

**TOWN COUNCIL OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE**

**Tuesday, July 2, 2013, 6:30 P.M.**

**COUNCIL REGULAR MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

**AGENDA**

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**1. Call To Order.**

**2. Opening Ceremonies.**

**2.1. Pledge of Allegiance.**

**2.2. Invocation.**

**3. Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan.

**4. Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

**5. Town Manager's Report.** Update on Current Events.

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the June 11, 2013 Work Session and June 18, 2013 Regular Meeting.

**7. Comments from the Public (on non-agendized items only).** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. A 3 minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

**8. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

**8.1. Town Council review and endorsement of “Newtown Ave.” Trailhead Development Proposal.** Discussion and possible action on the proposal.

**9. Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

**9.1. Illegal Lot Divisions issue and suggested solutions.** Discussion and possible action on Planning and Zoning Commission recommendation.

**9.2. Council Review and Modification of Planning & Zoning Commission Priority Work List assigned in 2012.** Discussion on the Planning and Zoning Commission’s 2012 priority list and possible action to modify the list.

**9.3. To appoint a Council Member to serve on the Board of Directors of the Greater Prescott Regional Economic Council (GPREP).** [CAARF requested by Mayor Nolan]

**9.4. What to do about Old Black Canyon Highway.** [CAARF requested by CM Hamilton]

**9.5. Appoint a new Vice-Mayor per Town Code.** [CAARF requested by CM Wright]

**10. Public Hearing Agenda.**

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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**11. Comments from the Public.** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Public Comment is **3** minutes per person. The audience is asked to please be courteous and silent while others are speaking.

**12. Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, July 16, 2013, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, July 11, 2013, at 6:00 p.m.

Next Town Council Work Session: Tuesday, July 9, 2013, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2013, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: \_\_\_\_\_, Town Clerk’s Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
STUDY SESSION MEETING MINUTES  
TUESDAY, JUNE 11, 2013, 2:00 P.M.**

**A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JUNE 11, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 2:00 p.m.

2. **Roll Call.**

**2.1. Town Council.** Town Council Members Arlene Alen (arrived late at 2:12 p.m.), Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Vice Mayor Dennis Repan; and Mayor Terry Nolan were present. Councilmember Nancy Wright attended telephonically but was absent between 2:10 p.m. to 2:22 p.m.

3. **Study Agenda.** No legal action to be taken.

**3.1. Presentation by Cottonwood Councilmember, Tim Elinski and a Cottonwood staff member engaged in the historic preservation of Cottonwood.** [CAARF requested by CM Alen]

Tim Elinski was present and spoke to the council on the process Cottonwood has gone through for historic preservation. Councilmember Wright dropped off the call at 2:10 p.m. Councilmember Alen arrived at 2:12 p.m. He answered Council's questions. Councilmember Wright called back in to the meeting at 2:22 p.m. Mr. Elinski invited Council to attend the Cottonwood Historic Preservation Commission meeting (second Wednesday of each month at 6:00 p.m.).

**3.2. Presentation by Enterprise Technical Service Contractor Four D, LLC.** Meeting with the new council and an informational presentation.

Peter and Ida de Blanc, owners of Four D, LLC were present and gave a presentation on the services provided to the town for Enterprise Technical Services. They answered questions from Council covering servers, backups, and the website.

**3.3. Council Code of Conduct and Policy Development.** A continuation of the May 14<sup>th</sup> Work Session discussion.

Councilmember Alen gave an overview on this request and the need for additional procedures to be put in place. There was discussion on this. Council all agreed they wanted to work on this breaking it up by components. They will do this in future work sessions starting with Preamble 3.1 through 3.5.8, each Council member submitting their modifications and/or questions to the Town Clerk by July 1<sup>st</sup>. They will then be compiled and sent out with the packet for Council's review.

**3.4. Possible Council Retreat Discussion.** Consideration of whether to hold a retreat and if so, providing direction for preparation details.

Town Manager Kimball gave an overview asking for direction on whether to hold a retreat and if so whether to have a facilitator for it. There was Council discussion and each council member voiced their opinion. They reached a consensus to not hold a retreat.

4. **Comments from the Public.**

None.

5. **Adjourn.**

The meeting was adjourned at 4:19 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, JUNE 18, 2013, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JUNE 18, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:33 p.m.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Made.
  - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
  - 2.3. **Oath of office for Councilmember Wright.** Town Clerk Judy Morgan swore in Councilmember Nancy Wright and the Oath of office was signed.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present. Councilmember Sonya Williams-Rowe was absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

Mayor Nolan spoke on the Fire (Doce Fire) in Prescott.
5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball spoke on emergency power and phone line outages in town and gave a review of road projects going on. She gave an update on the Mortimer Farms' Use and Building Permits.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the June 4, 2013 Regular Meeting.

Councilmember Hamilton made a motion to approve the June 4, 2013 Regular Meeting Minutes, as presented, seconded by Councilmember Alen. It was approved by a unanimous 6-0 vote.
7. **Comments from the Public (on non-agendized items only).**

Carl Marsee spoke on his selection to the Chairman position of the Dewey-Humboldt Historical Society and working with the Council on the museum's future. He spoke on the upcoming Cowboy Poetry Event at the Museum.
8. **Public Hearing Agenda.**
  - 8.1. **FY 2013-14 Budget Hearing.** Public Hearing regarding the Proposed FY2013-14 Budget.

The Public Hearing was opened at 6:41 p.m.

David Nystrom thanked the Council for supporting the museum by including a year's rent in the FY13-14 budget.

The Public Hearing was closed at 6:42 p.m.

**9. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

**9.1. Resolution 13-108 to adopt the Dewey-Humboldt FY 2013-14 Budget.** Discussion and possible action.

Councilmember Hamilton spoke on the road plan not being finalized, and claimed a lack of transparency in the budget since each line item is not specific enough.

Councilmember Wright pointed out a few administrative changes to the document: page 17 – wrong fiscal year; page 19 change - museum is open 4 days a week to 3; page 25 typo-Trails End not Trials and Deer Path not Dear Path; page 23 – Sheriff is misspelled three times.

Vice Mayor Repan made a motion to approve resolution 13-108, adopting the budget, with the corrections as stated, seconded by Councilmember Alen. It was approved by a unanimous 6-0 vote.

Town Manager Kimball addressed those statements made by CM Hamilton. Road plan has been modified a few times due to Council direction changes. She explained the difference between the budget and accounting, and defended the budget as being transparent. The Town participates in OpenBooks which shows the accounting work being done.

**10. Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

**10.1. Emergency Management System (EMS) Intergovernmental Agreement (IGA) Contract with Yavapai County EMS IGA.** Discussion and possible action.

Vice Mayor Repan made a motion to accept the Emergency Management System IGA as presented, Councilmember Alen seconded. It was approved by a unanimous 6-0 vote.

**10.2. Future Town Council Emergency Response Exercise with Yavapai County EMS Team and Exercise Training Scheduling.**

Town Manager Kimball gave an overview explaining that training is included in the IGA and asked Council if they wished to participate in this exercise. There were questions. Ms. Kimball reviewed some available dates for this training.

Councilmember Hamilton made a motion to schedule this training for October 18, 2013, seconded by Mayor Nolan. It was approved by a unanimous 6-0 vote.

