Clerk shall file the agreement in the Official Records of the Recorder's Office, Mohave County, Arizona.
- K. This agreement runs with the land and is binding upon all present and future owners of the above referenced property.
- L. This agreement is subject to the cancellation provisions of A.R.S. §38-511
- M. The Owner warrants and represents that Owner holds fee title to the above referenced property, and that no other person has ownership interest in the property; and agrees to hold harmless and indemnify the City in any action regarding ownership. Owner is responsible to notify the City if change in ownership of the above listed property takes place prior to approval of the land use action. Any and all Owners must sign this agreement. Additional Owner signatures must be notarized and attached to this agreement.
- N. Any Agent that signs on behalf of the Owner, personally warrants and guarantees to the City that they have the full legal power to bind Owner to this agreement. Furthermore, Agent agrees to indemnify and hold harmless the City in any action regarding ownership of the above listed property. Agent is responsible to notify the City if any change in ownership of the above listed property takes place prior to the full approval of the requested action.

**CITY OF KINGMAN
A MUNICIPAL CORPORATION**

By: _____

Printed Name: _____

I, the undersigned, hereby agree to the terms and acknowledge this document and sign below.

PROPERTY OWNER/AGENT

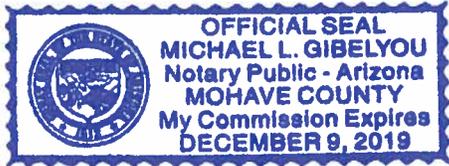
By: Bill DeJulio

Print Name Bill DeJulio

State of Arizona)

County of Mohave)

SUBSCRIBED AND SWORN to before me this 27 day of May, 2016



Michael L. Gibelyou
Notary Public

Recorded at the request of:
Chicago Title Agency, Inc.

When recorded, mail to:
UNS Electric, Inc.
88 E. Broadway, HQW603
Tucson, AZ 85701

FEE# 2015029912

OFFICIAL RECORDS OF MOHAVE COUNTY
CAROL MEIER, COUNTY RECORDER
07/06/2015 03:28 PM Fee \$17.00
PAGE: 1 of 2

Escrow No.: CTM2015024143-CTA27

Space above this line for Recorder's Use

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations,
Steven J. Terlesky, Jr. and Mindy H. Terlesky, husband and wife who acquired title as
Steven J. Terlesky, Jr., an unmarried man and Mindy H. Cunnius, a single woman, as to an undivided 1/2 interest
and Nicholas R. Terlesky and Tamira M. Terlesky, husband and wife as community property with rights of
survivorship, as to an undivided 1/2 interest

does hereby convey to

UNS Electric, Inc., an Arizona Corporation

the following real property situated in Mohave County, Arizona:

Lots 1 through 30, inclusive, Block 6, KINGMAN COUNTRY CLUB ADDITION, UNIT NO. 1, according
to the plat thereof, recorded March 28, 1929, in the office of the recorder of Mohave County, Arizona.

EXCEPT those portions of Lots 16 through 22, inclusive, of said Block 6, which lie Southeasterly of the
following described line:

Beginning at the West quarter corner of Section 7, Township 21 North, Range 16 West of the Gila and Salt
River Base and Meridian, Mohave County, Arizona;
Thence South 00 degrees 25 minutes 13 seconds East along the West line of said Section 7, a distance of
25.00 feet;
Thence South 89 degrees 59 minutes 42 seconds West 30.00 feet;
Thence South 00 degrees 25 minutes 13 seconds East 149.12 feet;
Thence South 71 degrees 58 minutes 45 seconds West 964.49 feet;
Thence from a local tangent bearing of South 75 degrees 24 minutes 09 seconds West along the arc of a
curve to the left having a radius of 11,703.16 feet, a distance of 500.00 feet to the point of ending.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way,
covenants, conditions and restrictions as may appear of record.

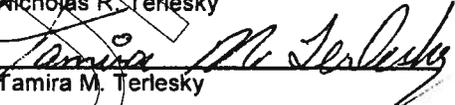
The undersigned hereby warrants the title against all persons whomsoever, subject to the matters set forth.

Dated: March 5, 2015


Steven J. Terlesky, Jr.


Mindy H. Cunnius Terlesky


Nicholas R. Terlesky


Tamira M. Terlesky

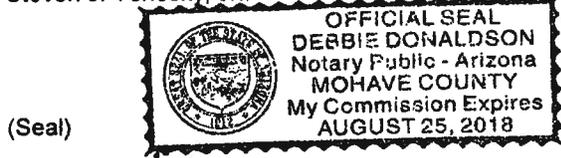
NOTARY ACKNOWLEDGMENT(S) TO WARRANTY DEED

State of Arizona

County of Mohave

The foregoing document was acknowledged before me this 8th day of June, 2015,

by Steven J. Terlesky, Jr.,



Debbie Donaldson
Notary Public

State of Arizona

County of Mohave

The foregoing document was acknowledged before me this 8th day of June, 2015,

by Mindy H. ~~Gunnus~~ Terlesky.



Debbie Donaldson
Notary Public

State of Arizona

County of Mohave

The foregoing document was acknowledged before me this 8th day of June, 2015,

by Nicholas R. Terlesky and Tamira M. Terlesky.

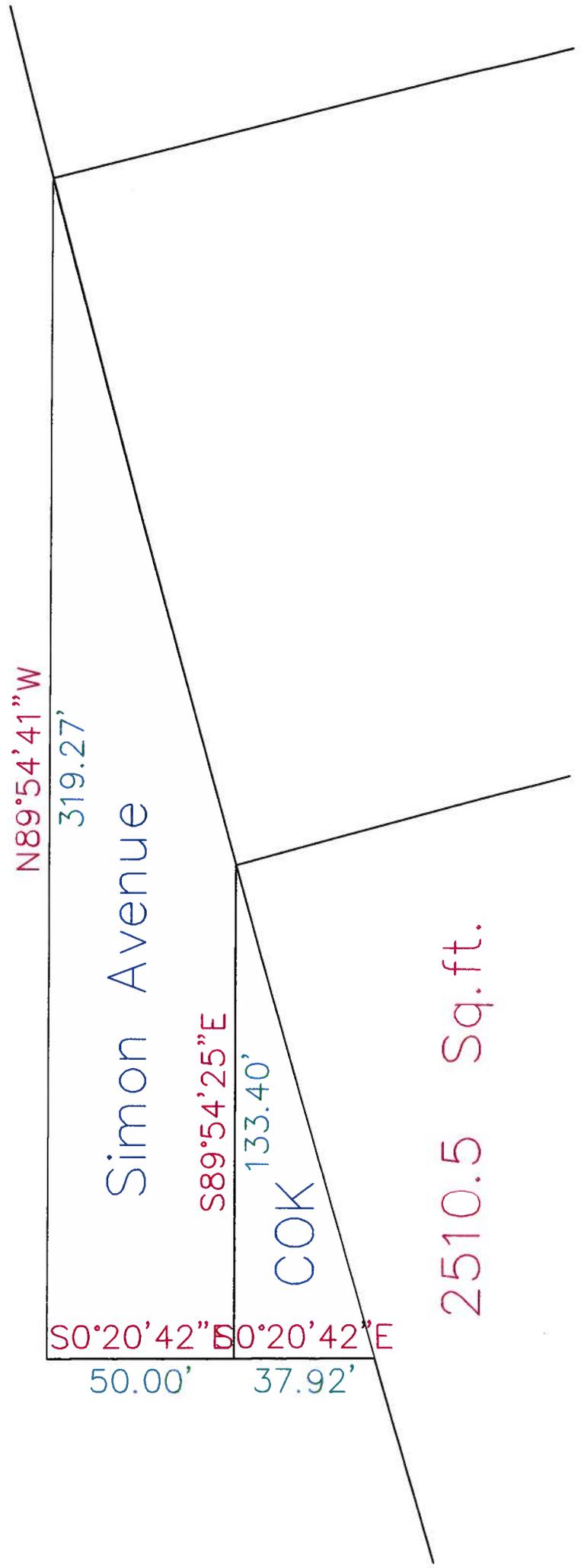


Debbie Donaldson
Notary Public

UNOFFICIAL COPY

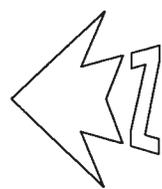
13778.1 Sq.ft.

