

## CHAPTER 10

### DISPOSITION OF UNNECESSARY ROADWAY AND EASEMENTS

#### SECTION:

- 9-10-1: DISPOSITION OF ROADWAYS**
- 9-10-2: EXTINGUISHMENT OF EASEMENTS**
- 9-10-3: RESERVATION OF EASEMENTS**
- 9-10-4: LEGAL DESCRIPTION**
- 9-10-5: APPLICATION FEE NOT TO BE REFUNDED**

#### **9-10-1: DISPOSITION OF ROADWAYS:**

Pursuant to the provisions of Title 28, Chapter 20, Article 8, of the Arizona Revised Statutes, the City Council may dispose of unnecessary public roadways, upon application being made to the Real Estate Services offices on forms prepared by that office and upon paying an application fee for each application in accordance with the following schedule: (1843, 4202, 4703)

Single Family Residential Land	\$350 plus value of the land
All Other Land	\$750 plus value of the land
Residential Alley Roadways	\$0

#### **9-10-2: EXTINGUISHMENT OF EASEMENTS:**

Pursuant to the provisions of Title 28, Chapter 20, Article 8 of the Arizona Revised Statutes, the City Council may extinguish easements no longer needed by the City upon application being made to the Real Estate Services offices on forms prepared by that office and upon paying an application fee for each application in accordance with the following schedule: (1843, 4202)

Residential Single Lot	\$350
Undeveloped Subdivision	\$750
Commercial and all other land	\$750

#### **9-10-3: RESERVATION OF EASEMENTS:**

In the event there are existing public utility lines in any unneeded public roadway that is to be abandoned or if in the sole discretion of the City it is probable that there will be a need for a public utility easement, the City shall retain an easement or easements for such purposes and of such size as the City may determine. (1843)

#### **9-10-4: LEGAL DESCRIPTION:**

A legal description of the unnecessary public roadway to be abandoned or unnecessary easements to be extinguished shall accompany the application. (1843)

#### **9-10-5: APPLICATION FEE NOT TO BE REFUNDED:**

In the event the City Council denies the application for vacation of a public roadway or any portion thereof or extinguishment of an easement or any portion therefore, no portion of the application fee shall be refunded to the applicant. (1843)

## CHAPTER 11

### FLOODPLAIN REGULATIONS (2396, 2466, 2597, 2906, 3405, 4455, 4961)

#### SECTION:

- 9-11-1: PURPOSE AND STATUTORY AUTHORITY**
- 9-11-2: FLOODPLAIN MANAGER**
- 9-11-3: ELEVATION CERTIFICATE**
- 9-11-4: FLOODPLAIN MANAGEMENT REGULATIONS**
- 9-11-5: SPECIAL FLOOD HAZARD AREAS**
- 9-11-6: VIOLATIONS AND PENALTIES**
- 9-11-7: WARNING AND DISCLAIMER OF LIABILITY**

#### **9-11-1: PURPOSE AND STATUTORY AUTHORITY:**

In accordance with Title 48, Chapter 21, Article 1 of the Arizona Revised Statutes, Floodplain Management within the City is hereby declared to be vested in, and remain with, the Flood Control District of Maricopa County; and development within areas designated as Flood Hazard Zones located within city limits shall be subject to such rules and regulations as may be established by the State and the Flood Control District of Maricopa County in conformance with the National Flood Insurance Program requirements and the provisions of Title 48, Chapter 21, Article 1 of the Arizona Revised Statutes and conformance to such rules and regulations shall be in addition to any other applicable Mesa code requirements. (4961)

#### **9-11-2: FLOODPLAIN MANAGER:**

The City Engineer is appointed and designated as the Floodplain Manager for the City of Mesa and will serve as the community point of contact on National Flood Insurance Program issues for County, State and Federal officials. Duties of the Floodplain Manager shall also include: (4455, 4961)

