



Cochise County
Community Development
Highway and Floodplain Division
Public Programs...Personal Service
www.cochise.az.gov

PUBLIC/PRIVATE PARTNERSHIP PROGRAM

RESOLUTION 15-25

The Criteria and Procedures of this program are intended to address existing problems on low volume, dirt roads by providing a means by which residents may contribute to projects for road improvements. The road(s) must be within the Cochise County Maintained Road System.

The process is not intended to relieve present and future developers of their current obligations to provide necessary on-site and off-site improvements which are associated with that development and required under existing law.

Attached are the following:

1. Resolution 15-25 which includes the "Criteria and Procedures".
2. Application form
3. Notification Procedures
4. Petition for property owners
5. Frequently Asked Questions

Thank you and do not hesitate to call this department with questions concerning this program.

COCHISE COUNTY HIGHWAY/FLOODPLAIN DEPARTMENT

By: _____
 Title: _____
 Date: _____

Revised 2015

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
planningandzoning@cochise.az.gov

FREQUENTLY ASKED QUESTIONS:

1. What does the \$200.00 application fee cover?

The \$200.00 application fee is a minimal cost to the residents for staff to prepare a Brief Initial Analysis. This fee covers research done by the Right-of-Way division and the Inspection section to assess the current legal status of the road along with any possible right-of-way encroachments that would need to be addressed during the project and the preparation of the cost estimate range.

2. After we receive the initial cost estimate range, what happens next?

The Brief Initial Analysis will provide you a basic idea of the potential cost of the project. If you decide to proceed, then a more thorough engineering report shall be completed to come up with a final cost.

3. Can more than one road be improved per project?

As you can see on the application, more than one road can be proposed for improvements. However, the roads must connect to each other. The maximum length for any one project shall generally not exceed one mile.

4. Does the County become involved with collecting the funds for the project?

While this aspect is very frustrating to the applicant and residents who assist the applicant, it is the property owners' responsibility to collect the funds that would total the amount necessary from the residents according to the County Engineer's Estimate Report. The County does not get involved with this process nor does the County accept "payments" on a project.

5. How should the check(s) be made out?

As stated above, **all** of the **total amount due** from residents must be submitted at one time. This can be handled with one check or a check from each resident on the road. The check(s) can be made out to the Cochise County Treasurer with the project name in the memo section.

6. What about driveway culverts?

The County does not install or maintain driveway culverts. However, if culverts are recommended, residents must purchase the culverts and the County will install them at the time of construction. **This is the only time the County will install driveway culverts.**

7. Can a project be completed without dedication of necessary right-of-way?

No. Adequate public right-of-way **MUST** exist or **MUST** be provided at no cost to the County in order for a project to be processed and completed.

Thank you for taking interest in this very worthwhile program and if there is anything this department can do to make this a more positive endeavor, please do not hesitate to contact this office at 1-520-432-9300 or 1-800-752-3745. We also strongly suggest visiting our web page at www.cochise.az.gov.

PUBLIC/PRIVATE PARTNERSHIP

Notification Procedures

It is the responsibility of the applicant(s) to notify **all** property owners adjoining the road/section of road/roads referred to on the “Application for a Public/Private Partnership and to provide each property owner with copies of pertinent documents.

Property ownership is based upon the current assessment roll that can be acquired from the Cochise County Assessor’s office located at 1415 Melody Lane, Bldg. B, Bisbee, AZ 85603.

Phone number (520) 432-8650. Their e-mail address is assessor@cochise.az.gov. This will provide current names and addresses of property owners.

Applicants must provide **one** of the following for each property owner:

1. Signature on the attached petition designating **support** of the proposed project.
2. Signature on the attached petition designating **non-support** of the proposed project.
3. Registered/Certified Return Receipt indicating that an attempt was made to contact a property owner if no response is received.

Complete the application and proof of compliance with notification procedures to each property owner as stated above and mail to this department along with the \$200.00 application fee.