11267.6 Sq.ft.



2510.5 Sq.ft.

EXHIBIT DELINEATING NEW R/W OVER A PORTION OF LOT 13, VALLEY SLOPE SUBDIVISION SITUATE IN SW 1/4 OF SECTION 12, T.21 N., R.17 W., G.& S.R.M., MOHAVE COUNTY, ARIZONA.

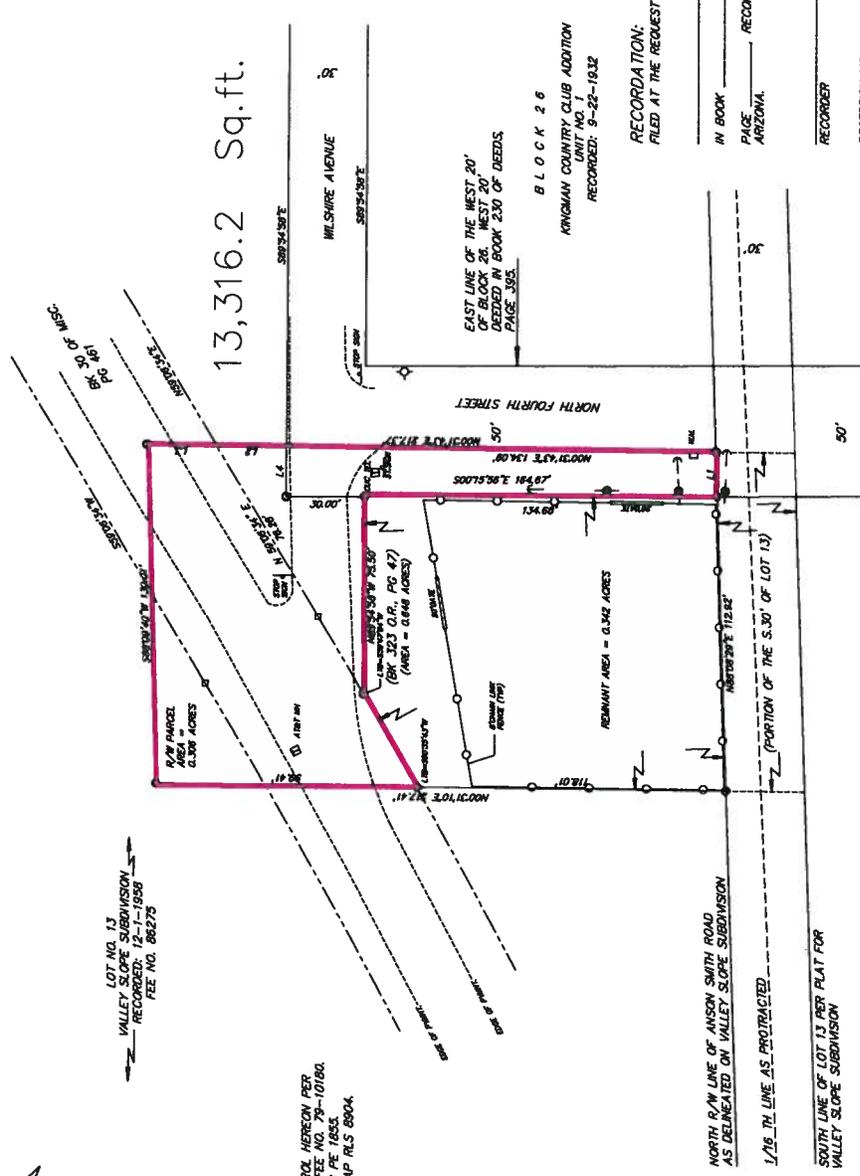


GRID NORTH OHPD

LOT NO. 13
VALLEY SLOPE SUBDIVISION
RECORDED: 12-1-1958
FEE NO. 06275

13,316.2 Sq.ft.

NOTES:
[1.] BASIS OF BEARINGS AND CONTROL HEREON PER PLAT RECORDED: APRIL 3, 1979 AT FEE NO. 79-10180.
[2.] ○ = FOUND 1 INS. OHPD W/TAG FE 1855.
● = SET 5/8 INS. REBAR W/OHPD RLS 8904.
□ = POINTS NOT SET.

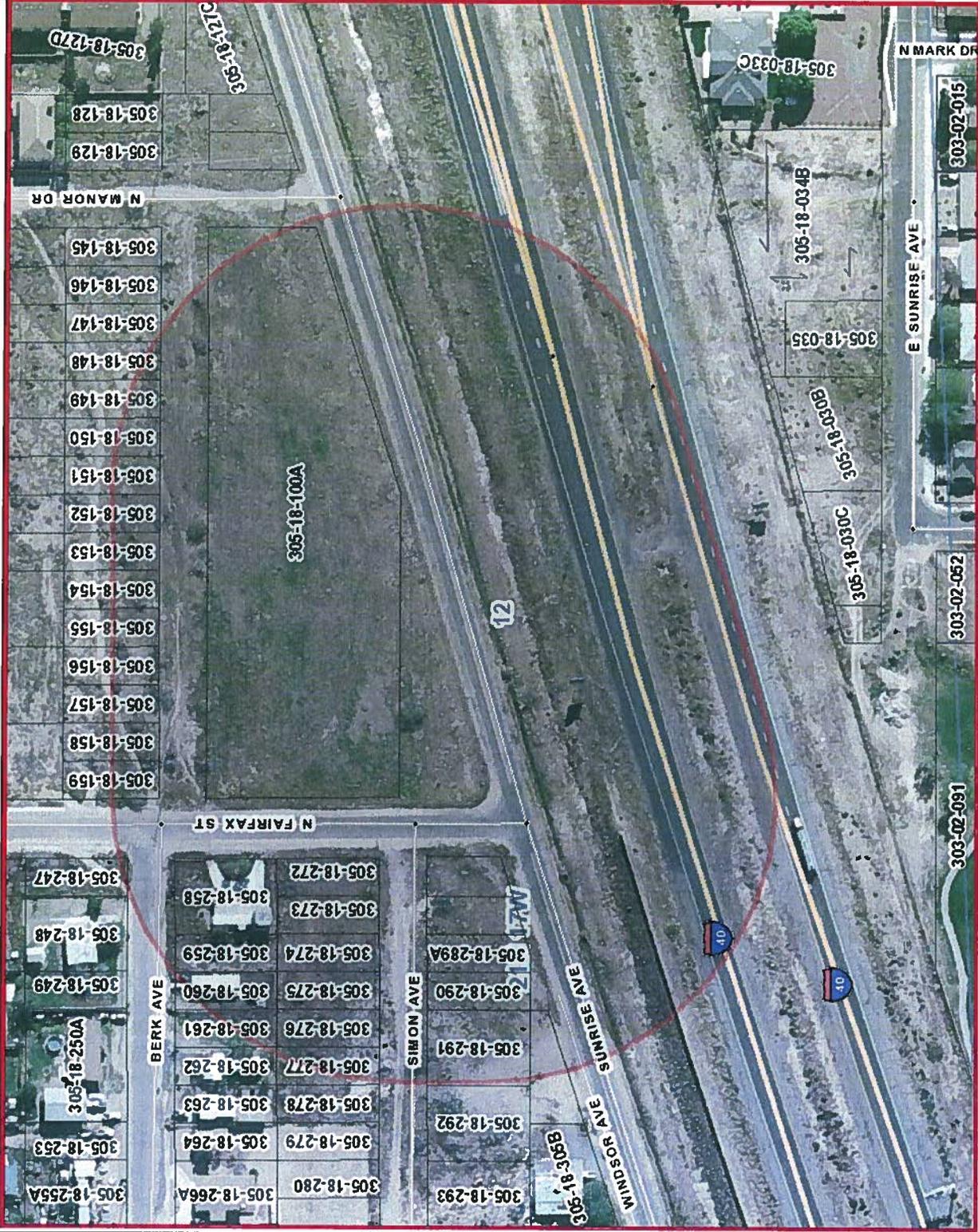


LINE	BEARING	LENGTH
L1	N82°08'28"E	17.06'
L2	N02°31'43"E	26.70'
L3	N02°31'43"E	26.96'
L4	S69°54'56"E	19.33'

