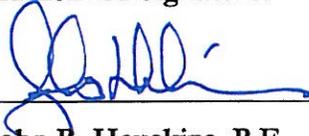




MARICOPA COUNTY
Department of Transportation

POLICY # T5104

Title: Right-of-Way Dedication	Effective Date: 02-27-12	Division: Public Works Real Estate
Purpose: To establish a policy for the dedication of public right-of-way to Maricopa County.	Authorized Signature:  <hr/> John B. Hauskins, P.E. Transportation Director	
		

1. Policy Statement:

A dedication of right-of-way is a donation of land by a Maricopa County property owner to Maricopa County. The Maricopa County Department of Transportation (MCDOT) is authorized to approve and process a right-of-way dedication in three instances: 1) When the Maricopa County Board of Supervisors requires the property owner to dedicate right-of-way as a stipulation of zoning approval (Maricopa County Zoning Ordinance §1104); 2) when it is a requirement of a MCDOT Development Services permit or plan review in which a MCDOT roadway is affected by a proposed change to the transportation infrastructure facility; and 3) when a property owner, voluntarily and unsolicited by the County, makes a request to dedicate right-of-way that supports the Maricopa County Transportation System Plan (TSP) Primary or Secondary Roadway System.

The Public Works Real Estate Division (PWRED) is the administrator of right-of-way dedications on behalf of MCDOT. PWRED will process the applications for dedications by requiring that the applicant provide appropriate title research and undertaking to close an escrow so that, to the extent feasible, title may be conveyed clear and free of encumbrances. However, when a property owner makes a dedication request that is not related to zoning approval or Development Services permit, nor is in support of the TSP, this service will not be provided by MCDOT. In those instances, the owner is encouraged to work with his/her own real estate professional counsel to prepare appropriate documents.

2. Background:

The most frequent circumstance prompting the dedication of right-of-way in support of the Primary or Secondary Roadway System in the Transportation System Plan (TSP) is when a property owner obtains new zoning and a dedication is required as one of the stipulations for the zoning, or as part of a MCDOT Development Services permit. These dedications require time for title research and to clear title, and many owners postpone the dedication requirement, resulting in a delay in the issuance of their building permits.

Occasionally other circumstances arise where a voluntary and non-County solicited request to dedicate right-of-way is made by a property owner and that dedication relates directly to and is in support of the TSP.

3. Responsibilities:

The Public Works Real Estate Division for the Maricopa County Public Works Agency will administer this policy in support of MCDOT. MCDOT Development Services will assist in public awareness of this policy by giving a dedication brochure to applicants at the initiation of the zoning case as part of the Technical Advisory Committee (TAC) meeting process, administered by Development Services, and by enforcing zoning stipulations that require right-of-way dedication.

CITY REQUIRED DEDICATIONS REQUESTED BY OTHERS:

Periodically, a city may require a property owner, living within county jurisdiction, to dedicate his or her right-of-way to the city so that city services can be extended. When such right-of-way dedications are required by a jurisdiction other than MCDOT, they will be accepted only when the right-of-way supports the Maricopa County TSP, regardless of whether the dedication was prompted by a permit process or a zoning stipulation.

To satisfy the city requirements of other jurisdictions that are not in support of the TSP but are required for city permit purposes, PWRED will recommend the applicant make a dedication to the general public for roadway and utility purposes. When a property owner makes a dedication request that is not related to zoning stipulation approval nor is in support of the TSP, MCDOT Development Services permitting, the owner will be encouraged to work with his/her own real estate professional counsel to prepare appropriate documents.

4. Cross References (Policies, Procedures, Design Manual, etc.):

Maricopa County Zoning Ordinance §1104

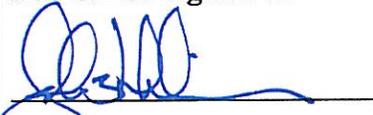
Maricopa County Transportation System Plan

Procedure P5104: Right-of-Way Dedication



MARICOPA COUNTY
Department of Transportation

PROCEDURE # P5104

Title: Right-of-Way Dedication	Effective Date: 02-27-12	Division: Public Works Real Estate
Purpose: To establish a procedure for the dedication of public right-of-way to Maricopa County	Authorized Signature:  John B. Hauskins, P.E. Transportation Director	
		

1. Background:

The most frequent circumstance prompting the dedication of right-of-way in support of the Primary or Secondary Roadway System in the Transportation System Plan (TSP) is when a property owner obtains new zoning and a dedication is required as one of the stipulations for the zoning, or as part of a MCDOT Development Services permit. These dedications require time for title research and to clear title, and many owners postpone the dedication requirement, resulting in a delay in the issuance of their building permits.

Occasionally other circumstances arise where a voluntary and non-County solicited request to dedicate right-of-way is made by a property owner and that dedication relates directly to, and is in support of, the TSP.