The application fee of \$200.00 is non-refundable.

**APPLICATION FOR PUBLIC/PRIVATE PARTNERSHIP
ROAD IMPROVEMENTS**

(Office Use Only)
Date Received: _____
Check Amount: _____
Check Number: _____
Receipt No.: _____
Project No.: _____

APPLICANT INFORMATION:

Contact Person: _____ Date: _____
Mailing Address: _____ Tax Parcel No. _____
Physical Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____

Please describe the exact location of the road(s). Attach a map, if available:
(Maximum length for each project - generally one mile)

Road Name : _____
Location: _____
Length of Road: _____
Termini: From _____
To: _____

Road Name: _____
Location: _____
Length of Road: _____
Termini: From _____
To: _____

(If additional space is required, please attach a separate sheet.)

Note: This process will be initiated upon submission of (1) a completed application, (2) a check in the amount of \$200.00 (not refundable) made payable to: Cochise County Treasurer, (3) proof of notification to each adjoining property owner.

Mail or bring in the above to: Cochise County Highway and Floodplain Department
Attention: Public/Private Partnership
1415 Melody Lane, Bldg. F
Bisbee, AZ 85603

The portion below must be completed prior to submission of the application:

“I have received and read a copy of Resolution 15-25 and understand the criteria and procedures attached.”

Signed: _____

Date: _____

(If you have any questions, please submit them to the above address or call: (520) 432-9300; toll free at 1(800) 752-3745; or e-mail at highways@cochise.az.gov).

Petition of **Support** for Public/Private Road Improvements For: _____

(Road Name)

TO BE SIGNED BY LEGAL/ADJACENT PROPERTY OWNERS ONLY.

1.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip
2.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip
3.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip
4.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip
5.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip
6.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip
7.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip
8.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip
9.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip
10.	_____	_____	_____	_____
	Print Name	Signature	Phone	Tax Parcel No.
	_____	_____	_____	_____
	Address	City	State	Zip

This form must be submitted with the application fee.

(Attach Additional Sheet If Necessary.)

**Petition of Non-Support for Public/Private Road Improvements
For:**

(Road Name)

TO BE SIGNED BY LEGAL/ADJACENT PROPERTY OWNERS ONLY.

11.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip
12.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip
13.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip
14.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip
15.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip
16.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip
17.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip
18.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip
19.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip
20.	_____ Print Name	_____ Signature	_____ Phone	_____ Tax Parcel No.
	_____ Address	_____ City	_____ State	_____ Zip

This form must be submitted with the application fee.

(Attach Additional Sheet If Necessary.)

RESOLUTION 15-25

TO AMEND THE POLICY AND PROCEDURE FOR THE PUBLIC/PRIVATE PARTNERSHIP PROGRAM FOR COCHISE COUNTY ROAD IMPROVEMENT

WHEREAS, the Board of Supervisors is authorized to lay out, maintain, control and manage public roads within its jurisdiction pursuant to A.R.S. § 11-251 (4); and

WHEREAS, there are roadways used by the public that have primitive surfacing or design, these primarily being roads constructed prior to the adoption of modern engineering standards or roads constructed prior to development regulations; and

WHEREAS, the County does not have sufficient financial resources to improve all roadways used by the public at its present level of funding; and

WHEREAS, the primary users of certain public roads can and will financially contribute to the improvement of roads within their area; and

WHEREAS, it is in the best interests of the public and general welfare that available financial resources be maximized by a public and private sharing of the cost of road improvement, resulting in a greater number of roads being improved with the limited resources available, and

WHEREAS, the current Public/Private Partnership Program For Cochise County Road Improvement, as designated by Resolution 94-49, amended by Resolutions 99-88, 03-07, 03-17 and 06-48, have served well, but additional modifications are now appropriate; and

WHEREAS, pursuant to A.R.S. § 11-251.08 notice of these amendments has been properly advertised.