**10.3. The recent water distribution problem with Humboldt Water System and discussion of options to address citizen concerns.** [CAARF requested by Mayor Nolan]

Mayor Nolan presented this agenda item explaining it is a safety and health issue and the responsibility of the town to its citizens.

There was discussion and questions.

Public comment was taken.

Rose Eitemiller spoke on her involvement with EPA and ADEQ and problems the water company has had for many years and her concerns about arsenic contamination.

Noel Hartman spoke on not knowing about the water problems prior to moving to town; grants he found online for water; higher insurance since no water hydrants; forming a water district.

Troy Odell spoke on having an assured water supply for the town; this being a safety issue; evaluating the system before purchasing it.

David Nystrom spoke on the General Plan regarding water service and consideration of the entire town if considering the purchase.

Jerry Brady spoke on filing a notice of claim to exercise the town's water rights. He recommended the Council watch this movie "China Town" as it addresses this issue.

There was Council discussion on some of the comments made.

Rose Eitemiller spoke on reverse osmosis to eliminate arsenic from the water; requiring notification to customers prior to turning off water for maintenance and slow response for a broken water line.

Troy Odell spoke on the water company doing arsenic testing; suitable ways to treat arsenic; offered his services if town chooses to have the system evaluated.

Jerry Brady spoke on wells failing in 1935; ground water infiltration studies; access to a pure water source in town.

Mayor Nolan spoke on how many people the water company serves including the elementary school. There was discussion on bringing this issue back at a future meeting for action. Vice Mayor Repan asked for additional information to accompany the agenda item: substantiation of how grants work and having the owner(s) of the water company in attendance. Councilmember Alen suggested having it on a work session with the experts present with details on NACOG funding and fund matching requirements.

**10.4. To give Staff a list of questions to accomplish a complete review of our road policy. [CAARF requested by CM Hamilton]**

Councilmember Hamilton spoke on his reasons for requesting answers to his questions about the road policy. There was discussion on the types of questions being asked and how those answers should come to the council.

Councilmember Wright made a motion to have those questions answered by Ed Hanks when he gives the Road Plan presentation, seconded by Jack Hamilton. The motion was amended by the seconder to have the questions answered by "staff" rather than by "Ed Hanks" The maker of the motion agreed to this amendment (see where amended below).

There was more discussion.

Public comment was taken from Jerry Brady who spoke on a Technical Assistance and Training Grant for any infrastructure development.

Councilmember Alen made a motion to the amend the first motion to have staff answer those questions relevant to the discussion pertaining to the road plan at the session when

that road plan is being presented, seconded by Mayor Nolan. The motion failed by a 2-4 vote, Councilmembers Hamilton, McBrady, Wright and Vice Mayor Repan voting against.

Councilmember Hamilton asked for an amendment to the first motion to have the questions answered by staff rather than by Ed Hanks. The motion maker agreed to this amendment. The original motion as amended to "have those questions answered by staff when the road plan is presented" passed by a 4-2 vote in favor, Councilmember Alen and Mayor Nolan voting against.

**11. Comments from the Public.** None.

**12. Adjourn.** The meeting was adjourned at 8:20 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**TOWN COUNCIL STUDY SESSION**

**July 2, 2013, 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item # 8.1. Newtown Ave. trailhead proposal to Prescott National Forest (PNF).**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: June 27, 2013**

**Recommendation: Council review of the proposal and endorse the proposal; authorize the Mayor to sign the letter of endorsement to PNF**

**Summary:**

At the March Council Work Session, the Town's OSAT committee approached the Council regarding the problem of very limited accessibility to Prescott National Forest trails located at the end of Newtown Ave.

In order to resolve the "no legal parking" by the trail gate situation, proposals of contacting two nearby vacant property owners to obtain permission for parking as well as seeking help from the Prescott National Forest office were discussed. Staff was directed to pursue those options.

The two property owners suggested by OSAT committee were contacted and both have responded. Neither was interested in allowing their properties to be used for public parking purposes (in exchange of property tax paid by the Town).

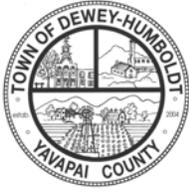
Meanwhile, OSAT Committee Chair and I met with Prescott National Forest office upon several attempts to speak to the right person in that office. Our meeting with the PNF Recreation Program Manager, Omero Torres, was productive. We went over the outline of the proposal with Mr. Torres. He offered some helpful considerations and suggested us putting our proposal in writing to his manager, Ms. Linda Jackson.

OSAT Chair and I completed the proposal and wanted the Council's review and your endorsement for this proposal. We thought an endorsement signed by the Mayor on behalf of the Town Council would be very appropriate.

It is my understanding that this project has received a wide-range of local support. OSAT Committee also devised a signature form to demonstrate local support. It is my plan to include the signed form, once signed, in the packet to PNF.

The OSAT committee worked hard on this proposal. I believe it is a project that will improve citizens' recreation opportunities in Town with a little investment. Knowing how complicated a process can be working with a federal agency, I do expect further discussion with PNF on this in the near future, hopefully to iron out details. I will not hesitate to ask the Council for support and help.

It is my sincere hope that the Town Council will endorse the proposal and PNF will respond to the Town's plea.



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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July \_\_, 2013

Ms. Linda Jackson  
Prescott National Forest, Southwestern Region  
344 S. Cortez Street  
Prescott, AZ 86303

Subject: Dewey-Humboldt Town Council Endorsement of Town Proposal of a Trailhead Development at the End of Newtown Ave. entering PNF trails 9419 and 9405

Ms. Jackson,

As you are aware, the Town of Dewey-Humboldt is interested in pursuing a partnership with your office to develop a primitive trailhead/parking lot within the Prescott National Forest (PNF) area adjacent to its eastern boundary at the end of Newtown Ave. in Dewey-Humboldt (see exhibit A). Newtown Ave. is a 20-foot wide town-owned public roadway and ends at Prescott National Forest gates to existing trails 9419 and 9405.

The proposed trailhead would resolve the accessibility issue of PNF trails 9419 and 9405 and greatly encourage citizens' use of the trails.

The Town of Dewey-Humboldt Council believes that this proposal is devised to represent the best interest of the Town and hereby provides its endorsement for this project. The Town looks forward to partnering with the Prescott National Forest and moving forward to improve the accessibility of the PNF trails located adjacent to the town's western boundary. Upon your review of the enclosed proposal, please feel free to contact Ms. Yvonne Kimball, the Town Manager, with any questions or comments.

Terry Nolan, Mayor  
Town of Dewey-Humboldt

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## Town of Dewey-Humboldt Proposal to the Prescott National Forest

- a Trailhead/parking lot development at the end of Newtown Ave. entering PNF trails 9419 and 9405

### Present Situation

Access to trails has been a recognized issue and impedes citizens' usage and enjoyment of trails 9419 and 9405. There is no legal parking for residents coming to use these trails. Presently hikers, bikers, equestrians and small motorized vehicles access the trails by illegally parking on privately owned lots adjacent to the NFS or parking directly on Newtown Road which blocks access to PNF land for maintenance as well as first responders in the event of an emergency.

