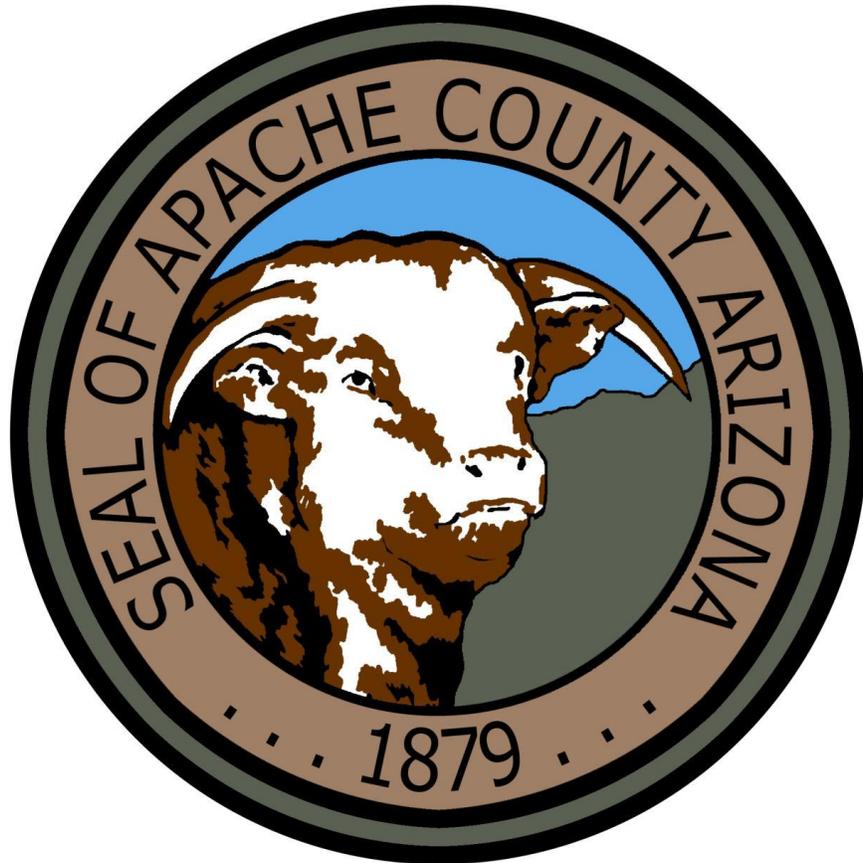


COUNTY OF APACHE
County Engineering &
Roads Department



Adoption of an “N” Road
to an
Adopted County Maintained Road

“N” Road Adoption Policy

Policy Purpose:

The purpose of this policy is to establish procedures and guidelines for adopting non-system roads “N-Roads” into the county-maintained road inventory. These are roads that have not been brought up to the county engineering standards and will incur costs associated with typical road improvements and maintenance. The cost to improve a non-system road are estimated, based on the existing condition of the road and the work required to make the road safe and passable to the general public. This estimate will be calculated using the latest material, equipment, and labor prices. The county engineering department will make this calculation.

The Apache County Board of Supervisors has the authority to classify public roads within its jurisdiction as “County Maintained Roads”. This policy will describe the procedure for adopting these “N-Roads” and will define eligibility and criteria for adoption.

The Board of Supervisors may consider petitions to adopt a non-system “N” road if the road meets all the criteria contained in this policy, but is under no obligation to adopt such roads.

This policy is not intended for use by developers in the process of establishing county subdivisions, as those requirements are set forth in the county subdivision ordinances.

Authority:

Apache County is adopting this policy pursuant to the authority granted to the County Board of Supervisors in Arizona Revised Statutes (A.R.S.) 28-6701, 28-6702, 28-6703 and 28-6705 regarding the designation of roads as “County Highways or Public Roads or Streets”, which states:

28-6701. Establishing, altering or abandoning local highway

A. The board of supervisors may establish, alter or abandon a highway in the county and other legal subdivisions and acquire real property for these purposes by purchase, donation, dedication, condemnation or other lawful means.

B. A highway in the county or any other legal subdivision may be established or altered by the county engineer's recommendation or by presentation of a petition that is signed by ten or more resident taxpayers of the county to the board of supervisors or to the board of supervisors by the governing body of a legal subdivision, that requests that a highway be established or altered and that gives the highway's beginning, end, general course and direction. The board of supervisors may either reject the recommendation or petition or act on the recommendation or petition as prescribed by this article.

C. The board of supervisors may abandon or vacate these highways by resolution as provided in chapter 20, article 8 of this title, except that, notwithstanding section 28-7211, at least sixty days before the resolution is effective pursuant to section 28-7213, the board of supervisors shall give written notice by certified mail to the owners of the land abutting the highway or portion of the highway to be abandoned or vacated. The board of supervisors shall not resolve to abandon or vacate a highway unless a majority of the owners of the land abutting the highway or portion of the highway approve of the action to abandon or vacate the highway.