CURVE	DELTA	RADIUS	TANGENT	CHORD	CHORD BEARING
C1	00°43'39"	2904.79'	41.11'	20.55'	N80°11'24"E
C2	00°40'30"	2904.79'	34.23'	17.11'	N59°20'49"E

RECORDATION:
FILED AT THE REQUEST OF THE CITY OF KINGMAN ON
PAGE _____ OF RECORDS OF SURVEYS,
ARIZONA. RECORDS OF MOHAVE COUNTY.
RECORDED: 9-22-1932
RECORDER _____ DEPUTY RECORDER _____
RECEPTION NO. _____ FEE: _____

Simon Avenue abandonment - 300 ft buffer



Legend

- ADOT Mileposts
- COUNTY Mileposts
- Sign Post Exists
- Calculated Measure
- Highways
- Main Arterials
- Collectors
- Local
- Railroad
- Incorporated Cities (>1:200K)
- Township/Range
- Section
- Surface Management
 - AZ Game and Fish
 - Bureau of Land Management
 - Bureau of Reclamation
 - City or County Parks
 - Indian Reservation
 - Military Reservation
 - National Parks
 - National Wildlife Refuge
 - Other
 - Private
 - State Parks
 - State Trust
 - US Forest Service



1:2,257

Notes:

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376.2 Feet

188.1

Map Created: 5/27/2016



The City Of
KINGMAN, AZ
"The Heart of Historic Route 66"



RECEIPT

Project Number: AB16-0003

Job Address:

KINGMAN, AZ 86401

Receipt Number: COK0691

Printed: 5/27/2016 2:06 pm

<u>Fee Description</u>	<u>Account Number</u>	<u>Fee Amount</u>
ROAD/ALLEY/EASMENT VACATE;EXT	101-0000-341-30-10	\$500.00

Total Fees Paid:

\$500.00

Date Paid: 5/27/2016 12:00:00AM

Paid By: UNS ELECTRIC, INC

Pay Method: CREDIT CARD

Received By: SANDY FELLOWS

WHEN RECORDED HOLD FOR
KINGMAN CITY CLERK
310 N. 4th Street
Kingman, AZ 86401

CITY OF KINGMAN RESOLUTION NO. 5029

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: FOR THE VACATION (ABANDONMENT) OF A PORTION OF SIMON AVENUE, LOCATED EAST OF N. FAIRFAX STREET, SOUTH OF BERK AVENUE, AND NORTH OF SUNRISE AVENUE AND A LAND SWAP.

WHEREAS, UniSource Energy Services, applicant, has requested the vacation (abandonment) of a portion of Simon Avenue, located between located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise Avenue as shown in Exhibit 'A' and a land swap, as shown in Exhibits 'B' and 'C', and

WHEREAS, Planning staff recommended that the portion of Simon Avenue, as shown in Exhibit 'A', located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise be vacated (abandoned) as the street would be of no use to the City for utilities or other purposes. Planning staff also recommend that the land swap of properties shown in Exhibit 'B' and 'C' be approved in lieu of cash payment for the vacated portion of Simon Avenue, and

WHEREAS, according to the Arizona State Statutes, § 28-7201: et. seq., and the Kingman Streets and Sidewalks Development Rules and Regulations, Section 5: Right-of-Way Vacation, the City may dispose of right-of-way upon finding that the right-of-way or utility easement, such easement may be extinguished by resolution, without consideration or determination of value, upon finding that the easement is no longer necessary for public uses or purposes, and

WHEREAS, the City Engineering Department, other city and county agencies, and public utility companies were informed of this vacation request, and it was determined that there are no public utilities present in Simon Avenue, and that it is not needed by any public utility company nor is necessary for drainage or other public use or public proposes, and

WHEREAS, the City of Kingman Planning and Zoning Commission, at their regular meeting on July 12, 2016, held a public hearing and recommended by a vote of 6-0 the approval of the vacation (abandonment) of a portion of Simon Avenue as shown in Exhibit "A" and land swap, as shown in Exhibits B and C, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Kingman, Arizona:

1. That the portion of Simon Avenue, located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise Avenue as shown in Exhibit 'A' is hereby determined to be unneeded for any public purpose, and is therefore vacated (abandoned) and that the property shown in Exhibits B and C shall be swapped.
2. That upon recordation of the deed, title to the abandoned portion of the Simon Avenue right-of-way and the adjacent City of Kingman property shall pass to the UniSource Energy.
3. That upon recordation of the deed, title of the UniSource property being swapped as shown in Exhibit B shall pass to the City of Kingman.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona this 2nd day of August, 2016.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

Exhibit A-Simon Ave

SKETCH TO ACCOMPANY LEGAL DESCRIPTION: PORTIONS OF SIMON AVENUE & REMNANT BLOCK 4 LYING NORTH OF THE NORTHERLY BOUNDARY OF THE REALIGNED SUNRISE AVENUE AND EAST OF FAIRFAX AVENUE.