### What D-H Proposes

The Town's Open Space and Trails Committee (OSAT) approached the Town Council about the above issue. The Town Council endorsed the idea of working together with the PNF office to pursue developing a primitive "trailhead"/parking lot inside PNF at the end of Newtown Ave.

The Town of Dewey-Humboldt proposes to partner with the PNF to develop a primitive trailhead/parking lot on a small area just within the existing gate that would be large enough to permit parking for trailers transporting horses, bikes and vehicles smaller than the existing 50 inch limitation. No amenity establishments are proposed at this time.

### Other Considerations of the Proposed Trailhead

Although the exact design details of the trailhead development would largely depend upon PNF's requirements, the Town is simply proposing PNF allow an unpaved one- or two-acres of land for parking.

Upon close observation of the proposed "trailhead" area, we believe that the cost and ground disturbance of developing this trailhead would be minimal. The referenced PNF land (see Exhibit A) is flat and has been accessed by many for a number of years; the area inside the gate is somewhat improved. Additionally, there are many large boulders on site that could be moved into place to define the trailhead and restrict further intrusion by these vehicles into NFS land. The details of development, future maintenance would be addressed by an inter-governmental agreement between PNF office and the Town of Dewey-Humboldt.

After researching the National Environmental Policy Act (NEPA) requirements and the relatively new Categorical Exclusions, we conclude that this small project may not necessitate a full blown (NEPA). We further believe that it would not result in significant impacts to the human environment which we understand is a perceived concern for any project occurring on federal land. Should PNF decide to conduct a procedural study on the proposed project to clear the

concern of its environmental and cultural impacts, we are confident that a concise evaluation would reveal that the proposed development does not impact a flood plain, wetlands, municipal water sheds, wilderness areas, American Indian or Alaska native religious or cultural sites, nor archaeological sites, historic properties, endangered species or wetland.

### Conclusion

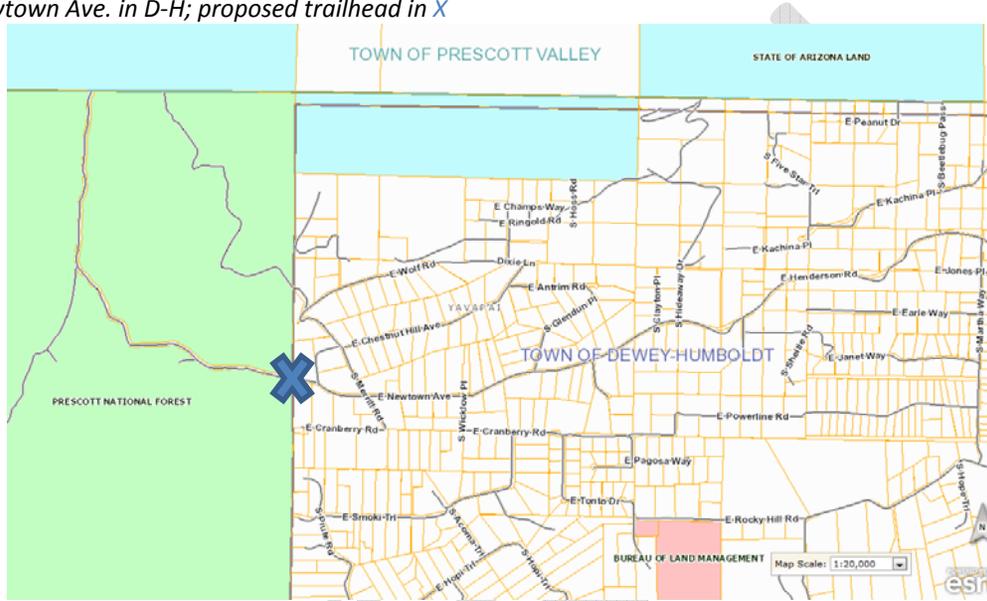
This trailhead/parking lot project is low cost but beneficial in many aspects. It would serve multi-user groups and could be implemented within a very short time with your assistance. Moreover, this trailhead would easily connect up with the trail plans identified at the Greater Prescott Trails Planning workshop conducted on May 6, 2013 held at the Rosser St. Adult Center in Prescott. This trailhead has received strong local support from many residents. A signature form to demonstrate their support is enclosed (Exhibit B).

The Town of Dewey-Humboldt cordially solicits your consideration of this proposal. Please do contact me if you have any questions or wish to offer further direction regarding this project. I can be reached at 928-632-7362 or [yvonnekimball@dhaz.gov](mailto:yvonnekimball@dhaz.gov).

Respectfully submitted,

Yvonne Kimball  
Town Manager  
Town of Dewey-Humboldt

Exhibit A: Map and Photos of Prescott National Forest Trails located at the end of Newtown Ave., Dewey-Humboldt  
 Position of PNF and Newtown Ave. in D-H; proposed trailhead in X



Newtown Ave. leading to PNF trails



PNF trail gate area



Exhibit B: Citizen Support signature form

## PRELIMINARY COMMUNITY SUPPORT FOR A NEWTOWN ROAD TRAILHEAD

Your Dewey-Humboldt Open Space and Trails Committee is focusing on a new project this year - developing a trailhead that would make it possible to access the National Forest Service (NFS) trails at the end of Newtown Avenue (the extension of Henderson).

At present, the Town has no legal trailheads (parking area) and hikers, bikers and equestrians must park their cars on Newtown Avenue itself or on the private property adjoining the NFS land. We know this is unacceptable to neighbors as well as first responders.

OSAT is proposing that the Town work jointly with the NFS to clear and develop the land immediately inside the already present gates for a trailhead where vehicles hauling horses, bikes or hiking families could then access the already existing 9401 and 9415 trails which extend all the way to Lynx Lake. In our opinion, this is a minimal cost project with no traffic disruption and, with community and Council support, could be accomplished this summer.

FIRST, WE NEED TO CONVEY OUR COMMUNITY SUPPORT FOR THIS TRAILHEAD TO THE TOWN COUNCIL AND THE NATIONAL FOREST SERVICE. Their decisions may hinge on community support!! The NFS will likely conduct its official survey at a later time, but the OSAT committee members need your opinion now! We do not want to spend endless hours working on a project the community does not want.

PLEASE SIGN BELOW TO SHOW YOU SUPPORT THIS TRAILHEAD. We will forward these signatures to the Town Council and to the National Forest Service. AND THANK YOU! If you oppose this trailhead we will highlight your name and also forward that to the Council and NFS. Or, if you need additional information contact Sandra Goodwin, Chair Open Space and Trails Committee at 928-632-8490.

NAME	ADDRESS	PHONE NUMBER

NAME	ADDRESS	PHONE NUMBER

proposed

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
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**Phone 928-632-8562 ▪ Fax 928-632-7365**

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## **TOWN COUNCIL REGULAR MEETING**

**July 2, 2013 at 6:30 PM Town Council Meeting Chambers**

### **Agenda Item # 9.1**

**To: Mayor and Town Council Members**

**From: Planning and Zoning Commission by Warren Colvin**

**Date submitted: June 14, 2013**

### **Agenda Item: Illegal Lot Divisions issue and suggested solution**

**Recommended action:** Discussion and possible action on Planning & Zoning Commission recommendations.

#### **Summary:**

Illegal lot divisions is one of the subjects that the Town Council assigned P&Z a few years ago.