RESOLUTION 15-25

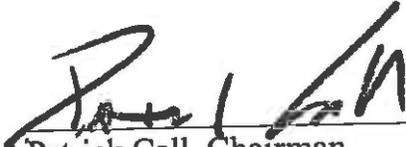
Re: To Amend The Policy And Procedure For The Public/Private Partnership Program For Cochise County Road Improvement

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NOW THEREFORE, IT IS RESOLVED, that the attached "Policy And Procedure For Public/Private Partnership For Cochise County Road Improvement" is hereby adopted and the criteria, policy and procedure established by previous resolutions are hereby amended in accordance with this resolution.

IT IS FINALLY RESOLVED that Resolution 06-48 is hereby rescinded.

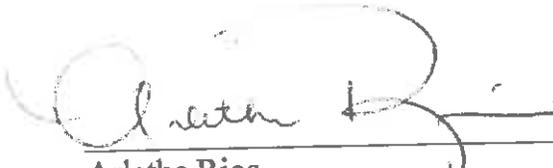
PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 27 day of October, 2015.



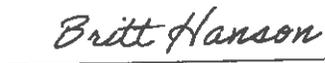
Patrick Call, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



Arlethe Rios,
Clerk of the Board



Britt W. Hanson,
Chief Civil Deputy County Attorney

POLICY AND PROCEDURE FOR THE PUBLIC/PRIVATE PARTNERSHIP
PROGRAM FOR COCHISE COUNTY ROAD IMPROVEMENT

Adopted by Resolution 15-25

Adoption Date:

I. PURPOSE

To establish criteria and procedures for the improvement of County Maintained roads through a partnership of public and private resources, consistent with Arizona Revised Statutes §11-251 (4), §28-6701 through 28-6703 and §34-201 (D).

Criteria and procedures were established by the Board of Supervisors per Resolution 94-49, and amended by Resolutions 99-88, 03-07, 03-17, 06-48 and 15-__.

II. GENERAL POLICY STATEMENTS

A. Eligibility for Improvement

1. The entire road project must be a part of the County Maintained Road system.
2. Adequate recorded public right-of-way must exist, or must be provided at no cost to the County.
3. There must be demonstrated substantial support by a majority of adjoining property owners for the proposed road improvements.
4. Total cost for construction of any single project cannot exceed the current monetary limitations noted in A.R.S. §34-201 (D) (project cannot be incrementalized over several years).
5. If more than one road is involved they must all connect.

- B. County participation in this program shall generally be based on availability of resources and then on a "first come-first served" basis. However, the County may advance a project, at its discretion, when the County determines that the project meets an exceptional public need, remedies a significant threat to public safety, substantial additional private funding is available, or allows other scheduled work to be performed more expeditiously or at a savings to the public.**

- C. This program is intended to complement, not supplement the County's plan for road improvement projects. It is anticipated that road improvement funds for roads classified as major collectors and minor collectors providing significant public access, will continue to be improved exclusively through the use of public funds. However, if private contributions are available for any such roads, such contributions may allow the improvements planned for these roads to be provided on an expedited basis.
- D. The program is intended to address existing problems which have arisen in connection with developments that were consistent with applicable laws and regulations at the time of development. The program is not intended to relieve present and future developers of their current obligations to provide necessary on-site or off-site improvements which are associated with the development and required under existing law.
- E. All improvements shall be consistent with the applicable County adopted roadway standards for that class of road, and with applicable traffic safety and drainage requirements.
- F. Private participation in this program shall not limit the statutory powers of the elected representatives of the public. If, in the best interest of the public and based on available resources, continued County maintenance of a road requires alteration or termination, the County shall not be bound to a prior level of maintenance performed on a road as a result of this program.
- G. These Criteria and Procedures shall be subject to periodic review and may be amended as necessary to best serve the public interest.