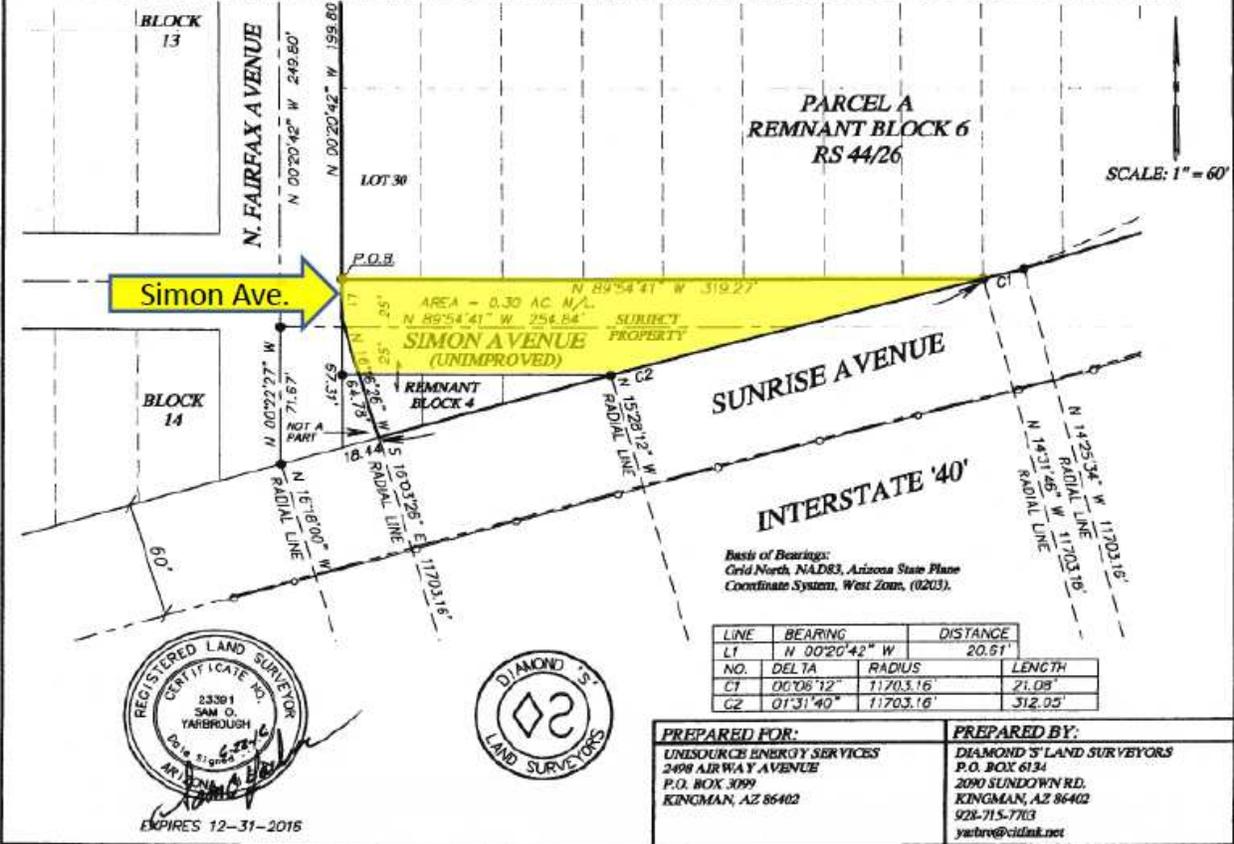


Exhibit B-COK Property

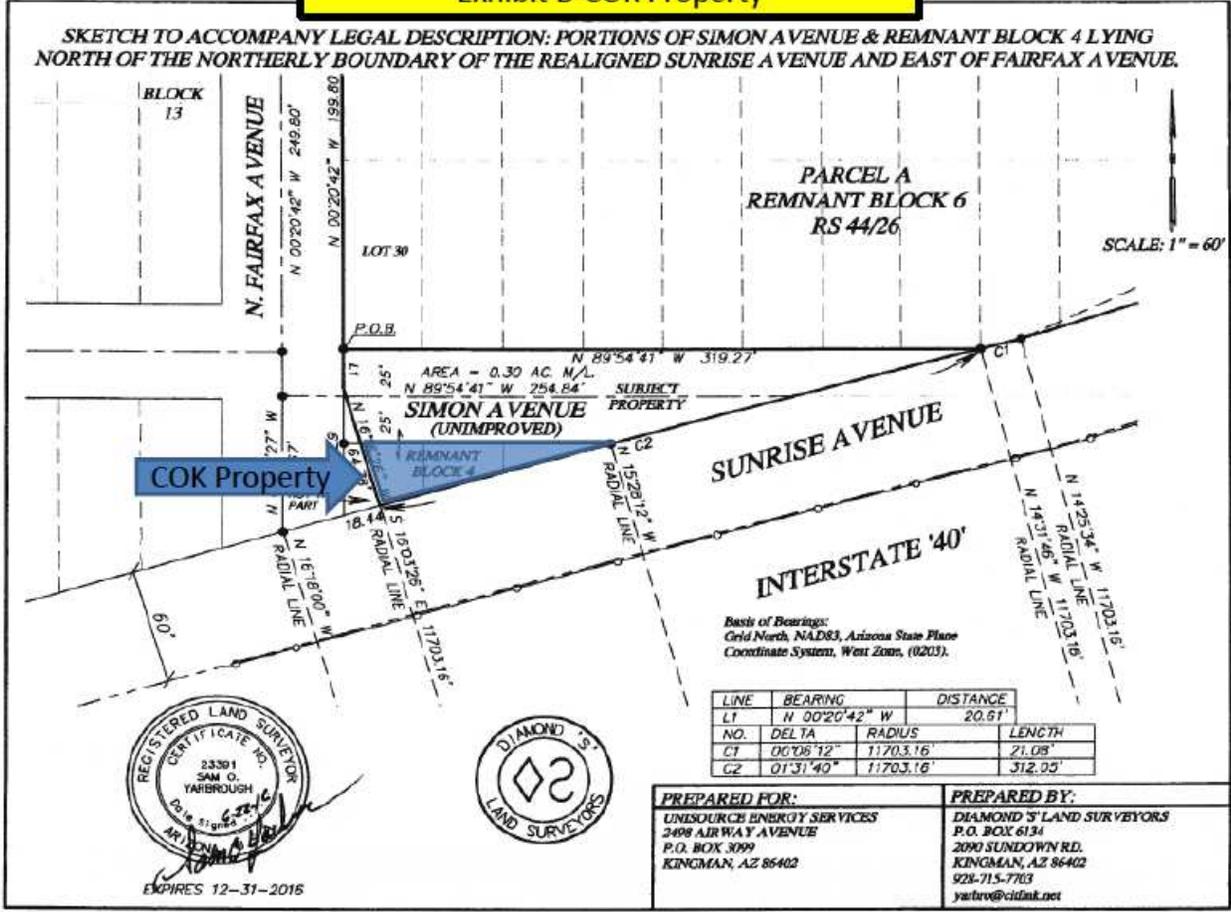


Exhibit C-UniSource Property

EXHIBIT DELINEATING NEW R/W OVER A PORTION OF LOT 13, VALLEY SLOPE
SUBDIVISION SITUATE IN SW 1/4 OF SECTION 12, T.21 N., R.17 W., G. & S.R.M.,
MOHAVE COUNTY, ARIZONA.



13,316.2 Sq.ft.

NOTES:

- (1.) BASIS OF BEARINGS AND DISTANCES FROM MAP PLAT RECORDED APRIL 3, 1976 AT REC. NO. 799-14100.
- (2.) \odot = POINT 1 HAS BUMP ROTARY FE FESS
- \bullet = SET 5/8 INS. STEEL NAIL PL. 2004.
- \square = POINTS NOT SET.

NORTH 5/8" LINE OF AMYON SMITH ROAD AS DELINEATED ON VALLEY SLOPE SUBDIVISION

S/4" IN LINE AS PROPOSED

SOUTH LINE OF LOT 13 FOR PLAT FOR VALLEY SLOPE SUBDIVISION

EAST LINE OF THE WEST 20' OF BLOCK 28, NEET 20' (SHOWN IN BOOK 230 OF DEEDS, PAGE 185)

BLOCK 28
KINGMAN COUNTRY CLUB ADDITION
SUBD. NO. 1
RECORDED: 5-22-1932

RECORDATION:
FILED AT THE REQUEST OF THE CITY OF KINGMAN ON

IN BOOK _____ OF RECORDS OF SURVEYS,
PAGE _____ RECORDS OF MOHAVE COUNTY,
ARIZONA.

RECORDED _____ DEPUTY RECORDER
RECORDATION NO. _____ FEE: _____

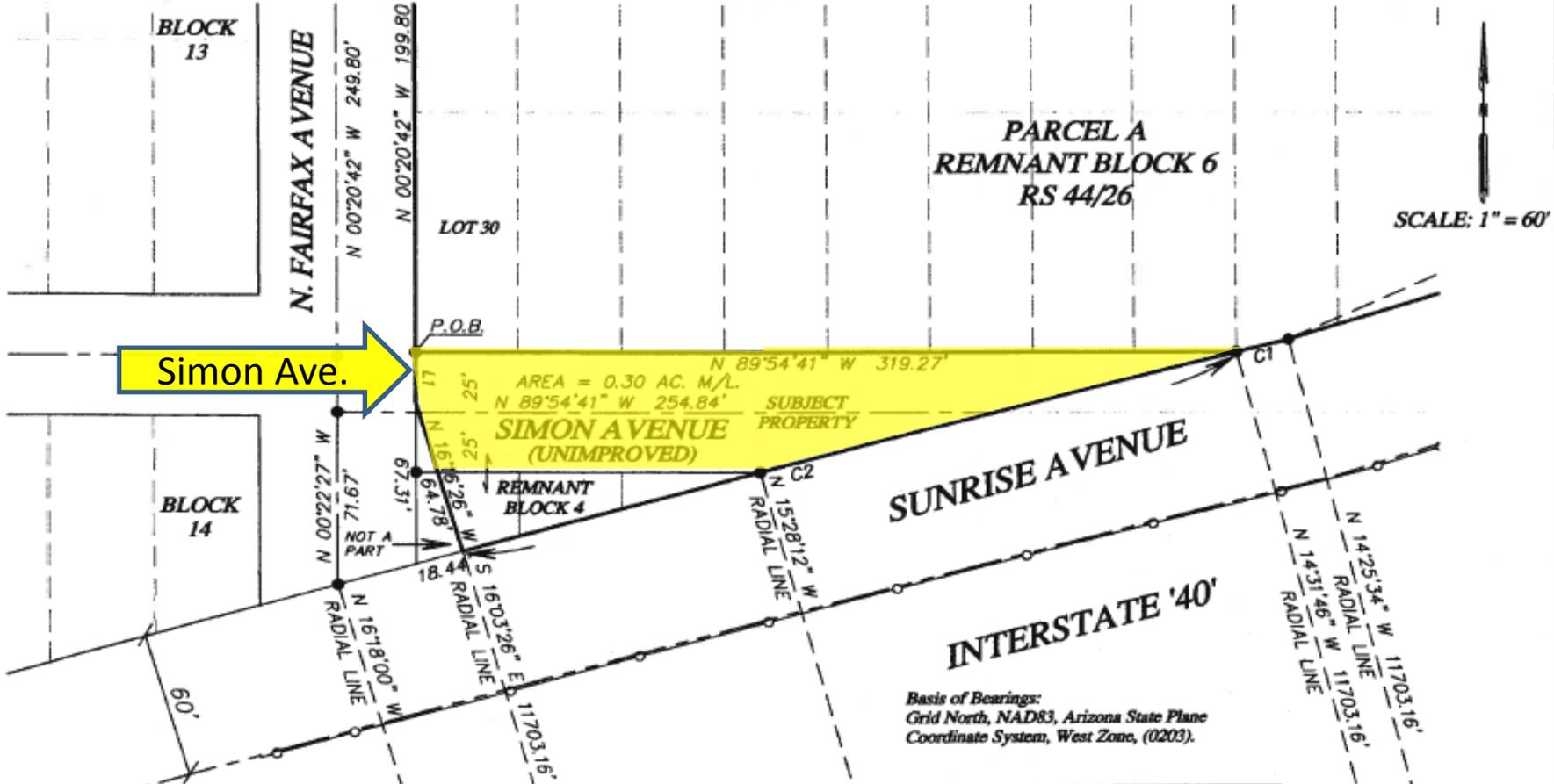
LINE	BEARING	LENGTH
1-1	N85°50'20" E	11.95
1-2	S89°00'00" E	26.20
1-3	S89°00'00" E	26.20
1-4	S89°00'00" E	19.87

