



TOWN OF EAGAR
MINOR LAND DIVISION/COMBINATION APPLICATION/LOT LINE ADJUSTMENT

This application is for a: ___ Land division ___ Land combination ___ Lot line adjustment

APPLICANT

Name: _____

Mailing Address: _____

Contact Person: _____

Phone: _____ Fax: _____

E-mail: _____

SUBMITTAL CHECKLIST

- Minor Land Division/Combination Application.
- A non-refundable fee.
- A survey map and legal description that has been prepared by a Registered Land Surveyor.
- All required deeds and easements.

PROPERTY INFORMATION

Assessor's Parcel #: _____

Zoning: _____

Lot Size: _____

Assessor's Parcel #: _____

Zoning: _____

Lot Size: _____

Assessor's Parcel #: _____

Zoning: _____

Lot Size: _____

MINOR LAND DIVISION/COMBINATION REQUEST

(Please provide a brief description of the request)

CERTIFICATION & SIGNATURE

In accordance with the definition contained in the Arizona Revised Statutes Section 9-463.02, any minor land division which are the result of any individual creating 3 or less parcels qualifies for consideration under Section 17.04.050 as a minor land division. All other land divisions not meeting these requirements are a subdivision and must meet all the requirements in Title 17, Subdivisions in Town of Eagar Code.

I hereby certify that there is legal frontage on all parcels created.

SIGNATURE OF APPLICANT:

_____ Date: _____

Official Use Only

Recipient : _____ Date _____

Community Development Action

Receipt#: _____ Fee: _____

Approved: _____ Denied: _____

Permit#: _____

Comments: _____

Signature: _____

Date: _____

17.04.050 - Land divisions, combination or recombination.

- A. In the minor divisions of land in terms of A.R.S. Section 9-463.02 and Section 17.04.020 of this chapter, land or lands that are proposed to be divided, combined or recombined (this includes approved platted subdivisions when such lots in a subdivision are being combined or recombined) for purposes of sale or lease into three or fewer lots or parcels do not result in a "subdivision" or "subdivided lands" as defined in A.R.S. Section 9-463. Each lot or parcel shall comply with minimum applicable town zoning requirements and have legal frontage. Proposed minor land divisions that have legal frontage on a town street/road right-of-way (ROW) that has not been accepted into the town's road system and maintained by the town may be considered for approval with the following conditions being met:
1. The undeveloped street/road ROW may be used by the property owner (applicant) as a driveway to the applicant's property if:
 - a. The applicant purchases and posts signs where identified by the public works director on the undeveloped street/road ROW stating the following: "THIS ROAD IS USED AS A PRIVATE DRIVEWAY AND IS NOT TOWN MAINTAINED. THE DRIVEWAY MAY NOT BE ACCESSIBLE DURING SEVERE WEATHER CONDITIONS, USE AT YOUR OWN RISK". The minimum size of the signs shall be nine square feet (3x3); the colors black lettering on yellow background.
 - b. The applicant and/or their successor will be responsible for the maintenance and/or replacement of the signs for any reason that may cause the signs to be damaged or unreadable.
 2. A document provided by the town and signed by the applicant agreeing to the following provision will be recorded with the Apache County Recorders Office (with the applicant paying the recording fees) and attached to the deeds of all newly created parcels informing current and future property owners of their associated responsibilities for any and all maintenance of the driveway over town right-of-way to their property(ies) to include any and all signage. This document shall also state the following: "at the time of execution of this document the town has no plans in the foreseeable future to do any road improvements to the street/road within this ROW, described as (Identify the road/street ROW) and will only construct/upgrade a street/road at a time when the town deems it is in the best interest of the town and it is financially feasible. Nothing in the Code or this agreement will preclude current or future property owners from participating with the town in the future to bring the street/road within the identified ROW that fronts their property to town standards. If at any time the property owner(s) on their own improve the street/road within the ROW to town standards, the town would at that time consider accepting the street/road for maintenance into the town's road system. The property owner shall indemnify and hold harmless the town from any and all claims and lawsuits including attorneys fees and costs that shall arise out of the use of the street/road ROW for its intended purpose. This document is no longer in effect once this section of the street/road within the ROW has been brought up to town standards and it is accepted into the town's road system. If the property served by this driveway is sold while this agreement is in effect the prior owner remains liable for the maintenance and the liability until a new document is recorded wherein the new owner of record agrees to the preceding stipulations for maintenance and liability.
 3. Any lot proposed to be created through the minor division of a parcel shall not be sold until a recorded deed and survey map showing the (split) division has been approved by the community development department as complying with all applicable provisions of this section.
- B. Purpose. The purpose of this section is to provide a process to divide, combine or recombine land into, three or fewer lots, tracts, parcels, sites or divisions with a level of review to ensure the division, combination or recombination of land complies with zoning ordinances, zoning map and does not constitute a subdivision as defined by A.R.S. Section 9-463.02. This section is not intended to prohibit or prevent the division, combination or recombination of land as authorized and permitted by the Arizona Revised Statutes and the town of Eagar zoning and subdivision ordinance.
- C. Applicability. The provisions of this section shall apply to all divisions, combinations or recombinations of land not considered a subdivision located within the incorporated boundary of the town of Eagar.
- D. Application. A minor land division, combination or recombination application shall be filed with the community development department on a form provided by the community development department.
1. Submittal and Fee.
 - a. Prior to the recordation of a deed dividing land into three or fewer parcels of land, or combining or recombining three or two parcels of land into one parcel, for the purpose of sale, lease, or transfer of ownership, the owner shall submit a minor land division, combination or recombination application to the community development department.
 - b. The processing fee is set by the town of Eagar Council by resolution. If application is made after the deed is recorded, the processing fee will be doubled.
 2. Survey Map. A registered land surveyor (R.L.S.) shall prepare the legal descriptions and map. The map shall be of a format acceptable to the county recorder (see A.R.S. Section 11-481) and shall include:

- a. A north arrow;
 - b. The boundaries of the section (or portion thereof) within which the minor land division lies;
 - c. The boundary lines of the minor land division and the lots within it, including their bearings and distances;
 - d. Location and width of all easements within and bordering the minor land division;
 - e. Width of easements and town accepted roads bordering the property.
- E. Review Criteria. The deed and survey map shall conform to the requirements of all the applicable town zoning code. In addition:
- 1. The design, shape, size, and orientation of the tracts should be appropriate for the use, which the division is intended, and to the character of the area in which they are located.
 - 2. If a new street is created in the division of lots, parcels or lands, then by law is a subdivision and must conform to Section 17.04.040.
- F. Administrative Review. To approve a minor land division, combination or recombination (including approved platted subdivisions when such lots are being combined or recombined) the community development department must find the following conditions exist:
- 1. Ownership of property being split, combined or recombined is demonstrated through a deed or other acceptable documents showing ownership and legal access to the parcel.
 - 2. The newly created parcels or parcel when combined or recombined shall meet minimum development standards required by the town zoning code.
- G. Action by the Town Community Development Department. Upon receipt of the submitted documents, the town community development department shall review them to determine their completeness. If the application is complete, it shall be date stamped showing the working day it arrived complete. If the submitted documents and information are found to be incomplete or insufficient, the applicant shall be notified of the deficiencies and informed the application will not be formally accepted for processing until the missing items are submitted. Upon receipt of the completed application, the town planning and zoning department shall:
- 1. Distribute the submitted application for review and comment to the appropriate departments as deemed necessary by the community development director;
 - 2. Review the submitted survey map and supplemental information to determine compliance with these ordinances and prepare its report, which shall include comments received from other departments;
 - 3. Based on the above findings, the community development director may then approve, conditionally approve, or deny the application within fifteen working days from the date a completed application was filed unless the applicant consents to an extension of the review period in writing;
 - 4. Where the resulting parcel(s) do not meet the review criteria and the survey has been recorded, the town may have a notice of code violation recorded with Apache County Recorder's Office. Nothing herein shall be construed to create a right or expectation of such approval and no building or use permit may be issued by the town until the parcel has met the review criteria. It shall be the responsibility of the landowner to remedy all deficiencies.
- H. Approval. If the community development director approves the application, he or she shall enter the following certification on the approved record of survey:
- I, _____, Community Development Director of the town of Eagar, certify that this plat creates a minor land division and or the combining or recombining of lots subject to and approved in accordance with the town of Eagar Subdivision Ordinance.

Date

Community Development Director

(Ord. 2006-14 Exh. A, 2006: Ord. 2003-2 Atth. A, 2003: Ord. 98-5 (part), 1998: Ord. 90-5 (part), 1990; Ord. 101 §5, 1982)

(Ord. No. 2010-02, Exh. A, 1-19-2010; Ord. No. 2011-05, Exh. A, 7-5-2011; Ord. No. 2011-08, Exh. A, 11-15-2011)