It is Planning and Zoning Commission and staff's understanding that illegal lot divisions caused access and other development related issues. For instance, some illegally split lots do not have egress and ingress which essentially become land-locked and impossible or difficult to build.

After researching this topic, staff and P&Z discovered that illegal lot division are not an isolated problem that we in Arizona deal with - it is an issue all over the country. Because of the nature of the illegally divided lots, most jurisdictions will not "catch" the action before the lots were created. They often find themselves discovering illegally divided lots by processing building permit applications. Once an illegally divided lot is discovered, jurisdictions are "policing" the wrong-doing by holding on to the building permit until the illegally divided lot has been rectified to required standards through appropriate lot division procedures. This holds true to the Town of Dewey-Humboldt's practice.

#### **Recommendation:**

Planning & Zoning Commission and staff believe that the best solution to stop illegal lot division is to nip the action in the bud by education to citizens and cooperation from other agencies, especially the County Recorder's office.

As such, staff has changed the Town's "lot split application form" to include language that "no permits will be issued until the property is brought into compliance," along with language that explains the penalty that could be assessed as outlined in sections 152.99 and 153.999 of the Town Code (up to a \$750.00 fine). Staff also placed an article in the June 2013 newsletter explaining lot splits and the necessity for Town approval prior to recording with the County.

Additionally, since all land division requests go through the County Recorder's Office eventually, that Office's understanding and cooperation is vital to stop the spread of "illegal lot division" actions. Commissioner DeWitt is to be commended as she was very instrumental in having a "warning" notice posted in the County Recorder's office. The sign states "Local Jurisdictions

1. Town Code 152. 99 (subdivision Regulation) Penalty; 153.999; 2. "Land Division application form"; 3. Requirements per Section 152.06; 4. County Recorder's notice.

may require land division permits and zoning compliance when splitting property". It has been effective in providing the public further notification that any land divisions need local jurisdictions' review and approval. In the first week of the sign being up, the Town has received two lots split applications that would have been filed through the Recorder's Office without the Town's approval and become "illegal lot divisions".

In terms of the existing "illegal lot divisions", the P&Z Commission recommends that when an illegal lot division is discovered through a permit application process, the applicant shall not be issued any kind of permit until the property has gone through the proper procedures as outlined in the Town Code Chapter 152 Subdivision Regulation to bring the site into compliance. Town Code Sections 152.99 and 153.999 stipulate a fine for illegal lot divisions up to \$750.

Although the enforcement of above procedures may be complicated if an illegally divided lot has been sold or changed to a different owner, P&Z and staff feel that the current code is sufficient to deal with the issue for now; in other words, no code amendment is necessary.

In conclusion, a great deal of effort has been made to prevent illegal land division activities within the Town of Dewey-Humboldt. Staff will enforce the current codes on illegal lot divisions and monitor its progress.

## 9.1 attachment

### **§ 152.99 PENALTY. (Subdivision regulations)**

(A) *Violations.* It is unlawful for any person to offer to sell or lease, to contract to sell or lease or to sell or lease any subdivision or part thereof until a final plat thereof, in full compliance with provisions of these regulations, has been approved by the Council and recorded in the office of the County Recorder. This shall not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with the subdivision regulations of the county, approved and recorded prior to the incorporation of the town.

(B) *Penalty.* A division of a parcel of land, or the division of a structure into multiple interests, which is in violation of the provisions, requirements, and processes of this chapter, shall be considered a violation of this Planning and Zoning Ordinance and subject to the provisions of § [153.228](#).

(Ord. 09-51, passed 4-21-2009)

### **§ 153.999 PENALTY. (Zoning Regulations)**

(A) *Civil penalties.*

(1) Each day's continuance of a zoning violation shall be deemed a separate offense.

(2) The maximum penalty for each offense shall be:

(a) For an individual, \$750; or

(b) For any enterprise corporation, association, labor union or other legal entity, \$10,000.

(B) *Criminal penalties.* The maximum penalty for each offense shall be a Class 2 misdemeanor as established by the Arizona Revised Statutes.

(Ord. 08-44 § 206(A), (B), passed 10-21-2008)

# TOWN OF DEWEY-HUMBOLDT

"Arizona's Country Town"

[www.dhaz.gov](http://www.dhaz.gov)

Phone: 926-632-7362 Fax: 928-632-7365

**Steps for completing a Land Split:**

1. Determine the number of Land Splits that have already occurred. Land Splits are limited to the creation of 3 parcels within the original parcel without prompting subdivision requirements (this includes contiguous parcels owned by same owner).
2. Determine the zoning district for the parcel to be divided (<http://www.co.yavapai.az.us/>).
3. Make sure that the Land Split conforms to the Town's minimum zoning requirements (i.e., parcel size, ingress/egress, setbacks, etc.). You must provide proof to indicate that the proposed parcels will have irrevocable ingress and egress rights to the nearest public right-of-way.
4. Complete a Sketch Plan of the Land Split proposal; if questionable, have the property surveyed to confirm compliance to the zoning regulations. Attached is a recommended form for the Sketch Plan and requirements.
5. Obtain a Title Report (including Schedule B) or copy of one less than 6 months old.
6. Complete the Land Split Application and submit it with the Sketch Plan and a current Title Report (including Schedule B) to the Town for initial staff review. Following the review, the application will be tentatively approved or a letter of denial will be issued.
7. Upon a successful review of the Sketch Plan by Town staff, the applicant must then provide a scaled Final Map of the proposed Land Split prepared by an engineer or land surveyor duly licensed by the State of Arizona. The scaled Final Map will be checked for compliance with the Town's Land Split regulations.
8. Take the approved application, Land Split Final Map, and associated legal documentation to the Yavapai County Assessor's Office (928-771-3220) and Recorder's office (928-771-3244) at 1015 Fair Street, Prescott, to finalize the process.
9. If the tentative approval for the Application is denied, consider whether an Appeal would be appropriate. You can request an Appeal through the Board of Adjustments.
10. If lot was created without Town's approval NO building permits will be issued until the lot is in compliance with Chapter 152 of the Town's Codes and Ordinances.
11. **Penalty: Section 152.99/ 153.999 Town Codes and Ordinances, a penalty fee of \$750.00 will be assessed to all illegally created lots. Applicant must pay penalty and normal fee based on the property land split classification.**

## Land Split Approval

Date: \_\_\_\_\_ Received By: \_\_\_\_\_

Owner: \_\_\_\_\_ APN#: \_\_\_\_\_

Site Address: \_\_\_\_\_ City: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Approved By: \_\_\_\_\_

<i>For Office Use Only:</i>				
Number of parcels include contiguous lots	Zoning	Lot Sizes in SF	Min. Lot Width and Depth	In Floodplain?

### Residential Land Split Plan Sketch

This drawing needs to show the proposed split and approximate dimensions. Identify significant washes and arroyos, ingress/egress easements, roadways.

I certify that this Plan indicates all structures (including fences, walls, and pads), Correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes and etc.) on or within 50', 100' and 200' respectively of property. This Plan is a part of the Land Split Application and is submitted on authority of the property owner.