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
1-1	104°00'00"	100.00	62.83	62.83	100.00	N00°00'00" E
1-2	90°00'00"	26.20	26.20	26.20	26.20	N00°00'00" E

City of Kingman Surveying Department	
Drawn by: JIM HUBBARD	Date: SEPTEMBER 12, 2001
File: 000000	Sheet: 1 of 1

Exhibit A-Simon Ave

SKETCH TO ACCOMPANY LEGAL DESCRIPTION: PORTIONS OF SIMON AVENUE & REMNANT BLOCK 4 LYING NORTH OF THE NORTHERLY BOUNDARY OF THE REALIGNED SUNRISE AVENUE AND EAST OF FAIRFAX AVENUE.



Simon Ave. →

**PARCEL A
REMNANT BLOCK 6
RS 44/26**

SCALE: 1" = 60'

AREA = 0.30 AC. M/L.
N 89°54'41" W 319.27'
N 89°54'41" W 254.84' **SUBJECT PROPERTY**
SIMON AVENUE (UNIMPROVED)

SUNRISE AVENUE

INTERSTATE '40'

Basis of Bearings:
Grid North, NAD83, Arizona State Plane
Coordinate System, West Zone, (0203).

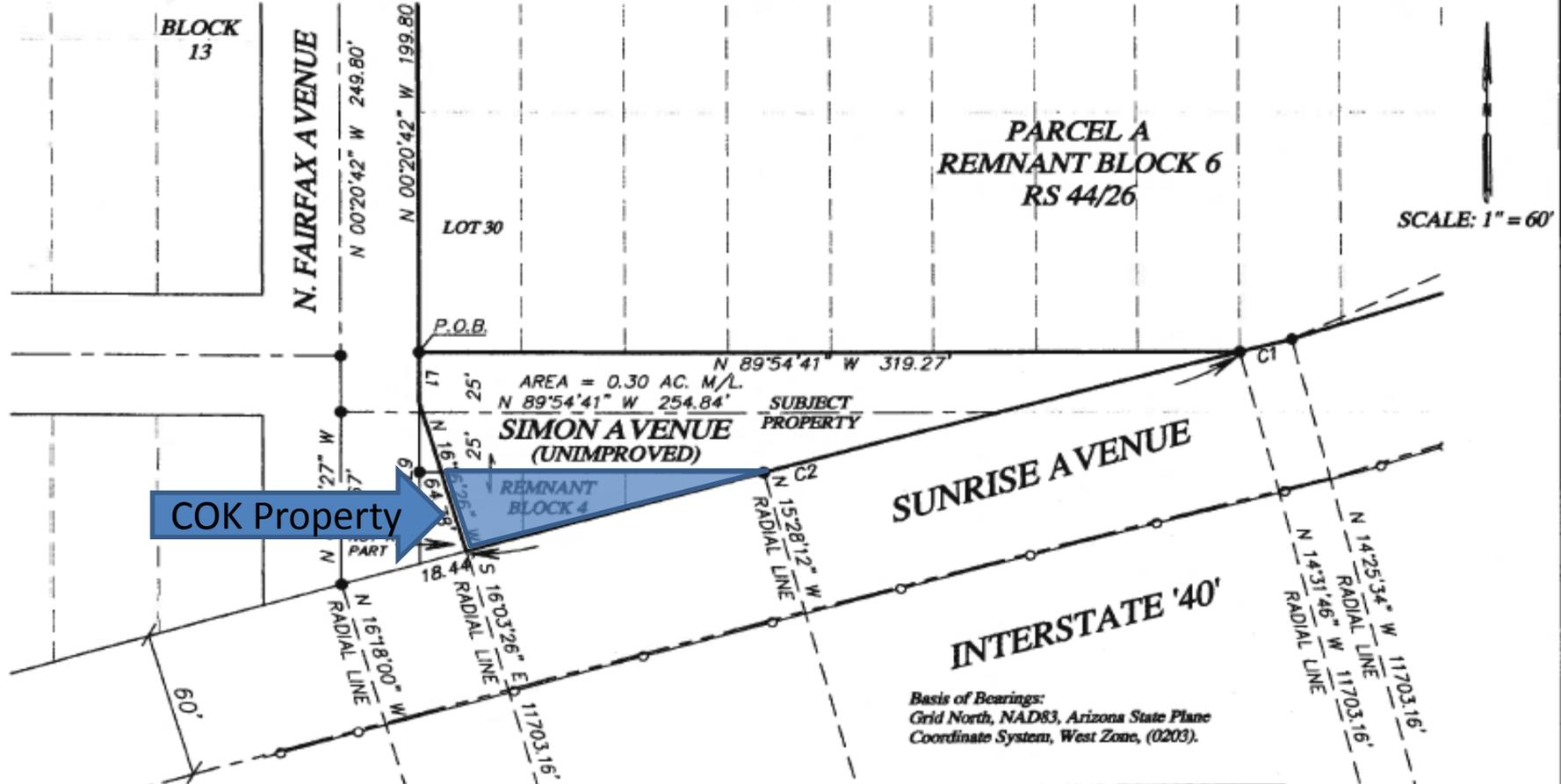
LINE	BEARING	DISTANCE	
L1	N 00°20'42" W	20.61'	
NO.	DELTA	RADIUS	LENGTH
C1	00°06'12"	11703.16'	21.08'
C2	01°31'40"	11703.16'	312.05'



<p>PREPARED FOR: UNISOURCE ENERGY SERVICES 2498 AIRWAY AVENUE P.O. BOX 3099 KINGMAN, AZ 86402</p>	<p>PREPARED BY: DIAMOND S LAND SURVEYORS P.O. BOX 6134 2090 SUNDOWN RD. KINGMAN, AZ 86402 928-715-7703 yarbrow@cidlink.net</p>
--	---

Exhibit B-COK Property

SKETCH TO ACCOMPANY LEGAL DESCRIPTION: PORTIONS OF SIMON AVENUE & REMNANT BLOCK 4 LYING NORTH OF THE NORTHERLY BOUNDARY OF THE REALIGNED SUNRISE AVENUE AND EAST OF FAIRFAX AVENUE.



COK Property

Basis of Bearings:
Grid North, NAD83, Arizona State Plane
Coordinate System, West Zone, (0203).

