



**Ordinance No. O2018-02-001**

**AN ORDINANCE AMENDING NOGALES CITY CODE SECTION 19-41 REGARDING CITY REPAIR AND MAINTENANCE OF PUBLIC FACILITIES LOCATED ON PRIVATE OR GOVERNMENT PROPERTY.**

BE IT ORDAINED by the City Council of the City of Nogales, State of Arizona follows:

SECTION ONE: Nogales City Code Section 19-41 is hereby amended by deleting current subsections (c)(8) and (i) and adding the following amended subsections (c)(8) and (i) (deletions indicated by strikeout and additions by capitals):

(c)(8) ~~A grant to the city of recordable easements or rights of way for the facilities; and~~

(c)(8) IF ANY PART OF THE CONTEMPLATED PUBLIC FACILITIES WILL BE LOCATED ON PRIVATE OR ANOTHER GOVERNMENT'S PROPERTY, THEN ACCEPTANCE BY THE CITY SHALL BE CONDITIONED ON THE DEVELOPER'S OBTAINING FROM THE RELEVANT PROPERTY OWNER(S), IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, PERPETUAL UTILITY EASEMENT(S) WITH A WIDTH OF AT LEAST 7.5 FEET ON EITHER SIDE OF THE ACTUAL LOCATION OF THE FACILITIES CONTAINING THE FOLLOWING COVENANTS: NO STRUCTURE SHALL BE LOCATED WITHIN THE EASEMENT; AND THE OWNER SHALL BE RESPONSIBLE FOR REPAIRING PAVEMENT, CONCRETE, LANDSCAPING OR OTHER IMPROVEMENTS WITHIN THE EASEMENT THAT MAY BE DAMAGED DURING ANY FUTURE REPAIR OR MAINTENANCE ACTIVITIES UNDERTAKEN BY THE CITY. IF THE FACILITIES WILL BE LOCATED MORE THAN SIX FEET BELOW THE SURFACE, THEN THE EASEMENT'S WIDTH SHALL BE INCREASED AS DETERMINED BY THE CITY ENGINEER;

\* \* \* \*

(i) ~~Should the extension of mains require easements or rights of ingress and egress, such agreements or easements shall be provided by the applicant for use by the city.~~

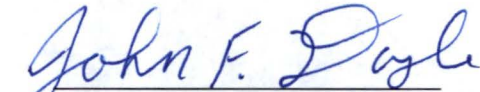
(i) WHENEVER THE CITY UNDERTAKES REPAIRS OR MAINTENANCE OF PUBLICLY-OWNED FACILITIES LOCATED WITH THE CONSENT OF THE OWNER WITHIN COMMERCIAL, INDUSTRIAL OR GOVERNMENT PROPERTY, THE OWNER OF THE PARCEL IS RESPONSIBLE FOR THE COST OF REPAIRING ANY STRUCTURE, PAVEMENT, CONCRETE, LANDSCAPE OR OTHER IMPROVEMENT NECESSARILY DAMAGED AS PART OF THE REPAIRS OR MAINTENANCE, WHETHER OR NOT A UTILITY EASEMENT HAS BEEN DEDICATED OR RECORDED FOR THE FACILITIES.

SECTION TWO: All ordinances, resolutions and orders inconsistent with this ordinance are hereby repealed.

SECTION THREE: The effective date of this ordinance shall be thirty days after adoption.

SECTION FOUR: Pursuant to A.R.S. § 9-812, the City Clerk is directed to publish this ordinance for two consecutive weeks in a newspaper of general circulation.


**PASSED, ADOPTED, AND APPROVED** by the Council of the City of Nogales, Arizona, this 07th day of February, 2018.

  
John F. Doyle, Mayor

ATTEST:

  
Leticia Robinson, City Clerk

APPROVED AS TO FORM:

  
Mark L. Williams, Acting City Attorney

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**First Reading . . . . . 02-07-2018  
Approved by unanimous Vote**

**Second Reading . . . . . Waived by unanimous vote**

**Effective Date . . . . . 03-07-2018**