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ APN \_\_\_\_\_

Zoning

Min Lot Size:

Min. Lot Width and Depth:

Number of Splits:

Ingress/Egress

North Arrow

## **Graphic Requirements per Section 152.06. Dewey-Humboldt Land Subdivision Regulations**

### **Requirements for the Sketch Plan:**

A Sketch Plan is drawing or sketch showing the proposed Land Split. The drawing should be fully dimensioned and prepared at a scale which maintains legibility. The drawing or sketch may be drawn on the sheet provided with the application or be of a size large enough to convey the required information as follows:

1. Legal description or Assessor's Parcel Number.
2. The boundaries of the original parcel prior to the Land Split.
3. Proposed parcels (lots) fully dimensioned.
4. The rights-of-way adjacent to or within the property, including streets and easements.
5. The locations and dimensions of existing structures.
6. The setbacks of existing buildings and structures from existing and proposed property lines.
7. The placement of existing wells and septic systems will be identified on the Final Map

### **Requirements for the Final Map:**

The Final Map shall be prepared by an Arizona-Licensed Engineer or Land Surveyor on Mylar film as is acceptable to the Yavapai County Recorder. The size of the map shall be a minimum of 18 inches by 24 inches or 24 inches by 36 inches with a left margin of 2 inches and shall include the following information:

1. Name, address and telephone number of the property owner(s)
2. Name, address and telephone number of the engineer or land surveyor preparing the map including professional seal.
3. General Plan and Zoning District designations for the site.
4. Graphic and written scale, north indicator (up or to the right), location map (n.t.s.) and the date of preparation.
5. Legal descriptions including area (square feet & acres) for each parcel.
6. The boundaries of the original parcel prior to the Land Split.
7. Proposed parcels (lots) fully dimensioned.
8. The rights-of-way adjacent to or within the property, including streets and easements.
9. The locations and dimensions of existing structures.
10. The setbacks of existing buildings and structures from existing and proposed property lines.
11. The placement of existing wells and septic systems.

### **Design Considerations:**

1. Topography of land – Suitable areas for locating building pad, septic systems and wells.
2. Locations of washes and floodplains
3. Locations of easements – Allow for setbacks from road easements (setbacks are measured from the road easement line, but not utility easements).
4. Placement and spacing of driveway encroachments onto public rights-of-way.

# NOTICE

LOCAL  
JURISDICTIONS  
MAY REQUIRE  
LAND DIVISION  
PERMITS AND  
ZONING  
COMPLIANCE  
WHEN SPLITTING  
PROPERTY

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**TOWN COUNCIL REGULAR MEETING**  
**July 2, 2013 at 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item #9.2**

**To:** Mayor and Town Council Members.

**From:** Planning & Zoning Commission by Warren Colvin

**Date submitted:** June 18, 2013

**Agenda Item: Council Review of P&Z Priority 2012 List**

**Recommended action:** Revisit the 2012 priority list and possibly modify it accordingly, review the Planning and Zoning Commission and staff's suggested items.

**Summary:** Upon election of a "new" Town Council, at the June 6, 2013 Planning and Zoning meeting, the Commission asked the 2012 priority list to be reviewed to determine if the list is in need of modification. Below is the 2012 list along with two added topics that staff and the Commission have asked to be added to the list if the Council so approves. I am also including a brief explanation for each item and its status.

**P&Z Priority List (As discussed with Town Council on 4/5/12)**

- 1). Illegal Lot Divisions (done; P&Z recommendations to Council 7/2/13 meeting)
- 2). Accessory Dwelling Units (almost done; P&Z review completed and attorney review scheduled for July 11 P&Z meeting)
- 3). Historic Buildings (P&Z and staff believe that this subject is a complex issue that requires the Town Council's initiation and direction. It is premature for P&Z to research anything at this point. )
- 4). Outside Storage (done; P&Z and staff reviewed the current Town Code 153.086 and believe that the current code is clearly written and enforceable. Therefore, we recommend this being removed from the list.)
- 5). Enforce parking requirements on Main St. (P&Z and staff feel that it is another premature subject for P&Z to research; if the Council feels the need for its research, please provide specific direction on any perceived issues).
- 6). Commercial Buildings (P&Z and staff would like to seek the Council's clarification on this subject, i.e. what is the issue the community has?)
- 7). Home Based Business (done; P&Z and staff reviewed the code on home based business and found definition and enforceable regulations for it - Town Code 153.005 Definition, "Home Occupation" and 153.077 Home Occupation; we recommend no change and the subject being removed from the list.)
- 8). Transient Merchants (P&Z and staff would like to seek the Council's clarification on this subject, i.e. what is the objective? P&Z also felt that it should not be a priority item as staff has not run into questions about "transient merchants".)

9). Annexation of Northern 200-foot strip (unless the Town Council can provide specifics for P&Z to focus on, P&Z felt that it is a political and legislative issue that is outside of P&Z's normal realm of authority.)

**Staff and P&Z possible items added to list**

10). P&Z review of Town Code 152.09 Street Design and Subdivision Standards. We have run into driveway, easement and private road issue when we deal with addressing. The issue can be related to illegal lot division activities that occurred during the booming years. Staff believes it would be beneficial for us to spend some time to review and be familiar with the subdivision regulations especially road/drive way standards.

11). A few months ago, staff member, Community Development Coordinator, and two citizens reviewed Town Code Chapter 153 Zoning Regulations. The group discovered some text inconsistencies. Staff would like to review those text changes with P&Z.

12). Ground water supply issues. Commissioner Barry Smiley is very interested in water issues. He is concerned about ground water supply shortage and would like P&Z to spend some time researching water depletion issue so as to disseminate information to the public in order to educate the public about the town's long term sustainability. P&Z Chair wishes to support this effort and requests this to be endorsed by the Council.



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular  Special  Work Session

**Meeting Date:** [ 7/02/13 ].

**Date of Request:** [ 6/18/13 ].

**Type of Action:**  Routine/Consent  Regular

**Requesting:**  Action  Report Only

**Agenda Item Text (a brief description for placement on the agenda; please be exact):**  
[ ]. A request by Mayor Nolan [ ] to discuss [ ].

**Purpose and Background Information (Detail of requested action):** To appoint a Council Member to serve on the Board of Directors of the Greater Prescott Regional Economic Council (GPREP). There are 18 positions of which consist of 4 -members of towns, 1-tribal, 1-county, 1 -NACOG, 2-education, 1-Healthcare, 1-Finance, and 7-private.

**Staff Recommendation(s):** [ ].

**Budgeted/Amount:** \$[per capita when requested].

**Expected duration of discussion or report:** [ ½ hr. ]

**List All Attachments:** [ ].

**Type of Presentation:** Oral.

**Special Equipment needed:**  Laptop  Remote Microphone  
 Overhead Projector  Other: \_\_\_\_\_

**Contact Person:** [ Mayor Nolan ].

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Accepted: STATE OF ARIZONA, by and through its Highway Department.  
By N. S. KELLY MOORE  
N. C. "KELLY" MOORE  
Chief Right-of-Way Agent  
STATE OF ARIZONA }  
                          } ss.