LINE	BEARING	DISTANCE	
L1	$N 00^{\circ}20'42'' W$	20.61'	
NO.	DELTA	RADIUS	LENGTH
C1	$00^{\circ}06'12''$	11703.16'	21.08'
C2	$01^{\circ}31'40''$	11703.16'	312.05'



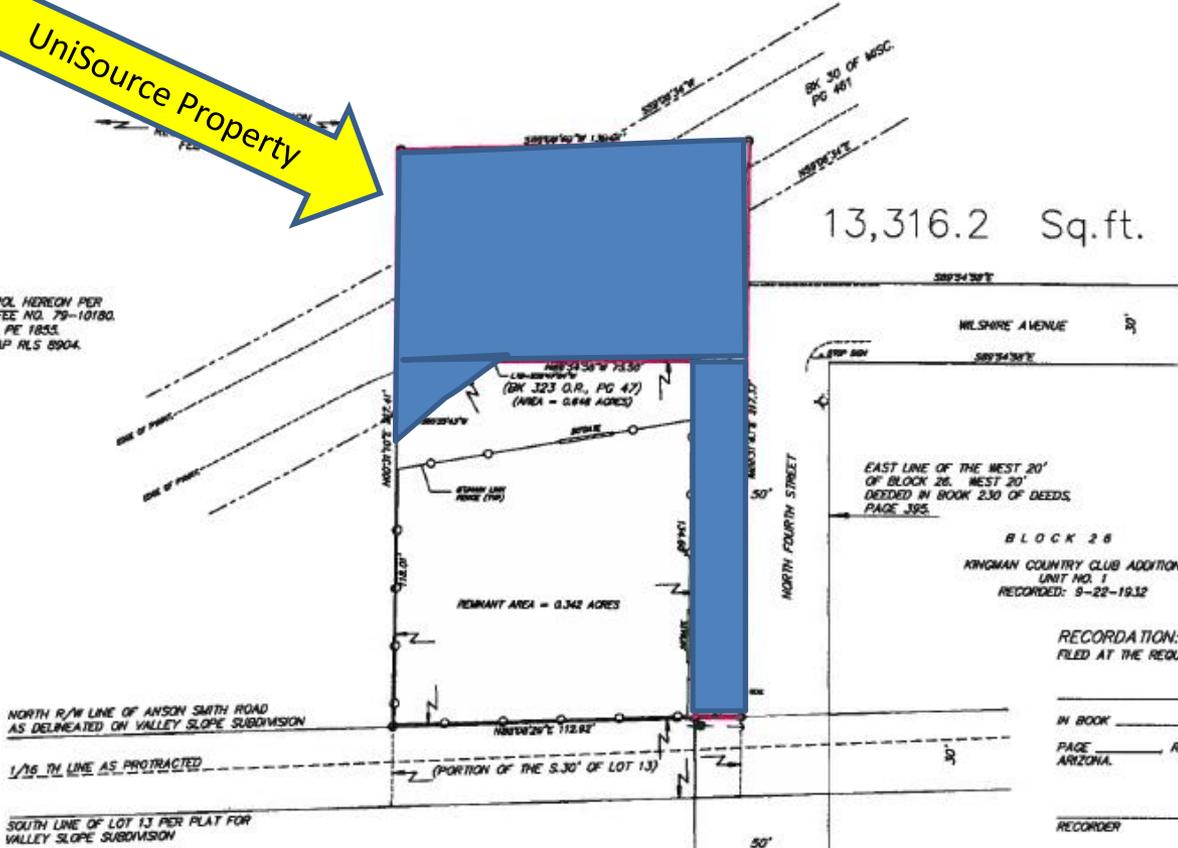
PREPARED FOR:	PREPARED BY:
UNISOURCE ENERGY SERVICES 2498 AIRWAY AVENUE P.O. BOX 3099 KINGMAN, AZ 86402	DIAMOND S LAND SURVEYORS P.O. BOX 6134 2090 SUNDOWN RD. KINGMAN, AZ 86402 928-715-7703 yarbrow@cidlink.net

Exhibit C-UniSource Property

EXHIBIT DELINEATING NEW R/W OVER A PORTION OF LOT 13, VALLEY SLOPE SUBDIVISION SITUATE IN SW 1/4 OF SECTION 12, T.21 N., R.17 W., G.& S.R.M., MOHAVE COUNTY, ARIZONA.



- NOTES:**
- (1.) BASIS OF BEARINGS AND CONTROL HEREON PER PLAT RECORDED: APRIL 3, 1979 AT FEE NO. 79-10190.
 - (2.) \odot = FOUND 1 INS. ODD W/TAG PER 1853.
 - \bullet = SET 5/8 INS. REBAR W/CAP RLS 8904.
 - \square = POINTS NOT SET.



RECORDATION:
FILED AT THE REQUEST OF THE CITY OF KINGMAN ON

IN BOOK _____ OF RECORDS OF SURVEYS,
PAGE _____ RECORDS OF MOHAVE COUNTY,
ARIZONA.

RECORDER _____ DEPUTY RECORDER _____

RECEPTION NO. _____ FEE _____

LINE TABLE		
LINE	BEARING	LENGTH
L1	N82°08'29"E	17.06'
L2	N00°31'43"E	26.70'
L3	N00°31'43"E	26.58'
L4	S82°54'58"E	18.33'

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	00°48'39"	2804.79'	41.11'	20.55'	41.11'	N60°11'24"E
C2	00°40'30"	2804.79'	34.83'	17.11'	34.83'	N58°28'48"E

Exhibit A
Legal Description

A portion of the East 130 feet of the Southwest $\frac{1}{4}$ of Lot 13 in the "VALLEY SLOPE SUBDIVISION" situate in Section 12, Township 21 North, Range 17 West of the Gila and Salt River Meridian, Mohave County, Arizona per the Warranty Deed recorded on April 16, 1976 in Book 323, Page 47, Official Records of Mohave County, Arizona and according to the plat thereof, recorded on December 01, 1958 at Fee No. 86275 and as delineated on the "RETRACEMENT AND DEPENDENT RESURVEY" plat recorded April 03, 1979 at Fee No. 79-10180. Said Parcel being more particularly described as follows:

Beginning at the Northwest corner of the aforesaid East 130 feet of the Southwest $\frac{1}{4}$ of Lot 13, an Iron Pipe, R.C.E. (Registered Civil Engineer) 1855;

Thence North 88 Degrees 09 Minutes 40 Seconds East (Basis of Bearings: The plat recorded April 03, 1979 at Fee No. 79-10180) along the northerly line of said East 130 feet 130.01 feet to the Northeast corner of said parcel, an Iron Pipe, R.C.E. 1855;

Thence South 00 Degrees 31 Minutes 43 Seconds West along the East line of said Parcel 217.37 feet to the Southeast corner thereof, an Iron Pipe, R.C.E. 1855;

Thence South 88 Degrees 08 Minutes 29 Seconds West along the South line of said Parcel 17.06 feet;

Thence North 00 Degrees 15 Minutes 56 Seconds West 134.66 feet;

Thence North 89 Degrees 54 Minutes 58 Seconds West 75.50 feet to a point in a curve concave to the northwest, having a radius of 2904.79 feet from which the radius point Bears: North 30 Degrees 12 Minutes 56 Seconds West;

Thence Southwesterly along said curve through a central angle of 00 Degrees 48 Minutes 39 Seconds an arc distance of 41.11 feet to a point in the westerly line of said parcel;

Thence North 00 Degrees 31 Minutes 10 Seconds East along aforesaid westerly line 99.41 feet to the Point of Beginning.

The herein described parcel contains an area of 0.305 Acres, More or Less.

