

## PRIVATE STREET DEDICATION PROCEDURE

### **Purpose**

This procedure is intended to provide information and guidance regarding the process to dedicate private streets to the City, in order to convert the streets to public rights of way. Generally, the private street dedication process is intended to transfer ongoing maintenance, repair, improvement responsibility and liability from a private property owner(s) to the City. The Director of the Street Transportation Department is solely responsible for managing and administering the City's private street dedication process.

### **Scope**

The City may consider applications to dedicate both residential and commercial private streets to the City as part of this procedure. Each application submission shall be evaluated on its own merits, and based on the specific issues related to each application, City staff may or may not recommend the dedication of the private streets to the City Council, which has final approval authority on each dedication. It should be noted that prior to completing any private street dedication process typically requires improvements and upgrades to the existing private streets and related infrastructure at the sole cost of the responsible property owner(s).

### **Eligibility**

**Residential Private Streets:** Generally, the City will consider residential private street dedication applications that meet the criteria outlined in the City's Zoning Ordinance, Section 608, Paragraph H.1.a. Additionally, the City may consider applications that do not meet the criteria of the City's Zoning Ordinance, Section 608, Paragraph H.1.a.6, if acceptance of the private street dedication is in the best interest of the City.

**Commercial Private Streets:** The City may consider commercial private street dedication applications if acceptance of the private street dedication is in the best interest of the City. Acceptance of any commercial private street dedication may be accomplished through the application process outlined in this procedure or through a development agreement process, whichever is more appropriate.

City staff may take into consideration extenuating circumstances that are an exception to this procedure where legitimate public safety or emergency concerns exist.

### **Cost Sharing**

In accordance with Article 9, Section 7 of the Arizona Constitution, which prohibits the City from using public funds for private uses, the costs of any required improvements or upgrades to the existing private streets and related infrastructure related to the dedication process are the sole responsibility of the property owner(s).

In certain circumstances, the City may elect to participate financially in the cost of any improvements or upgrades to the existing private streets, if:

- the City's participation represents a sufficient public benefit, and
- the City's financial contribution is proportional to the public benefit.

## PRIVATE STREET DEDICATION PROCEDURE

### Application Process

Before formally applying with the City of Phoenix for the dedication of a private street, please review the application process with the Street Transportation Representative. Prospective applicants may call (602) 262-6284 to schedule an appointment. Upon completion of the review with the Street Transportation's representative, prospective applicants may elect to proceed with the private street dedication process.

There are three steps in the private street dedication process, and each must be successfully completed before a dedication request can be considered for approval by formal City Council action. The three steps are outlined below.

### STEP ONE – PRE-APPLICATION

Prospective applicants shall submit a pre-application to the City for review. The pre-application includes the following:

- a. Signed acknowledgement form (Appendix A), and
- b. Written letter including details concerning the proposed dedication, and requesting the Street Transportation Department proceed with pre-application step of the private street dedication process.

The pre-application will be reviewed by City staff. The City's pre-application review involves a pass/fail test of the Zoning Ordinance, Section 608, Paragraph H.1.a. The six separate criteria are applied to the streets that would be dedicated to the City:

1. The street is not designated as a collector or major street.
2. There are no restrictions to public access to the street.
3. Pavement width shall be 33.16 feet from back of curb to back of curb.
4. Pavement thickness and design shall be in accordance with Maricopa Association of Government Standards (M.A.G. Standards).
5. All terminations shall contain 40 foot radius right-of-way (cul-de-sacs).
6. The street has been constructed prior to March 19, 1986.

Generally, all six criteria must be met in order for a private street to be dedicated to the City. If criterion #6 is not met, the City may elect to proceed with the dedication process if it is determined to be in the best interest of the City.

