



CITY OF KINGMAN SUBDIVISION ABANDONMENT (VACATION) APPLICATION

In accordance with Section 1.13 VACATION OF PLATS of Subdivision Ordinance of the City of Kingman listed below, the following procedures shall be followed in seeking an abandonment of a subdivision:

1.13 VACATION OF PLATS

- (1) Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a Common Council Resolution, to which a copy of such plat shall be attached, declaring the same to be vacated.
- (2) If no lots in a subdivision, for which a final plat has been approved and recorded, have been sold within five (5) years from the date of recordation, or if none of the improvements have been made in accordance with the assurance for completion of improvements, the Common Council may on its own motion hold a public hearing after notice to determine whether the approval of such Final Plat should be revoked. Such revocation shall be effective upon recordation of a certified copy of such resolutions; and thereupon, all streets, rights-of-way and easements dedicated or offer for dedication by such plat shall be of no further force or effect.
- (3) When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat, by petitioning the Common Council for consideration of the revocation of all or portions of the plat.
- (4) Any action considered by the Common Council relating to the revocation of all or part of a subdivision plat, whether lots or lots and rights-of-way, shall be referred to the City Planning and Zoning Commission for evaluation of at least the following:
 - a. Correlation of the City General Plan.
 - b. Correlation with proposed development in adjacent areas.
 - c. Recommendation as to whether or not zoning changes should accompany such action.
 - d. Effect of such action on existing development in areas affected by the proposed reversion or abandonment.
 - e. Effect of such action on existing or proposed public utilities.
- (5) Any action taken by the Common Council on the revocation of a plat or any part thereof, shall be documented by Resolution, and said Resolution shall be recorded in the Office of the Mohave County Recorder. The recordation of this Resolution shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications or easements laid out or described in such plat except as specifically identified in the Resolution.

CITY OF KINGMAN

SUBDIVISION ABANDONMENT APPLICATION PROCEDURES

APPLICATION FEE: \$640.00

FILING REQUIREMENTS:

- ✓ One (1) original signed application form (attached).
- ✓ One (1) original signed Proposition 207 waiver form (attached). This is optional.
- ✓ One (1) written statement as to why the abandonment of the final plat is being sought.
- ✓ One (1) 24" x 36" paper copy of the recorded final plat and one (1) electronic copy of the recorded final plat map.
- ✓ One (1) copy and one (1) electronic copy of a title report showing the ownership of all lots, easements, parcels, rights-of-way, liens, and encumbrances.

REVIEW PROCESS: Upon receipt of all required materials, in accordance with ARS §9-835, an administrative review is conducted to determine the completeness of the application. The maximum time frame to complete this administrative review is ten (10) working days. The applicant and/or designated representative shall be notified by telephone/mail/or e-mail of any deficiencies in the application.

Once the administrative review is complete, Planning staff shall forward a copy of the abandonment request to the following agencies for evaluation and recommendations: Engineering Department, City Surveyor, Fire Department, Public Works Department, utility companies, and other agencies who may be concerned. Planning staff shall review the abandonment request and supportive information for completeness and conformance with the Zoning Ordinance and Subdivision Regulations.

All departments and agencies shall have twenty (20) working days from the date the preliminary plat and all supportive information is received to complete their review. Departments and agencies shall submit comments to the Planning and Economic Development Department. No reply by an agency within the time limit specified shall be deemed as having no objection.

When all replies have been received, or the specified date of reply is reached, Planning staff shall schedule the review of the subdivision abandonment by the Planning and Zoning Commission at their next regularly scheduled public meeting.

PLANNING AND ZONING COMMISSION ACTION: The applicant or their designated representatives shall be notified by the Planning staff in writing at least fifteen (15) days prior to a meeting of the time and place set for review of the subdivision abandonment request.

Planning staff will present a written report concerning the proposed subdivision abandonment request to the Planning and Zoning Commission at their meeting. The applicant, or designated representative, should be present to explain the reason for the abandonment request. The Planning and Zoning Commission shall evaluate the request in the manner outlined in Section 1.13(4) of the Subdivision Ordinance and make a recommendation to the City Council.

CITY COUNCIL ACTION: Following the Planning and Zoning Commission meeting, Planning staff shall schedule the review of the subdivision abandonment request by the Common Council at their next regularly scheduled public meeting. The applicant or designated representative will be notified by Planning staff of the date of the meeting. The City Council shall consider the Planning and Zoning Commission recommendation and either approve or deny the request to abandon the subdivision.

SUBSEQUENT ACTION: If the City Council decides to grant the request to abandon all or a portion of the subdivision, it shall adopt a resolution stating the approval of the abandonment and record said resolution with the Mohave County Recorder. The recordation of this resolution shall operate to destroy the force and effect of the recording of the plat so vacated, and divest all public rights in the streets, alleys, and public grounds, and all dedications or easements laid out or described in such plat except as specifically identified in the resolution.



CITY OF KINGMAN
SUBDIVISION ABANDONMENT APPLICATION FORM
SB- _____ - _____
APPLICATION FEE: \$640.00

Application Date:

I (we) the undersigned property owner(s) request that the subdivision described below abandoned, in whole or in part.

Signature of Owner

Date

Attach additional sheets with the above statement if there are more property owners.

Subdivision Name and Tract Number:

Include the following information (See Filing Requirements on Page 1):

1. Title report showing all ownership of all lots, easements, parcels, rights-of-way, liens, easements, and encumbrances.
2. A copy of the recorded final plat.
3. A written statement as to why the abandonment of the final plat is being sought.

OWNERS' NAME:

Mailing Address:

City/State/Zip:

Phone Number:

Email:

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

This agreement is entered into this _____ day of _____, 20____, by and between _____ (Owner) and the CITY OF KINGMAN, an Arizona Municipal Corporation, (City).

RECITALS

- A. The Owner owns certain real property located within the City or is within 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. _____ other _____ (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: _____

Print Name _____

State of Arizona)

County of Mohave)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____

Notary Public

City of Kingman Planning and Zoning

Permit Application Processing Time Frames Per ARS § 9-835

Request	Administrative Time Frame	Substantive Time Frame
Major General Plan Amendment	10-working days	125-working days
Minor General Plan Amendment	10-working days	95-working days
Preliminary Plat	10-working days	95-working days
Preliminary Plat Extension	10-working days	80-working days
Parcel Map (Minor Lot Split)	10-working days	65-working days
Final Plat	10-working days	95-working days
Zoning Text or Zoning Map Amendment	10-working days	80-working days
Conditional Use Permit	10-working days	80-working days
Variance	10-working days	50-working days