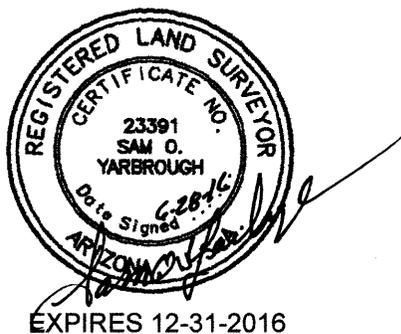


Exhibit A
Legal Description

Portions of Simon Avenue and Block 4 in "KINGMAN COUNTRY CLUB ADDITION, UNIT NO. 1", according to the plat thereof, recorded on March 28, 1929 lying north of the realigned Sunrise Avenue and east of the easterly boundary of Fairfax Avenue being more particularly described as follows:

Beginning at the Southwest corner of Block 6 in Kingman Country Addition, Unit No. 1 aforementioned, a rebar with a ypc (yellow plastic cap), R.L.S. 23960;

Thence along the common line of said Block 6 and the north line of Simon Avenue, South 89 Degrees 54 Minutes 41 Seconds East (Basis of Bearings: Grid North, NAD83, Arizona State Plane Coordinate System, West Zone, 0203) 319.27 feet to a rebar with a ypc, R.L.S. 23960, being a point in a curve concave to the South, having a radius of 11703.16 feet and lying in the northerly Right of Way of said Sunrise Avenue from which the radius point Bears: South 14 Degrees 31 Minutes 46 Seconds East;

Thence Southwesterly along said curve and said northerly Right of Way line through a central angle of 1 Degree 31 Minutes 40 Seconds an arc distance of 312.05 feet to a point in said curve, from which the radius point Bears: South 16 Degrees 03 Minutes 26 Seconds East 11703.16 feet;

Thence North 16 Degrees 16 Minutes 26 Seconds West 64.78 feet to a point in the prolonged west line of said Block 6;

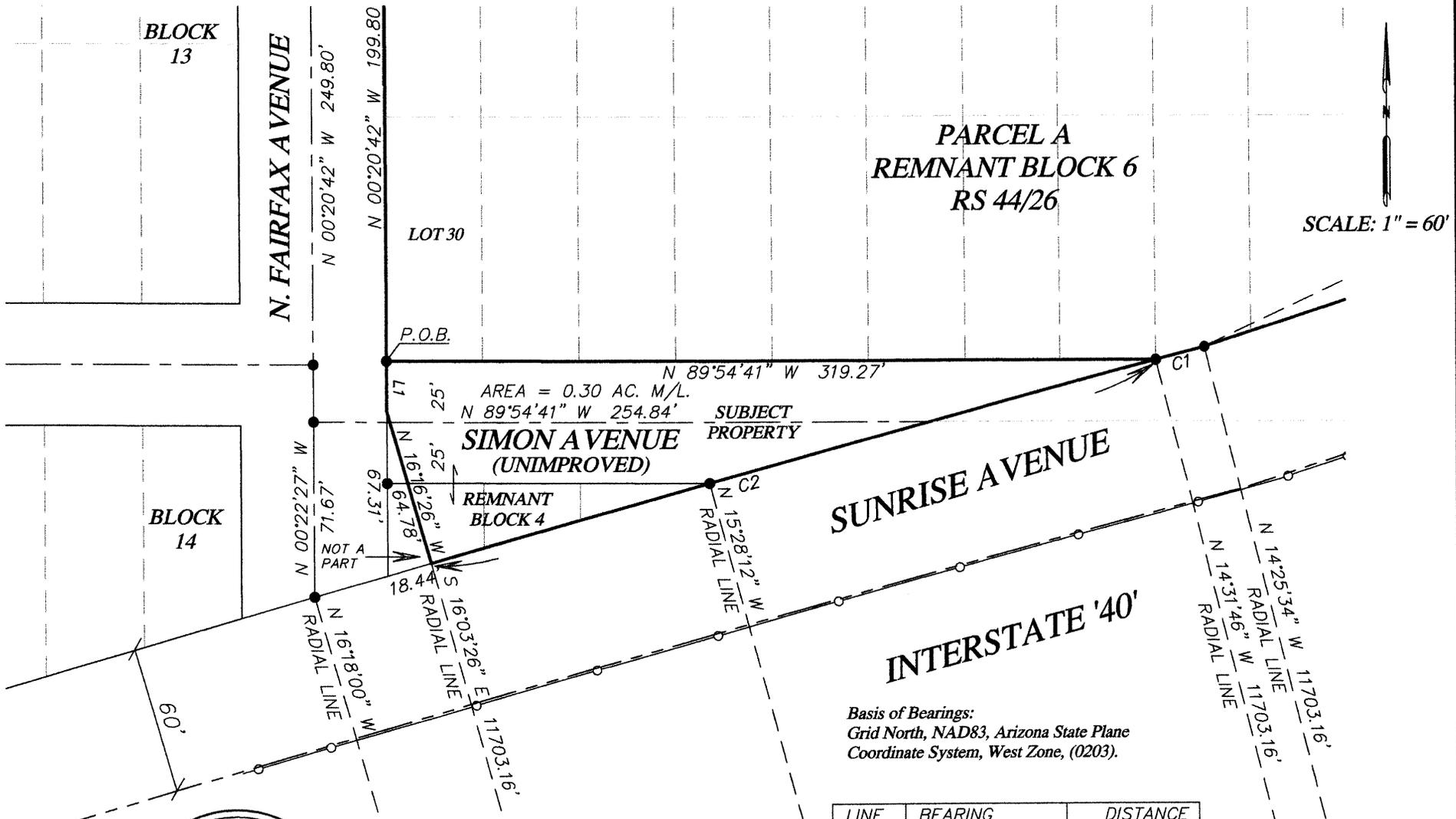
Thence North 00 Degrees 20 Minutes 42 Seconds West 20.61 feet to the Point of Beginning.

The herein described parcel contains an area of 0.30 Acres, More or Less.



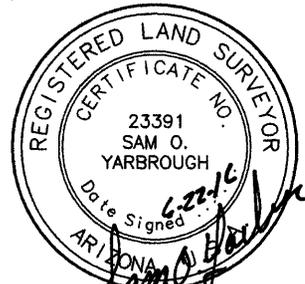
EXHIBIT B

SKETCH TO ACCOMPANY LEGAL DESCRIPTION: PORTIONS OF SIMON AVENUE & REMNANT BLOCK 4 LYING NORTH OF THE NORTHERLY BOUNDARY OF THE REALIGNED SUNRISE AVENUE AND EAST OF FAIRFAX AVENUE.



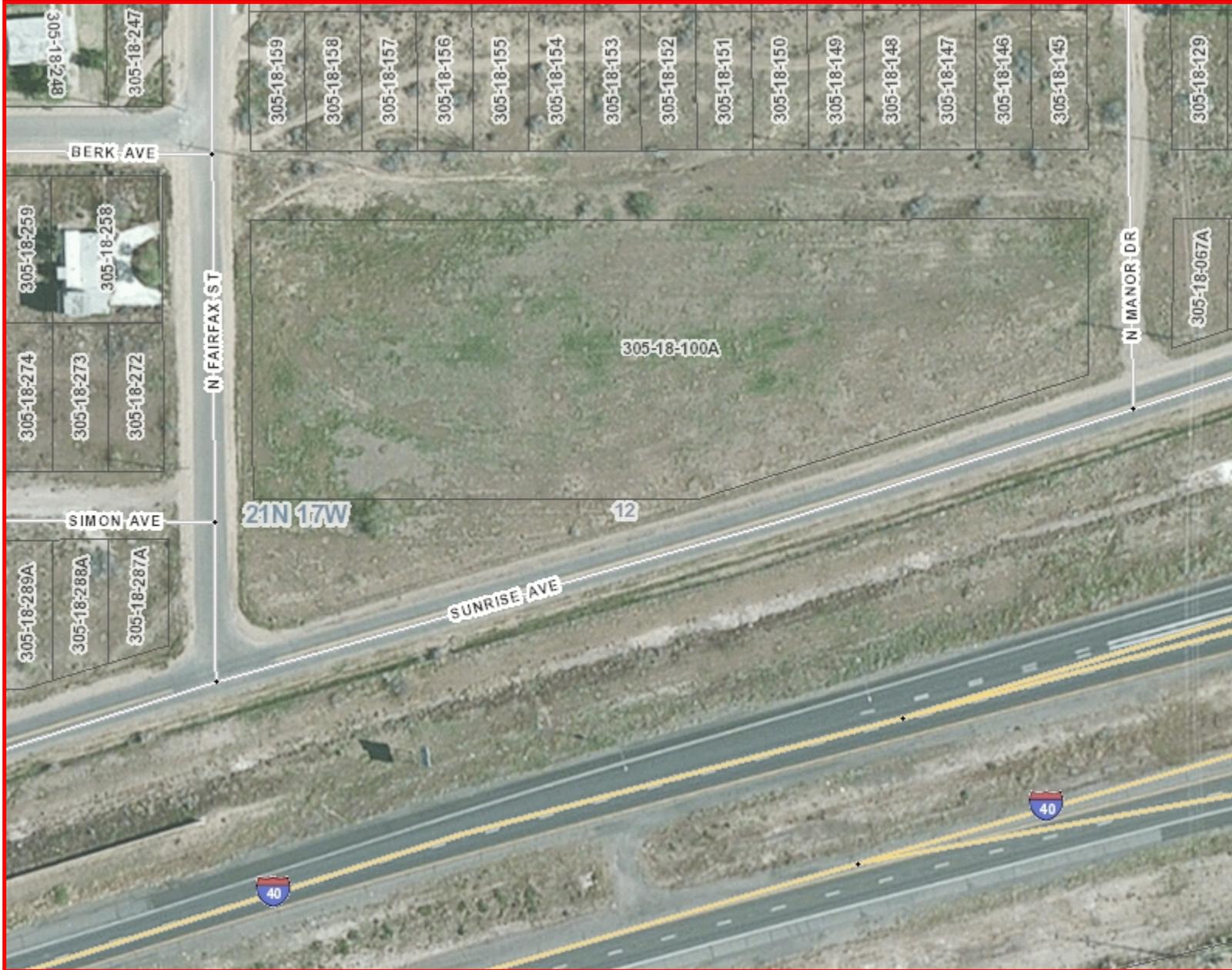
Basis of Bearings:
 Grid North, NAD83, Arizona State Plane
 Coordinate System, West Zone, (0203).