County of Maricopa )  
This instrument was acknowledged before me on this 20th day of February, 1952, by Patricia E. Savage for the purpose and consideration therein expressed.

Nora McNatt  
Notary Public.

My Commission Expires: May 15, 1953

Filed and recorded at request of Arizona Highway Dept. April 2 A.D. 1952 at 2:30 o'clock P.M. Book 197 of Deeds, Pages 198-199, Records of Yavapai County, Arizona.

GRACE CHAPMAN  
County Recorder

(NOTARIAL SEAL)

(SEAL)

*Grace Chapman*  
Deputy Recorder

Form R/W-9-5431-1M-11-13-51  
Approved Jas. A. Parker  
District Engineer  
Mar 12 1952 195

EASEMENT

Project S-38  
County Yavapai  
Item 26

199

THIS INDENTURE, made this 8th day of January, 1952 by and between V. P. HENDERSON and ESTHER HENDERSON, Husband and Wife W. O. JONES, a single man hereinafter designated the Grantor and THE STATE OF ARIZONA, herein after designated the Grantee.

RECITALS:

The Grantee requires a right of way over and a perpetual easement to a parcel of land belonging to the Grantor, upon which the Grantee may construct and maintain thereafter a public highway, and all incidents there-

The Grantor does hereby grant to the Grantee a perpetual easement for such purposes subject, however, to the reservation, provisions and conditions hereinafter contained, and said Grantor does hereby approve the location of said highway and consents to the establishment thereof over said land; and does hereby release the said State of Arizona from, and waives all claim for damage or compensation for and on account of the establishment and construction of said highway other than set forth herein.

CONSIDERATION:

In consideration of the premises, covenants, and conditions to be kept and performed by the Grantee and the further consideration of the sum of One Thousand Twenty and no/100 Dollars (\$1,020.00) the Grantor does hereby grant a perpetual easement, and does by these presents convey to the use of the Grantee forever, that certain strip, tract, or parcel of land and real estate situated in and being a part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and S $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 10; the W $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 11 and the N $\frac{1}{2}$  NE $\frac{1}{4}$  Section 15 ~~Subdivision~~ Township 13 North Range 1 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona; said parcel of land required for highway right-of-way being irregular in width, 100 feet on the southwesterly side of, and varying feet on the north-easterly side of, parallel and adjacent to the relocated center line of the CORDES JCT-PRESCOTT Highway, Project No. S-38, a State Highway, as said center line runs with all curves and angles as shown on the map of said highway in the office of the State Highway Engineer, and being more particularly described as follows: PARCEL NO. 1: All that portion of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, Township 13 North, Range 1 East, Yavapai County, lying 100 feet on the southwesterly side of, parallel and adjacent to the relocated center line of the Cordes Jct-PreScott Highway, Federal Secondary Project 38 and all that portion of said parcels of land lying between the relocated center line and the westerly right of way line of the Atchison, Topeka and Santa Fe Railway Company.

The relocated center line of said highway being described as follows: Beginning at a point on the south line of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, at Highway Engineer's Station 4180+75, approximately 180 feet westerly of the southeast corner of SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10; thence extending in a northerly direction to a point on the north line of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, approximately 720 feet easterly of the northwest corner thereof, at approximate Highway Engineer's Station 4194+75. Comprising an area of 6.43 acres, more or less.

PARCEL NO. 2:  
A strip of land 200 feet in width traversing the E $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 10; the W $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 11 and the N $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 15, lying 100 feet on each side of the following described center line. Beginning at a point on the south line of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, approximately 410 feet easterly of the southwest corner thereof; at approximate Highway Engineer's Station 4139+45; thence extending in a northeasterly direction to a point on the north line of the SE $\frac{1}{4}$  of Section 10, approximately 180 feet westerly of the northeast corner thereof, at approximate Highway Engineer's Station 4180+75. Comprising an area of 13.96 acres, more or less.

TO HAVE AND TO HOLD the same forever, together with the right to authorize, permit and license the use thereof not inconsistent with its primary use as a highway and temporary rights of way over, upon and across lands of the Grantor that may be required for the purpose of, or in the course of construction and repair of said highway, provided that the Grantee complies with, keeps, and carries out the following stipulations which run with and are attached to all right and interest granted herein.

CONDITIONS:

1. It is understood and agreed that the amount of money mentioned herein is accepted by the Grantor as full compensation for the land taken as right of way and in settlement for all claims for damage, and for injury or damage to the contiguous land from which the right-of-way is severed, now owned by Grantor, and for his actions and successors in interest thereof, that may hereafter arise or result from the construction, alteration or maintenance of the road bed, its embankment or grade.

The Grantee agrees to cause fences to be constructed the full length of Grantor's property on both sides of the right of way.

3. The Grantee agrees to construct the following facilities along said right of way - at Highway Engineer's Stations approximately, as follows:

- Station 4160 + Turn out on both sides of highway and a No. 1 iron gate on each side of highway
- Station 4154 + Cattle underpass
- Station 4208 + One No. 1 iron gate on each side of highway
- Station 4177 + One No. 1 iron gate on each side of highway

THAT ALL GRANTS, COVENANTS AND PROVISIONS herein contained shall be binding on and inure to the benefit of the heirs, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, this instrument has been duly signed and executed by the Grantor the day and year above written.

V. P. Henderson  
Esther Henderson  
W. O. Jones

STATE OF Arizona )  
                          ) ss.  
COUNTY OF Maricopa )

This instrument was duly acknowledged before me this 5th day of February, 1952, by V. P. HENDERSON, ESTHER HENDERSON AND W. O. JONES for the purpose and consideration therein contained.

Theodore Pellers  
Notary Public

My commission expires:  
February 9, 1955

(NOTARIAL SEAL)

Accepted:  
STATE OF ARIZONA  
By: N. C. KELLY MOORE  
N. C. "KELLY" MOORE  
Chief Right-of-Way Agent  
Arizona Highway Department

Filed and recorded at request of ARIZONA HIGHWAY DEPARTMENT Phoenix, Arizona April 2, A.D. 1952 at 2:30 o'clock P.M. Book 197 of Deeds Pages 199-200, Records of Yavapai County, Arizona.

GRACE CHAPMAN  
County Recorder

By Maxwell Deins  
Deputy Recorder

(SEAL)

FORM R/W-9-5431-1M-11-13-51  
Approved Jas. A. Parker  
District Engineer  
Mar 12 1952 195

Project 3-38  
County Yavapai  
Item 28

EASEMENT

THIS INDENTURE, made this 15th day of January, 1952 by and between A. M. Grosby and M. E. Crosby Husband and Wife herein after designated the Grantor and THE STATE OF ARIZONA, hereinafter designated the GRANTEE.

RECITALS:

The Grantee requires a right way over and perpetual easement to a parcel of land belonging to the Grantor, upon which the Grantee may construct and maintain thereafter a public highway, and all incidents thereto.

The Grantor does hereby grant to the Grantee a perpetual easement for such purposes subject, however, to the reservation, provisions and conditions hereinafter contained, and said Grantor does hereby approve the location of said highway and consents to the establishment thereof over said land; and does hereby release the said State of Arizona from, and waives all claim for damage or compensation for and on account of the establishment and construction of said highway other than set forth herein.