The pre-application review also includes an on-site visual inspection to determine if the City requirements can be met for the requested dedications. The on-site visual inspection will include, but is not limited to, the following physical conditions:

- a.) Building setbacks must meet zoning requirements for dedicated streets and design requirements for vehicles.
- b.) All intersection and mid-block lighting must meet with City of Phoenix street lighting standards.
- c.) The pavement material and depth must meet with City of Phoenix and (M.A.G.) Standards. Pavement core testing may be required.

## PRIVATE STREET DEDICATION PROCEDURE

- d.) The pavement surface condition must meet City of Phoenix maintenance standards or be brought up to standards.
- e.) Traffic control signs inappropriate or not in conformance to City of Phoenix standards must be removed. City required signs will be installed by the City at the applicants expense.
- f.) Private water and sewer systems will meet with City standards or be upgraded for acceptance by the City.
- g.) Four (4) foot pedestrian access easements will be required on at least one side of all streets with an approved surface as required by the City.
- h.) Fire gates, guard houses, private signs, and other obstructions are required to be removed.
- i.) All intersections and driveways will be required to have unobstructed visibility triangles.
- j.) Trimming or modifications of landscaping, walls or other obstructions to meet City requirements.
- k.) Landscape islands and private parking areas may need to be modified in accordance with plans approved by the City.
- l.) Curb ramp installations.
- m.) Drainage corrective measures.
- n.) Extreme horizontal alignments of vertical grade breaks will need to be corrected, according to plans approved by the City, where they deviate from City of Phoenix standards.

Prospective applicants should expect three to four weeks for City staff review of the pre-application.

A pre-application report will be prepared summarizing the pre-application review including the results of the pass/fail test and the on-site visual inspection described earlier, as well as the options available to the prospective application in order to address deficient areas. A meeting may be called to discuss your options, filing fees, and estimated costs to meet City requirements. At this meeting, City staff will provide prospective applicants with an Application form. Current filing fees may be found in the City Code, Chapter 31 Streets and Sidewalks, Article XI (Private Streets), Part 31-120. Depending on the location and situation, there are other potential fees or costs that may be associated with a particular dedication.

### STEP TWO – APPLICATION

Upon completion of Step One of this process, a formal application may be submitted. Additional information will be required to be filed with your application, which will be provided by your Street Transportation Department representative. Upon formal application, various City departments and utility companies will review your request in detail. Applicants can expect approximately six to eight weeks to process a formal application.

### STEP THREE – STIPULATIONS AND APPROVAL

A final letter of stipulations will be prepared and will be mailed to the applicant. A meeting will be called to review the final stipulations. All stipulations are to be met by the applicant within one year.

A request for a one time extension will require a fee of \$100.

## **PRIVATE STREET DEDICATION PROCEDURE**

If the applicant requests a variance or exception to the stipulations, City staff will evaluate the legal, liability, safety, operations, and maintenance impacts to the requested variances or exceptions. City staff may grant variances or exceptions to the stipulations; however, any such changes to the final letter of stipulations will be noted and documented in City staff's final recommendation to the City Council for approval of the right-of-way dedication.

When all the stipulations are completed to the City's satisfaction and a Map of Dedication is reviewed and approved by the City of Phoenix, then City staff will forward a recommendation to approve the dedication(s) to the Phoenix City Council at its next regularly scheduled meeting.

Following City Council approval, a letter of approval will be sent to the applicant giving the date of acceptance of the right-of-way dedication.

**PRIVATE STREET DEDICATION PROCEDURE**

**APPENDIX A**

AS THE SPOKESPERSON FOR THE \_\_\_\_\_,  
Name of Association/Group Currently Responsible for the Private Streets

I HAVE REVIEWED PRIVATE STREET DEDICATION PROCESS WITH THE STREET TRANSPORTATION

REPRESENTATIVE AND REQUEST THE CITY TO PROCEED WITH STEP ONE (PRE-APPLICATION) OF THE

PROCESS.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Association/Group: \_\_\_\_\_

Date: \_\_\_\_\_