D. The county engineer's recommendation process to establish or alter a highway as described in subsection B of this section does not apply to the abandonment of a road that was granted under Revised Statute 2477 (43 United States Code section 932) that was enacted by the United States Congress in 1866.

28-6702. Proposed highway survey; notice of hearing

A. On filing the petition prescribed in section 28-6701, the board of supervisors shall:

1. Direct the county engineer to make a survey of the proposed highway and to file with the board a report of the proposed highway and a map as surveyed that shows the legal subdivision of the lands traversed by the survey. If a survey and maps have already been made for any purpose, these data and maps may be used instead of conducting a survey pursuant to this section.

2. Set a date for a public hearing.

3. Give notice to the public of the hearing by advertising once a week for two consecutive weeks in a newspaper of general circulation in the county. The notice shall state the purpose and the date of the hearing and shall direct all persons desiring

to object to the action requested in the recommendation or petition to file with the board of supervisors a statement in writing setting forth their objection or opposition, and to show cause why the recommendation or petition should not be granted.

B. On receipt of a recommendation by the county engineer pursuant to section 28-6701, the board of supervisors shall comply with subsection A, paragraphs 2 and 3 of this section.

28-6703. Hearing

A. At the hearing provided for in section 28-6702, the board of supervisors:

1. Shall consider the feasibility, advantages and necessity of the highway sought to be established.
2. If the board determines the proposed highway is a public necessity, may approve the establishment of the highway by resolution and may accept any right-of-way or property donated to this state or the county.

B. An affected landowner or party may execute a written waiver or release of all compensation or any part of the compensation or may grant any easement or other conveyance of property for the purpose of establishing a highway.

28-6705. Public road and street maintenance

A. The board of supervisors may spend public monies for maintenance of public roads and streets other than legally designated state and county highways located without the limits of an incorporated city or town. Before spending public monies under this section, the roads or streets shall be either:

1. Laid out, opened and constructed in accordance with standard engineering road specifications adopted by the board of supervisors without cost to the county.
2. Completed pursuant to a plat that is approved pursuant to sections 11-802 and 11-822.

B. The board of supervisors may spend public monies for maintenance of public roads and streets that were laid out, constructed and opened before June 13, 1990 even if the roads and streets were not constructed in accordance with subsection A of this section.

C. Maintenance of a public road or street does not include purchasing or laying cement. To reduce long-term maintenance costs for maintenance authorized by this

section, the board of supervisors may spend monies to add rock products, gravel and processed materials to the base of the roads and streets. Petroleum based or nonpetroleum based products may be used in the maintenance and repair of unpaved roads, alleys and shoulders identified pursuant to section 9-500.04 or 49-474.01 or unpaved roads, alleys and shoulders in any county where the control officer as defined in section 49-471 certifies to the board of supervisors that emissions from such roads, alleys or shoulders may endanger compliance with the national ambient air quality standard as defined in section 49-401.01.

Road Eligibility:

Provided the procedures set forth in the above cited statutes are followed, the Board of Supervisors has established the following criteria as the minimum requirements for the adoption of a non-system (“N-Road”) road prior to being considered in front of the full Board.

These criteria requirements will be reviewed by the Engineering Department for completeness prior to being placed on a regularly scheduled agenda of the Board of Supervisors. All requests for non-system “N-road” adoption will be considered annually at the regularly scheduled September Board of Supervisors meeting. Responsibility for determining whether a criterion is met is solely up to the Board of Supervisors. Those designated responsible for providing information pertaining to each criterion is shown in parenthesis ().

Criteria:

1. All applicable Statutes have been satisfied (Apache County)
2. Petitioned roads shall be traffic counted and have a minimum of Annual Average Daily Traffic (AADT) of 100 cars or more. (Apache County)
3. Proof that public right of way exists as certified by a Registered Land Surveyor, licensed to practice in the state of Arizona, certifying that the existing road is within the dedicated public right of way. (Petitioner)

4. To maximize the benefits received from the use of scarce public resources, roads that serve larger segments of the population will receive a more favorable consideration than will those roads that serve only a few individuals or businesses. A minimum of 100 full time residents with direct access to the proposed road must be shown. (Petitioner)
5. Location: The road must be directly accessible from a publicly maintained road. (Apache County)
6. Drainage: Drainage along the road must be such that frequent maintenance will not be necessary in wet weather. (Apache County)
7. Soil Conditions: Sufficient workable native soil or aggregate material for routine blading must be present on the existing road. The surface material of the road shall not be of a nature that will result in extraordinary maintenance of the motor grader resulting from routine blading. (Apache County)
8. Adequate capacity by the responsible Road Yard must exist for the N-road being considered to be added
9. N roads that currently have school bus traffic on them will be given additional consideration.

It is the intent of this policy to provide road maintenance to larger concentrations of the population. There exist far more non-system “N” roads than can be maintained by the county. Each additional road brought into the county-maintained system brings greater strain on already stretched manpower and budgets. Each criterion should be met to ensure the greatest benefit to the public is being made.