CONSIDERATION:

In consideration of the premises, covenants, and conditions to be kept and performed by the Grantee and the further consideration of the sum of One and no/100 Dollars (\$1.00) the Grantor does hereby grant a perpetual easement, and does by these presents convey to the use of the Grantee forever, that certain strip, tract, or parcel of land and real estate situated in and being a part of the SE 1/4 of Section 15 ~~Subdivision~~ Township 13 North Range 1 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona; said parcel of land required for highway right-of-way being 200 feet in width, 100 feet on the northwesterly side of, and 100 feet on the southeasterly side of, parallel and adjacent to the relocated center line of the Cordes Jct.-Prescott Highway, Project No. 3-38, a State Highway, as said center line runs with all curves and angles as shown on the map of said highway in the office of the State Highway Engineer, and being more particularly described as follows:

All that portion of the SE 1/4 of Section 15, Township 13 North, Range 1 East, Yavapai County, Arizona, lying 100 feet on each side of the relocated center line of the Cordes Jct.-Prescott Highway, Federal Secondary Project 38. The relocated center line of said Highway being described as follows:

Beginning at a point on the west line of the SE 1/4 of Section 15, approximately 165 feet northerly of the southwest corner thereof; at approximate Highway Engineer's Station 4127+20; thence extending in a northeasterly direction to a point on the north line of the SE 1/4 of Section 15, approximately 410 feet easterly of the northwest corner thereof, at approximate Highway Engineer's Station 4139+45.

EXCEPT that portion of the above strip of land lying within HARTSFIELD ADDITION to the Town of Humboldt, Arizona

containing an area of 5.0 acres, more or less.  
Town Council Regular Meeting July 2, 2013  
TO HAVE AND TO HOLD the same forever, together with the right to authorize, permit and license Page 32 of 38 here-  
to and across lands of

(200)

3

## THE BLACK CANYON HIGHWAY

Interstate 17, the Black Canyon Freeway, is such a heavily used route that it might seem it has always been the gateway to northern Arizona. In fact, it was one of the last major highways built in the state.

The original Black Canyon road followed an Indian trail along the Agua Fria River west of Phoenix through a gorge and then up onto the plateau that spreads from the Bradshaw Mountains to the edge of the Verde River valley. In 1864, the part of this route between Dewey and Prescott was declared the first public road in the new Arizona Territory, and soon it was being used by the U.S. Army as part of a route from Fort Whipple, outside Prescott, to Fort McDowell, east of Phoenix.

Over time the road was gradually improved and became an important freighting and stage route serving the mining camps of the Bradshaw Mountains and the Agua Fria drainage, which included Bumble Bee, Reliable, Columbia, and Big Bug. Black Canyon City was the halfway point between Phoenix and Prescott, a welcome rest stop in a wearying two-day journey.

Then, in the 1890s, an alternate route supplanted the Black Canyon road: the Santa Fe, Prescott and Phoenix Railway, a line from Ash Fork to Phoenix via Prescott and Wickenburg (see Figure 3). Though longer, this rail route was a faster and more comfortable way to travel. Two branch railroads were built from this line into the mining region between Prescott and the Agua Fria, further diminishing the need to use the Black Canyon road. When Arizona's first improved highway between Prescott and Phoenix was built as part of U.S. Route 89, it followed the Wickenburg route, running around the western side of the Bradshaw Mountains just as the Prescott-Phoenix railroad had.

Not until 1936 was a state highway, State Route 69, built between Prescott and Phoenix over the Black Canyon route (see Figure 7). This came about at least partly because of pressure from the city of Phoenix to improve access to a new recreation area it was developing at Bloody Basin, just off the Black Canyon road. Development of the road had already begun with a Works Projects Administration grant, and another grant was used to improve the section from Prescott to Dewey.<sup>1</sup>

However, the Second World War delayed completion of State Route 69. After the war the highway, now realigned out of the canyon north of Black Canyon City and up onto the mesa, bypassed Bumble Bee and the other old mining camps, which by then were mostly abandoned. The new highway was dedicated in December 1952, though it would not be completely paved until 1955—the cause for another celebration.

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<sup>1</sup> Jeb Stuart Rosebrook, "The Black Canyon Highway: Highway to History, 1863-1948" (M.A. thesis, Arizona State University, 1994), 112-14.

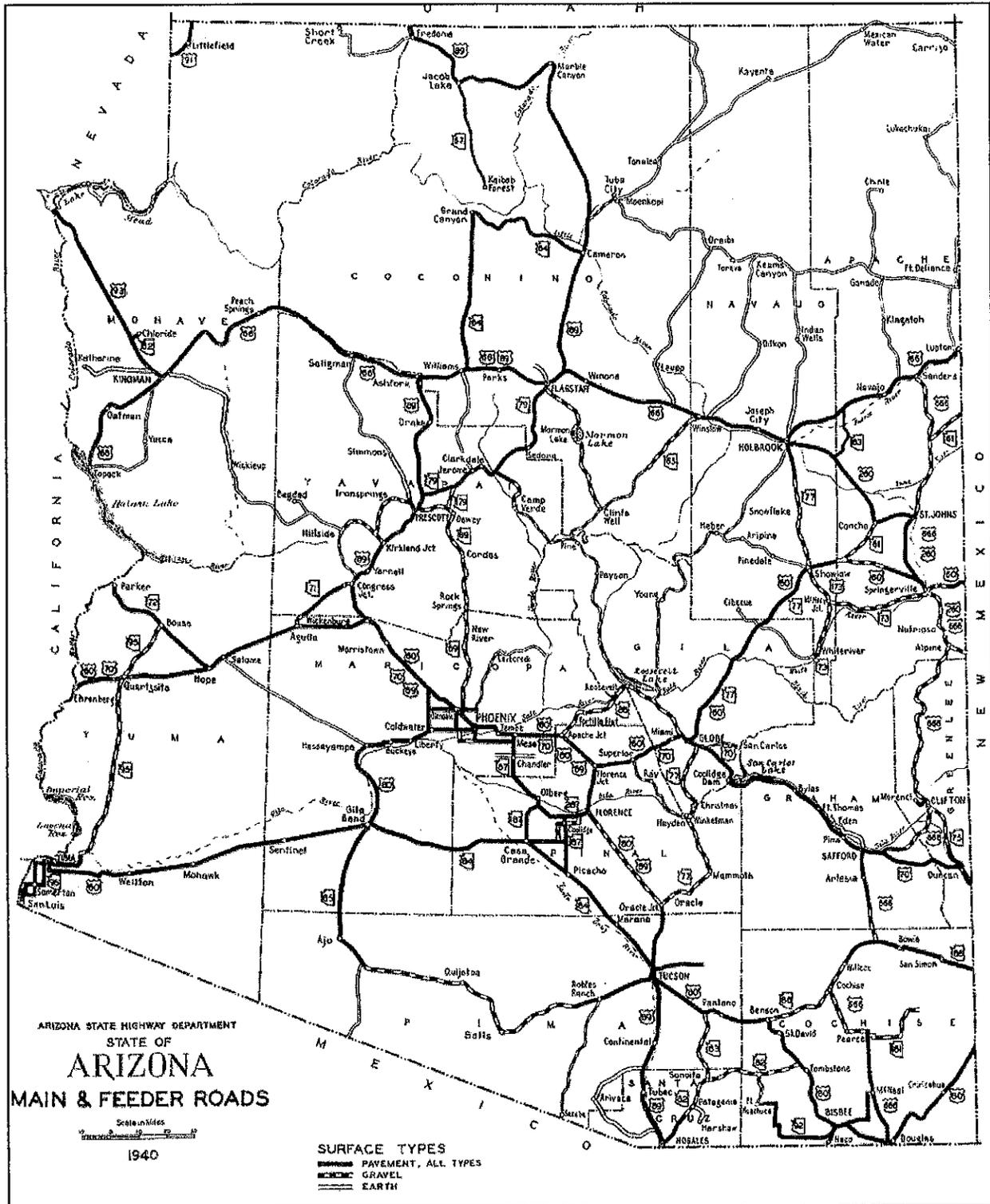


Figure 8. Arizona State Highway System, 1940.