III. FEES and REQUIRED CONTRIBUTION RATES

A. Application Processing Fee

- \$200.00
- Non-refundable
- The Application Processing Fee is applied to staff cost for providing the Brief Initial Analysis and estimated cost range for the project

B. Required Contribution Rates

1. The Applicant shall pay:
 - a. The total cost of materials (which may include and is not limited to, oil emulsions and rock chips).

- E. At the time of the Highway and Floodplain annual budget review, the County Engineer shall present the compiled list of proposed PPP Projects and an analysis to the Board.

Proposed project analysis may include as applicable:

- Cost estimate range for the public's share.
- Anticipated ongoing maintenance costs.
- Public use and existing road condition.
- Recommended future projects and/or lane miles that may be cancelled and/or postponed in order to allocate resources for the proposed PPP project.

The Board may, at its sole discretion, consider other funding options for the proposed PPP projects. The Board shall determine to approve, disapprove or postpone a PPP project to the next annual review. Board determination may be based on availability of resources.

- F. The County Engineer shall advise the applicant of the decision of the Board. If the project is postponed to the next annual review the applicant shall have the right to withdraw from the project.
- G. If the project is approved by the Board, County staff shall then prepare and provide the applicant with the Engineering Study. If the applicant is unable to complete the private requirements of the Engineering Study within 1 year, the County may withdraw from the project or update the Engineering Study based on revised costs.

The Engineering Study shall:

- Specify the scale and type of improvements based on the functional classification and drainage standards noted in the Cochise County Road Design and Construction Standards and Specifications for Public Improvement.
- Contain a total cost estimate and the applicant's cost share thereof. The total cost estimate shall include all staff, equipment and materials for the project, including engineering and overhead and any necessary environmental permits.
- Specify the right-of-way to be dedicated at no cost to the County.

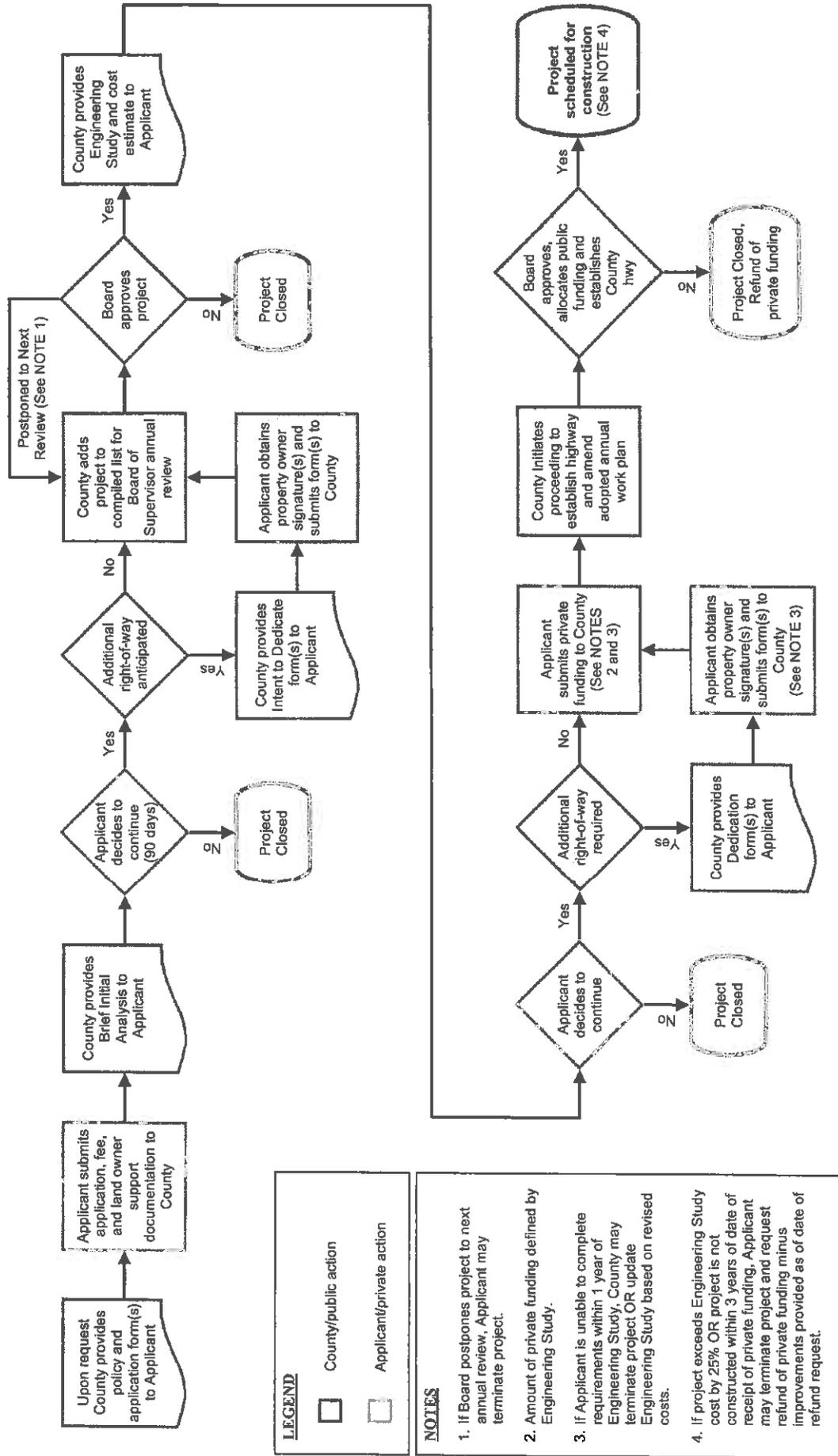
- H. If right-of-way dedication is required, the applicant shall coordinate with County staff to prepare Deed(s) of Dedication. County staff shall survey, if necessary, and prepare legal descriptions and dedication forms. The applicant shall be responsible for obtaining property owner signature(s).