2. Procedure:

- a. Right-of-Way Dedication Application: The Public Works Real Estate Division (PWRED) Dedication Coordinator shall make brochures available to Planning and Development and MCDOT Development Services regarding the PWRED Dedication process. These departments shall then disburse the brochures to applicants/permittees to assist with public awareness about the dedication process.

When, during the course of a zoning application process or a Development Services permit review, a right-of-way dedication is determined, the applicant/permittee shall notify the PWRED Dedication Coordinator to obtain an application to dedicate right-of-way (as is directed in the dedication brochure). Along with this application, the PWRED Dedication Coordinator shall provide an Environmental Checklist for the property owner to complete and return to PWRED.

If it is not a zoning or development permit requirement, MCDOT technical areas [consisting of MCDOT Engineering (Development Services and Utilities), MCDOT Transportation Planning, MCDOT Operations, MCDOT Traffic Engineering, and MCDOT Project Management Office] shall review the dedication application and decide whether to accept or reject it. These technical

areas shall review the application for non-zoning related dedication requests for compliance with Maricopa County's TSP needs. Non-zoning related right-of-way dedications, approved by the technical areas within MCDOT as to acceptable right-of-way for dedication, will also require submittal of a right-of-way dedication application.

- b. Initial Application is Submitted and Reviewed: When the property owner and/or his representative submits the dedication application, the PWRED Dedication Coordinator shall review it and assign it a tracking number to track the dedication documents that will be created as part of the right-of-way dedication.
- c. Order Title Report: The applicant shall provide a title report to the Dedication Coordinator to verify ownership and determine the probability of satisfying all closing requirements. The applicant shall pay all closing costs, title report, and title policy fees associated with the dedication. Maricopa County reserves the right to retain a title report from a County vendor contract list of title companies. In those instances, the County will pay the cost of the title report, escrow, and closing costs. This reservation is held at the discretion of the PWRED Management.
- d. Legal Description: The applicant shall provide, at no cost to the County, a legal description and exhibit of the right-of-way being dedicated to the PWRED Dedication Coordinator. This legal description must be sealed by a Registered Land Surveyor and acceptable to County standards. The Dedication Coordinator shall review the legal description and exhibit to ensure compliance with County standards. The County reserves the right to create a legal description for the right-of-way dedication.
- e. Dedication Documents: Dedication Documents consist of the Dedication Agreement, the Warranty Deed, Escrow Instructions and any related easements or right-of-way documents as determined by the zoning case.

The PWRED Dedication Coordinator shall prepare the dedication documents and send them to the applicant or contact person for the required signatures. The Warranty Deed, Dedication Agreement and Escrow Instructions shall recite consideration in the amount of ten dollars (\$10.00) which the applicant is required to pay.

The applicant is responsible for working with the title company to obtain all the closing requirements identified by the title company.

- f. Environmental Checklist: Prior to any dedication documents being submitted by the PWRED to the BOS for approval, an Environmental Checklist must be submitted by the property owner and reviewed by PWRED and/or MCDOT Environmental Planning. The PWRED Dedication Coordinator shall send the environmental checklist to the applicant to be completed. If it is determined that the land to be dedicated may be contaminated, the Dedication Coordinator shall notify MCDOT Environmental Planning and request a review of the environmental checklist. Environmental Planning will determine if any remediation is necessary or, if the land contamination is too severe, may terminate the request for dedication at this time.

- g. Board of Supervisors (BOS): When the Warranty Deed, Dedication Agreement, and any associated easements are returned by the applicant(s) to the Dedication Coordinator, the Dedication Coordinator shall submit the dedication documents for the next available BOS consent agenda and forward them to the Maricopa County Board of Supervisors for approval and signature.
- h. Documents Returned from Board: The Board of Supervisors-approved dedication documents are returned by the Clerk of the Board to the PWRED Dedication Coordinator who shall forward them to the title company for close of escrow and recording of the Warranty Deed. During the escrow process, the title company shall clear financial liens (closing requirements) that affect title to the right-of-way area. If title cannot be cleared, PWRED Division Management shall, at their discretion, determine whether to accept encumbered dedication. The title company shall then distribute any final documents to the applicant(s) and PWRED Dedication Coordinator.
- i. Notification to Development Services: The PWRED Dedication Coordinator shall notify either Planning and Development or Development Services, depending on the source of the dedication requirement, and then see that the Warranty Deed and any associated easements are recorded. The PWRED Dedication Coordinator shall then forward a copy of the document(s) to the appropriate agency that generated the dedication requirement. Only the recordation of the Warranty Deed and any necessary associated easements will satisfy the zoning stipulation.
- j. Cancellation of Dedication: Either party may terminate the dedication process for any reason. The terminating party shall notify the other party of the termination in writing. If the applicant terminates the dedication after the Board of Supervisors has signed the documents and they have gone to escrow, the applicant may be liable for the fees incurred by the County. The Dedication Coordinator monitors the compliance of this issue.

3. Cross References (Policies, Procedures, Design Manual, etc.):

Policy T5104: Right-of-Way Dedication