From *Arizona Park, Parkway and Recreational Area Plan: Progress Report* (Tempe: Arizona Highway Commission, Arizona Resources Board, Arizona State College, 1941).

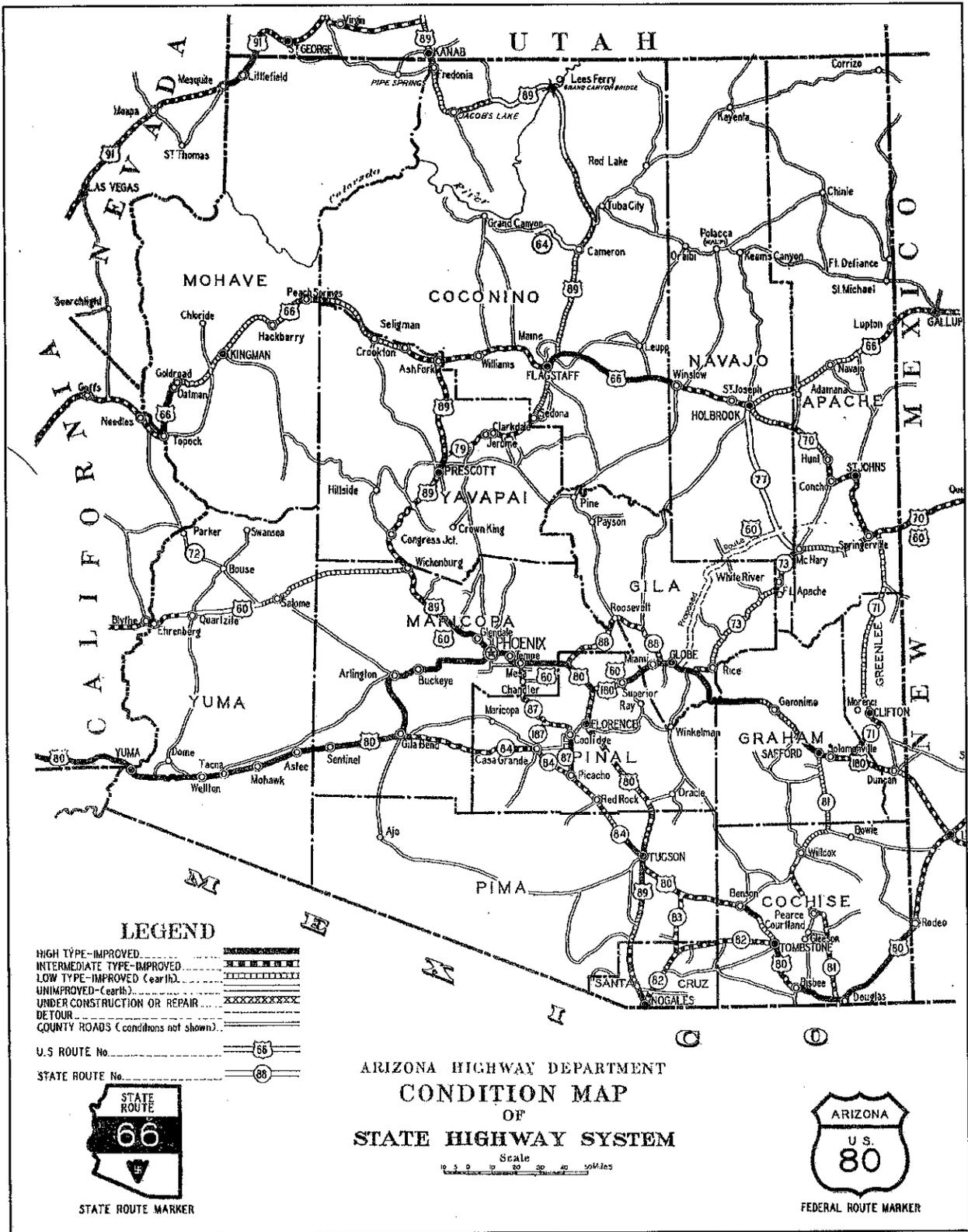


Figure 7. Arizona State Highway System, 1931.

From *Arizona Highways*, November 1931.

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**§ 30.031 MAYOR AND VICE MAYOR; APPOINTMENT, POWER AND DUTIES.**

- (A) The Mayor is the official head of the town for all ceremonial purposes.
- (B) The Mayor does not possess any power of veto.
- (C) The Mayor, or Council designee, coordinates with the Town Manager in the development of agendas for meetings of the Town Council.
- (D) In the Mayor's absence, the Vice Mayor shall perform the duties of the Mayor. Absent a vote of no-confidence, the Council will appoint the most senior Councilmember who has not already been the Vice Mayor to the Vice Mayor Position. A Council Member will serve in the role of Vice Mayor for a single year or until removed.
- (E) The Mayor may perform such other duties consistent with the mayoral office as may be prescribed by town ordinance, as may be imposed by the Council, or as required by state law. Specific duties include:
  - (1) The Mayor shall act as the chairman of the Council and preside over its meetings in accordance with *Robert's Rules of Order*. However, as a member of the Council, the Mayor shall have the same rights and privileges as all other Councilmembers have including the ability to make, and second, motions and vote on motions made by the Council.
  - (2) The Mayor shall execute and authenticate by his or her signature all such instruments as the Council or any statutes, ordinances or this code may require.
  - (3) The Mayor may, by proclamation, declare a local emergency to exist due to any natural or man-made calamity or disaster. The Mayor may also declare such an emergency in the event of a threat of occurrence of riot or other acts of civil disobedience which endanger life or property within the town. After declaration of any such emergency, the Mayor shall govern by proclamation and impose any and all necessary regulations to preserve the peace and order of the town, including but not limited to:
    - (a) Imposition of a curfew for all or any portion of the town;
    - (b) Ordering the closing of any business;
    - (c) Closing to the public access to any public building, street or other public place; or
    - (d) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the town for assistance in providing for the safety of the town, its citizens and property.
  - (4) As the Mayor may deem appropriate, and upon request by an organization or individual, the Mayor may prepare proclamations that identify particular days or events to be of special interest to the town and its citizens.
  - (5) With the assistance of town staff, the Mayor will monitor and manage the budget.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 09-56, passed 9-8-2009)