

JUN 29 2006  
11:41-003

# Board of Supervisors

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Vice-Chairman  
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District 3



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## RESOLUTION 06-48

### **A RESOLUTION TO AMEND CRITERIA AND PROCEDURES FOR A PUBLIC AND PRIVATE PARTNERSHIP FOR THE IMPROVEMENT OF ROADS WITHIN COCHISE COUNTY AND TO RESCIND RESOLUTION 03-17**

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

**WHEREAS**, there are many miles of roadways used by the public in this County which have inadequate surfacing or design, these primarily being roads put in by individuals or developers without regard for future demands or roads constructed prior to the adoption or modern engineering standards; and

**WHEREAS**, the County does not have sufficient financial resources to meet all of the needs for road improvement at its present level of funding; and

**WHEREAS**, the individual property owners who are the primary users of certain public roads can and will, in certain cases, make a financial contribution to the improvement on 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 costs of road improvements, resulting in a greater number of roads being improved with the limited resources available; and

**WHEREAS**, the current program for the Public and Private Partnership for the Improvement of Roads, as designated by Resolution 94-49, amended by Resolutions 99-88, 03-07, and 03-17, have served well, but additional modifications are now appropriate; and

**WHEREAS**, pursuant to ARS §11-251.08 notice of these amendments has been properly advertised.

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NOW, THEREFORE, BE IT RESOLVED that the attached "Amended Criteria and Procedures for a Public and Private Partnership for the Improvement of Roads within Cochise County" is hereby adopted and the criteria and procedures established by previous Resolutions are hereby amended in accordance with this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Resolution 03-17 is hereby rescinded.

ADOPTED by the Cochise County Board of Supervisors this 27<sup>th</sup> day of June, 2006.



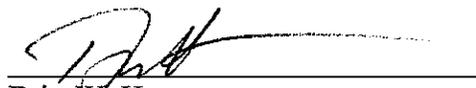
Pat Call, Chairman  
Board of Supervisor

ATTEST:

APPROVED AS TO FORM:



Katie A. Howard, Clerk  
Board of Supervisors



Britt W. Hanson  
Deputy County Attorney

Attachment



FEE # 060624800  
OFFICIAL RECORDS  
COCHISE COUNTY  
DATE 06/29/06 HOUR 11  
REQUEST OF  
COCHISE COUNTY BOARD OF SUPV  
CHRISTINE RHODES-RECORDER  
FEE : PAGES : 7

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**AMENDED CRITERIA AND PROCEDURES FOR A  
PUBLIC AND PRIVATE PARTNERSHIP FOR  
THE IMPROVEMENT OF ROADS WITHIN COCHISE COUNTY**

**A. Eligibility for Improvement**

1. Adequate public right-of-way must exist, or must be provided at no cost to the County.
2. There must be demonstrated substantial support by adjoining property owners for the proposed road improvements.
3. 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).
4. The project length shall generally not exceed one mile. If more than one road is involved they must all connect.
5. The road(s) must be open and in use and have direct access to another County maintained road or another road that is maintained by a governmental entity.

**B. Required Contribution Rates**

The rates of required private contribution are primarily dependant upon whether the roadway is already within the County's Maintained Road System or is not maintained by the County. For those roads that are not within the County's Maintained Road System, there is an additional distinction based upon the level of use and whether the road was part of a platted subdivision approved by the Board of Supervisors and open for use prior to June 13, 1975. The County Engineer shall make the necessary determinations regarding the functionality and history of use on those non-maintained roads proposed for improvement.

**1. County Maintained Roads**

For improvements on County Maintained Roads, the applicant/group shall be required to pay the total cost of oil emulsions and rock chips. In the event that the applicable construction standards require that curbs, gutters, asphaltic concrete or other improvements that County employees cannot install, the applicant/group shall be required to pay the full costs of all of these materials and for all of the installation work that is not performed by County employees.

**2. Non County Maintained Roads**

For improvements on roads classified as Rural Minor Collectors and Local Roads with an ADT > 250, and roads in a platted subdivision approved by the Board of Supervisors and open and in use prior to June 13, 1975, the applicant/group shall be

required to pay fifty percent (50%) of the total estimated costs of labor (to include engineering, survey, environmental permits, utility relocation, construction, etc.) and equipment and the full cost of overhead and all materials that are required. In the event that the applicable construction standards require that curbs, gutters, asphaltic concrete or other improvements that County employees cannot install, the applicant/group shall be required to pay the full costs of all of these materials and for all of the installation work that is not performed by County employees.

For improvement on roads classified as Rural Minor Access Very Low Volume Roads and other rural roads with ADT<-250, the applicant/group shall be required to pay one hundred percent (100%) of the project (engineering, survey, equipment, materials, labor, environmental permits, utility relocation, overhead, etc.).

## **C. Process**

### **1. County Maintained Roads**

#### **a. Application For Improvements and Brief Initial Analysis**

The process is initiated by the submission of an application for the improvement of a designated roadway pursuant to this program, together with the written support of a substantial number of adjoining property owners. The County Engineer may prepare application forms as necessary to include all relevant information.