- (A) Establishment of procedures to ensure that all requests for permits for floodplain development will be promptly forwarded to the Flood Control District of Maricopa County and that no permits will be issued by any agent of the City until a valid Floodplain Use Permit is obtained by the applicant. (4961)
- (B) Delineating and assisting the Federal Insurance Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites. (4961)
- (C) Providing such information to the Federal Insurance Administrator as he may request concerning present uses and occupancy of the floodplain areas within city limits. (4961)
- (D) Cooperation with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent aggravation of any existing hazards. (4961)
- (E) Submission of reports and information, as needed, to the Federal Insurance Administrator on floodplain management. (4961)

**9-11-3 ELEVATION CERTIFICATE:**

No Certificate of Occupancy, Certificate of Completion, or Temporary Certificate of Occupancy shall be issued by the City until the applicant provides to the City an Elevation Certificate approved by the Flood Control District of Maricopa County. (4961)

**9-11-4 FLOODPLAIN MANAGEMENT REGULATIONS:**

That certain public document entitled "Floodplain Management Regulations for Maricopa County (2006 Revision)," as may be amended from time to time, a copy of which shall be kept on file in the Office of the City Clerk, and is referred to herein as the Floodplain Management Regulations, is hereby adopted as the legal basis for implementing floodplain management in the City of Mesa. (4455, 4961)

**9-11-5: SPECIAL FLOOD HAZARD AREAS:**

Those certain public documents entitled "Flood Insurance Study for Maricopa County, Arizona, and Incorporated Areas" dated September 30, 2005 and "Flood Insurance Rate Maps" dated September 30, 2005, as each may be amended from time to time, a copy of each shall be kept on file in the Office of the City Clerk, are hereby adopted by reference and are referred to herein as the "Flood Study" and "Rate Maps." The Flood Study and Rate Maps are the basis for establishing the Special Flood Hazard Areas for floodplain management in the City of Mesa. The Special Flood Hazard Areas documented in the Flood Study and Rate Maps are the minimum area of applicability of the Floodplain Management Regulations. These Special Flood Hazard Areas may be changed and supplemented by amendments to the Flood Study and Rate Maps and by studies for other areas as allowed in the Floodplain Management Regulations. (4961)

**9-11-6: VIOLATIONS AND PENALTIES:**

It shall be a violation of this Chapter to develop land contrary to or in violation of any provision of this Chapter, to violate any provision or requirement of this Chapter, or to fail to comply with the Floodplain Management Regulations. (4961)

- (A) A person who violates this Chapter is guilty of a Class 2 Misdemeanor. (4961)
- (B) In addition to the penalties set forth in the above paragraph, if the Floodplain Manager determines that there has been a violation of this Chapter, the Building Safety Director is authorized to issue a stop work order, or to withhold, suspend or revoke a Certificate of Occupancy, Certificate of Completion, or Temporary Certificate of Occupancy issued under the provision of Title 4 of the Mesa City Code.(4961)
- (C) A violation of this Chapter shall also be deemed to be a violation of Title 48, Chapter 21, Article 1 of the Arizona Revised Statutes and is subject to penalties described in A.R.S. §48-3615; and the City shall be entitled to seek injunctive and all other applicable legal and equitable remedies as provided by law for any development that diverts, retards or obstructs the flow of waters in a watercourse or Special Flood Hazard Area without the written authorization of the Flood Control District of Maricopa County. (4961)
- (D) Nothing in this Chapter precludes any private or public right of action by any person or entity damaged by another's unauthorized diversion, retardation or obstruction of a watercourse. (4961)

**9-11-7: WARNING AND DISCLAIMER OF LIABILITY:**

The degree of flood protection required by this Chapter and applicable state and county regulations is considered reasonable for regulatory purposes. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City or any officer or employee thereof. (4961)

**CHAPTER 12**

**CUSTOMER RESPONSIBILITIES IN THE MESA PUBLIC LIBRARY (3038)**

**(Repealed by 3803)**