



## **CITY OF KINGMAN**

### **SUBDIVISION ABANDONMENT APPLICATION**

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**APPLICATION FEE:** \$500.00

**PROPOSITION 207 WAIVER FORM:** Completion of this form is optional.

**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**

1. **FILING:** Approximately (30) days prior (see calendar) to the Planning and Zoning Commission hearing date, the application and all accompanying materials listed below must be submitted.
  - √ A title report showing ownership of all lots, easements, rights-of-way, liens, and encumbrances.
  - √ A copy of the recorded final plat of subdivision.
  - √ An area map showing any property, roadways, utilities, drainage structures, and other improvements depending on the subdivision improvements, easements, and rights-of-way contained in the final plat.
  - √ A statement as to why the abandonment of the final plat is being sought.
  - √ A mailing list of owners of property, as shown on the latest Mohave County Assessor rolls, located within 300-feet of the exterior boundaries of the subdivision. The names and addresses shall be placed on mailing labels.
  
2. **PUBLIC NOTICE:** At least fifteen (15) days prior to the hearing before the Planning and Zoning Commission, the Development Services Department shall post a notice on the property at various strategic locations. Notice of time and place of public hearings shall be posted on bulletin boards at the City Complex (310 N. 4th St.) and Development Services Building (310 N. 4<sup>th</sup> Street, lower level). The notice shall be published in the local newspaper(s) at least 15-days prior to the public hearings.
  
3. **PLANNING AND ZONING COMMISSION HEARING and ACTION:** The staff will present a written report concerning the proposed subdivision abandonment request to the Planning and Zoning Commission. The applicant, or designated representative, should be present to explain the reason for the abandonment request. Persons for or against the proposed request will be given the opportunity to be heard. The Planning and Zoning Commission will discuss the request and make a recommendation to the City Council.
  
4. **COUNCIL PUBLIC HEARING and ACTION:** The applicant or designated representative should be present for the City Council's public hearing. Persons for or against the proposed subdivision abandonment will be permitted to be heard. The Planning and Zoning Commission recommendation will be reviewed by the City Council. The City Council may adopt, deny, or modify the recommendation of the Planning and Zoning Commission.
  
5. **SUBSEQUENT ACTION:** If the City Council decides to grant the request to abandon the entire 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. After the City Council's resolution to abandon the subdivision is recorded. The recordation of this Resolution shall operate to destroy the force and effect of the recording of the plat, or portion of the plat that is abandoned and it is 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: \$500.00**

**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:**

**Attach the following information:**

1. Mohave County Tax Parcel Number(s).
2. Title Report showing all property owners, lienholders, easement owners, and rights-of-way owners.
3. A copy of the recorded final plat.
4. An area map showing any property, roadways, utilities, drainage structures, and other improvements depending on the subdivision improvements, easements, and rights-of-way contained in the final plat.
5. A statement why abandonment of the final plat is being sought.
6. A mailing list of owners of property, as shown on the latest Mohave County Assessor rolls, located within 300-feet of the exterior boundaries of the subdivision. The names and addresses shall be placed on mailing labels.

**OWNERS' NAME:**

**Mailing Address:**

**City/State/Zip:**

**Phone Number:**

**Email:**

**SUBDIVISION NAME & TRACT #:**

**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 \_\_\_\_\_, 201\_\_\_\_, by and between \_\_\_\_\_ (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. \_\_\_\_\_ 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 \_\_\_\_\_, 201\_\_

\_\_\_\_\_  
Notary Public

**CITY OF KINGMAN**  
**PLANNING AND ZONING COMMISSION**



**2016 CALENDAR**

Planning and Zoning Commission meets 2nd Tuesday of each month at 6:00 p.m.  
 City Council Chambers - 310 North Fourth Street - Kingman, Arizona

<i>SUBMITTAL DEADLINE 4:00 P.M.</i>	<i>PLANNING COMMISSION HEARING DATE</i>	<i>CITY COUNCIL HEARING DATE</i>
Dec 18, 2015	Jan 12, 2016	Feb 02, 2016
Jan 15, 2016	Feb 09, 2016	Mar 01, 2016
Feb 12, 2016	Mar 08, 2016	Apr 05, 2016
Mar 18, 2016	Apr 12, 2016	May 03, 2016
Apr 15, 2016	May 10, 2016	Jun 07, 2016
May 20, 2016	Jun 14, 2016	Jul 05, 2016
Jun 17, 2016	Jul 12, 2016	Aug 02, 2016
Jul 15, 2016	Aug 09, 2016	Sep 06, 2016
Aug 19, 2016	Sep 13, 2016	Oct 04, 2016
Sep 16, 2016	Oct 11, 2016	Nov 01, 2016
Oct 14, 2016	Nov 08, 2016	Dec 06, 2016
Nov 18, 2016	Dec 13, 2016	Jan 03, 2017
Dec 16, 2016	Jan 10, 2017	Feb 07, 2017

**NOTE:** THE SUBMITTAL DEADLINE IS FOR ALL ITEMS THAT ARE REQUIRED TO BE HEARD BY THE PLANNING AND ZONING COMMISSION, WITH THE EXCEPTION OF PRELIMINARY SUBDIVISION PLATS. PRELIMINARY SUBDIVISION PLATS ARE SCHEDULED FOR REVIEW BY THE PLANNING AND ZONING COMMISSION ONLY AFTER A STAFF REVIEW OF THE PRELIMINARY PLAT IS COMPLETED PER SECTION 2.2(6)A OF THE SUBDIVISION ORDINANCE, AND IT IS DETERMINED THAT THE PRELIMINARY PLAT IS IN CONFORMANCE WITH THESE REGULATIONS PER SECTION 2.2(6)B OF THE SUBDIVISION ORDINANCE.

CITY OF KINGMAN, DEVELOPMENT SERVICES DEPARTMENT  
 310 N. 4<sup>TH</sup> STREET, KINGMAN AZ 86401 - BUS. # (928) 753-8130 / FAX # (928) 753-7747  
 Web site: [www.cityofkingman.gov](http://www.cityofkingman.gov)  
 Updated 12/30/2015 sf

# Development Services Department Planning and Zoning Division

## 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