An application fee of One Hundred Dollars (\$100.00) shall be required, to compensate the Engineering staff for providing a Brief Initial Analysis for the project. This fee shall be non-refundable. However, in the event that the project proceeds to construction, this fee shall be applied as a partial payment toward the contribution necessary for the project. The Brief Initial Analysis is not an engineering study, but is intended to give the applicant an idea of the hurdles that are likely to come up and to give them a likely range of the cost of the project and their share. It shall include:

- ◆ the functional class of the roadway
- ◆ right-of-way status and if additional is likely to be required (final width may be revised after the Engineering Study is prepared)
- ◆ possible environmental permits and utility conflicts
- ◆ drainage issues
- ◆ cost estimate range

The Analysis shall be given to the applicant/group and they will be given 30 days in order to decide whether to proceed.

#### **b. Right-of-way (Intent to Dedicate)**

If right-of-way is required, the applicant/group shall be required to have all of the affected property owners sign an Intent to Dedicate form (at no cost to the County). After the Engineering Study is finalized and deeds have been prepared, the property owners will then need to sign them.

c. Engineering Study

Staff will then prepare the Engineering Study that will 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*. If survey is necessary, staff will also perform that and shall prepare legal descriptions and deeds of dedication, if applicable. The applicant/group will be responsible for obtaining property owner signatures. The Study shall contain a final cost estimate and the applicant/group's cost share. If the applicant/group's cost share exceeds the maximum amount noted in the Brief Initial Analysis, the lower figure will be used. The project will only proceed once the right-of-way is perfected and the funds have been received.

2. Non-County Maintained Roads

a. Application For Improvements and Brief Initial Analysis

The process is initiated by the submission of an application for the improvement of a designated roadway pursuant to this program, together with the written support of a substantial number of adjoining property owners. The County Engineer may prepare application forms as necessary to include all relevant information.

An application fee of One Hundred Dollars (\$100.00) shall be required, to compensate the Engineering staff for providing a Brief Initial Analysis for the project. This fee shall be non-refundable. However, in the event that the project proceeds to construction, this fee shall be applied as a partial payment toward the contribution necessary for the project. The Brief Initial Analysis is not an engineering study, but is intended to give the applicant an idea of the hurdles that are likely to come up and to give them a likely range of the cost of the project and their share. It shall include:

- ◆ the functional class of the roadway
- ◆ right-of-way status and if additional is likely to be required (final width may be revised after the Engineering Study is prepared)
- ◆ possible environmental permits and utility conflicts
- ◆ drainage issues
- ◆ cost estimate range

The Analysis shall be given to the applicant/group and they will be given 30 days in order to decide whether to proceed.

b. Right-of-way (Intent to Dedicate) and Deposit for Survey and Engineering

If public right-of-way is required, the applicant/group shall be required to have all of the affected property owners sign an Intent to Dedicate form (at no cost to the County). The applicant/group shall also be notified that clear title, via a clear title report, must be established by them prior to the dedication at no cost to the County.

In addition, they will also need to deposit \$3,000 to go toward the cost for staff to survey and prepare a full Engineering Study and cost estimate. In the event that the project goes forward, any remaining funds shall be applied to the Project costs. In the event the project does not go forward, any remaining funds shall be refunded to the applicant/group.

**c. Engineering Study**

Staff will then prepare the Engineering Study that will 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*. If survey is necessary, staff will also perform that and shall prepare legal descriptions and deeds of dedication, if applicable. The applicant/group will be responsible for obtaining property owner signatures. The Study shall contain a final cost estimate and the applicant/group's cost share. The cost estimate shall include all staff, equipment and materials used for the project, including engineering and overhead and any necessary environmental permits. If the applicant/group's cost share exceeds the maximum amount noted in the Brief Initial Analysis, the lower figure will be used. The project will only proceed once the right-of-way is perfected and the funds have been received.

**D. Payment of Required Contribution**

Upon payment of the required private contribution, the County Engineer shall advise the applicant of the estimated date of construction. Upon receipt of such payment, the County will initiate any proceedings, including a process to declare the roadway as a "declared County highway," as may be necessary to pursue the planned construction.

The funds shall be maintained in a separate fund, 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. 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.

The County Engineer shall make a reasonable effort to complete each project within 3 years of the date of payment. 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 and shall have a right to a refund of the payment upon demand.

In the event that unforeseen circumstances cause the cost of any construction project to exceed by more than twenty-five percent (25%) the original estimate, the County Engineer may, at his discretion, advise the applicant of the need for an additional contribution. The applicant may agree to pay the same portion of excess costs as was paid for the original estimated total. In the alternative, the applicant may request that the project be terminated and that the balance of funds be returned, less the value of actual improvements provided to that date.

### **E. County Commitment to this Program**

At the beginning of each budget year, equal funding will be made available for work in each of the three (3) Supervisor Districts of the County. The budget for each District shall be the same as the monetary project limits noted in A.R.S. § 34-201 (D). However, if there is excess demand in one or more areas, and insufficient interest in another, the Board reserves the right to shift the County contribution funds to any area in which they may be put to the best use.

Participation in this road improvement program shall generally be scheduled, and resources shall generally be made available on a "first come-first served" basis. However, the County Engineer may advance a project, at his discretion, when he determines that it meets an exceptional public need, will remedy a significant threat to public safety, or will allow other scheduled work to be performed more expeditiously or at a savings to the public.

This program is intended to compliment, 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 contributions are available for any such roads, such contributions may allow the improvements planned for these roads to be provided on an expedited basis.

The Criteria and Procedures are intended to address existing problems which have arisen in connection with developments that were consistent with applicable laws and regulations. This 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 the development and required under existing law.

These Criteria and Procedures shall be subject to periodic review and may be amended as necessary to best serve the public interest.