- I. Upon payment of the applicant's required private contribution and completion of the right-of-way requirements, the County Engineer shall initiate any required Board of Supervisor proceedings, including a process to establish the roadway as a "County Highway" and/or amend the adopted annual work plan, as may be necessary to pursue the planned construction.

The funds shall be maintained in a fund line, to be used only for the construction work identified in the respective Engineering Study. The funds shall not be used for any other County projects.

- J. Unforeseen circumstances may cause the cost of the project to exceed the Engineering Study cost estimate.
 - 1. In the event that the project costs exceed monetary limitations noted in A.R.S. §34-201 (D), the project may be reduced in scope or terminated. The applicant shall have the right to withdraw from the project and shall have a right to a refund of the private contribution, less the value of actual improvements provided as of the date of refund demand.
 - 2. In the event that the project costs exceed the Engineering Study estimate by more than twenty-five percent (25%), the County Engineer shall require additional funds from the applicant to cover applicable costs. The applicant shall have the right to withdraw from the project and shall have a right to a refund of the private contribution, less the value of actual improvements provided as of the date of refund demand.
- K. The County Engineer shall make a reasonable effort to complete the project within 3 years of the date of payment of the private contribution. However, in the event that a lack of resources or other compelling circumstances, such as the need to obtain a 404 Permit or other State/Federal permit, will prevent the work from being completed within 3 years, the applicant shall be notified. The applicant shall have the right to withdraw from the project and shall have a right to a refund of the private contribution, less the value of actual improvements provided as of the date of refund demand.

Public/Private Partnership for Cochise County Road Improvement



LEGEND

- County/public action
- Applicant/private action

- NOTES**
1. If Board postpones project to next annual review, Applicant may terminate project.
 2. Amount of private funding defined by Engineering Study.
 3. If Applicant is unable to complete requirements within 1 year of Engineering Study, County may terminate project OR update Engineering Study based on revised costs.
 4. If project exceeds Engineering Study cost by 25% OR project is not constructed within 3 years of date of receipt of private funding, Applicant may terminate project and request refund of private funding minus improvements provided as of date of refund request.