LINE	BEARING	DISTANCE	
L1	N 00°20'42" W	20.61'	
NO.	DELTA	RADIUS	LENGTH
C1	00°06'12"	11703.16'	21.08'
C2	01°31'40"	11703.16'	312.05'



EXPIRES 12-31-2016

PREPARED FOR:	PREPARED BY:
UNISOURCE ENERGY SERVICES 2498 AIRWAY AVENUE P.O. BOX 3099 KINGMAN, AZ 86402	DIAMOND 'S' LAND SURVEYORS P.O. BOX 6134 2090 SUNDOWN RD. KINGMAN, AZ 86402 928-715-7703 yarbro@citlink.net



Legend

- ADOT Mileposts
- COUNTY Mileposts
- Sign Post Exists
- Calculated Measure
- Highways
- Main Arterials
- Collectors
- Local
- Railroad
- (greater than 1:200,000 scale)
- Township/Range
- Section
- Surface Management**
- AZ Game and Fish
- Bureau of Land Management
- Bureau of Reclamation
- City or County Parks
- Indian Reservation
- Military Reservation
- National Parks
- National Wildlife Refuge
- Other
- Private
- State Parks
- State Trust
- US Forest Service

1: 1,555



0 129.6 259.2 Feet

(approximate scale)

Map Created: 7/1/2016

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Notes:
Sunrise Ave



Legend

- ADOT Mileposts
- COUNTY Mileposts
- Sign Post Exists
- Calculated Measure
- Highways
- Main Arterials
- Collectors
- Local
- Railroad
- (greater than 1:200,000 scale)
- Township/Range
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1: 1,555



0 129.6 259.2 Feet



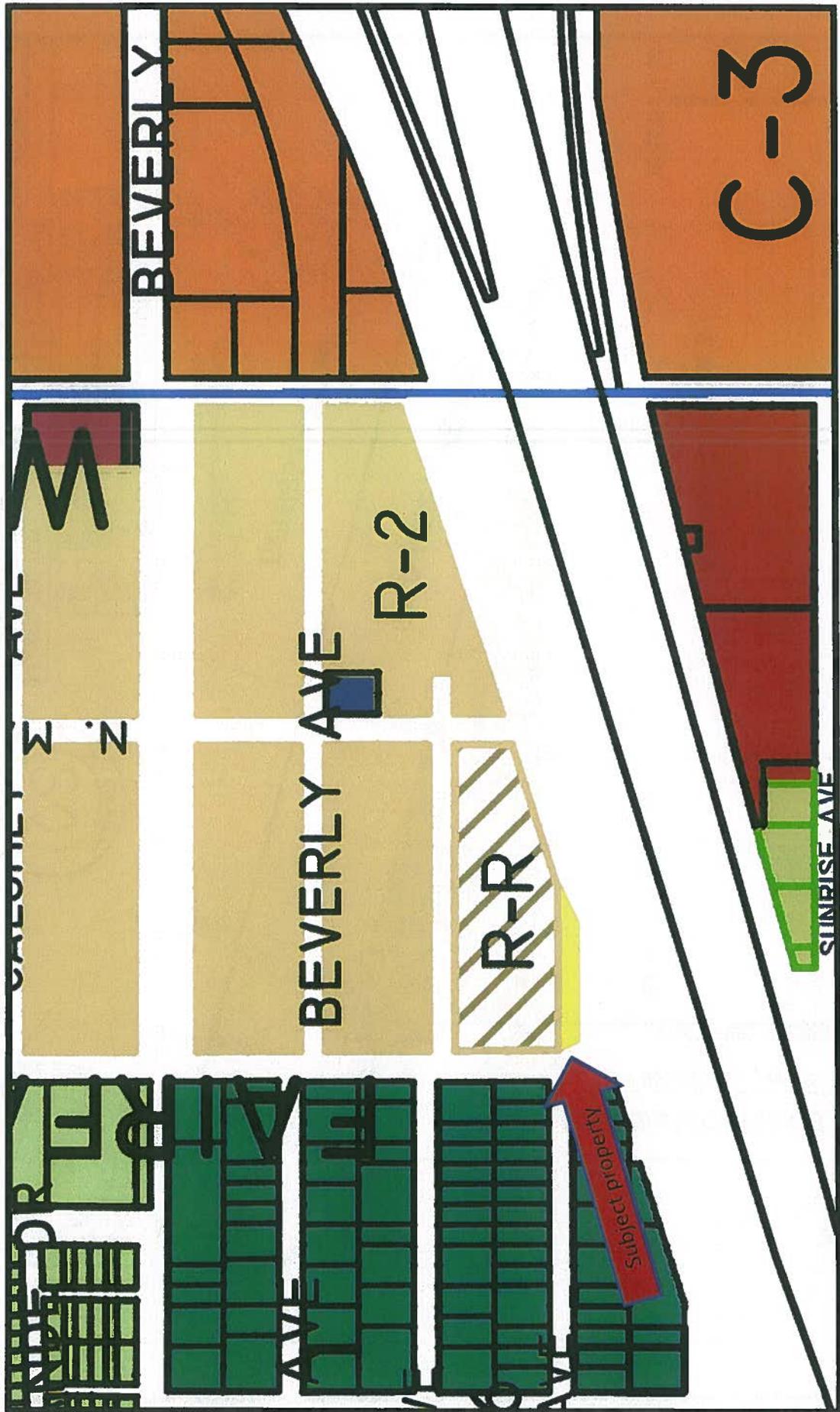
(approximate scale)

Map Created: 7/1/2016

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Notes:
UNS Electric Property

Zoning Map



- R-2 RESIDENTIAL, MULTIPLE-FAMILY, LOW DENSITY
- R-44-6 RESIDENTIAL, MANUFACTURED HOME, 6,000 SQ. FT. LOT MINIMUM
- R-R RURAL RESIDENTIAL
- R-3 RESIDENTIAL, MULTIPLE-FAMILY, MEDIUM DENSITY



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM:

MEETING DATE: August 2, 2016

AGENDA SUBJECT: European Route 66 Festival

SUMMARY:

Jim Hinckley will be present to discuss his recent marketing tour of Kingman at the 1st European Route 66 Festival.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

None

REVIEWERS:

Department	Reviewer	Action	Date
City Manager	Dougherty, John	Approved	7/13/2016 - 2:06 PM
City Attorney	Cooper, Carl	Approved	7/14/2016 - 3:27 PM
City Manager	Dougherty, John	Approved	7/13/2016 - 2:06 PM