

Exhibit A: Citizen Pays Program

PURPOSE & INTENT OF THE PROGRAM:

The Mayor and Council have directed City staff to develop and implement a master plan to install curbing and sidewalks throughout the City. The City initiated the construction of curbing and sidewalks that was lacking in the original townsite as well as throughout the community. Various sources have contributed to the implementation of these curbing and sidewalk projects, but funding varies year to year thus delaying the City's implementation of the master plan.

The City is aware that it will take substantial time and funding to install curbing and sidewalks citywide, therefore, the City of Douglas has created the Citizen Pays Program (CPP) and also proposes the implementation of a development standard that will require new residential, commercial, or industrial development, or substantial modification of 50% or more to an existing structure, to install curbing & sidewalk to meet the standards set by the City Engineer to be compliant with the most current Americans with Disabilities Act (ADA) standards. The City currently uses the most current Maricopa Association of Governments Uniform Standard Specifications and Details for Public Works Construction (M.A.G. Standards). Pavement repair as it relates to the installation of curbing & sidewalk is included in the costs to be borne by the owner. Improvements associated with new developments must be completed prior to the issuance of a Certificate of Occupancy.

The Citizen Pays Program allows a property owner to pay for the material costs of installing curbing and sidewalk along with repair/replacement of asphalt on the right of way adjacent to the property, while the City is responsible for construction management, labor and equipment costs. The property owner benefits from the early construction of the improvements and the City benefits by not incurring the material costs for these improvements that will be enjoyed by the general public. The Program is intended for properties located within the City Limits and within City-owned public right of way.

PUBLIC WORKS POLICY NO. 6.04
CITIZEN PAYS PROGRAM (CPP)

The property owner pays for the material costs of the concrete and asphalt and the City covers the cost of construction management, labor and equipment. If there is substantial public benefit, the City Council could negotiate an agreement with the property owner for the City to cover some of the material costs for the project. These would be on a case by case basis in line with Council established priority areas.

The program is intended for properties located within the City Limits and within City-owned public rights-of-way. The program functions on a first-come first- served basis. The Department of Public Works will collect a list of property owners who have requested to participate in the program. This list will be the basis for Public Works to visit with the property owner and discuss the program and if the intended project fits within the program guidelines. If the property owner is accepted into the program, and an agreement is reached, Public Works would then be able to provide a tentative schedule for when work might begin on the project. In the event a property owner is not ready or not able to pay for the materials when the City schedules the work, their name and property location is moved to the end of the program list. If the name comes up again and the property owner is still not ready to proceed, they are dropped from the program.

If there are fees unpaid from a previous project, the City will request these past due fees to be paid in full, before entering into a new agreement for additional work to be done. All fees must be paid to the City from past work, before their name is placed on the project list. Implementation of a specific CPP project depends on the availability of City resources and other City projects, which may delay a CPP project. City projects will take priority over the CPP.

The City reserves the right to extend this program to adjacent property owners not previously included on the project list as long as it is feasible and City schedules will permit. Property owners will be notified at least 30 days prior to construction and implementation of the project. Property owners will be notified in the event their project will be delayed longer than sixty (60) days from the scheduled project completion date that was given to them.

IMPLEMENTATION PROCESS:

1. A property owner interested in the program contacts the Department of Public Works.
2. The Department of Public Works conducts a site visit to take measurements and establish the scope of work (asphalt replacement, curbing, sidewalk, and driveway aprons) in order to prepare a preliminary cost estimate. The preliminary cost estimate may vary from the actual final cost depending on changes particular to the project.
3. The property owner reviews and approves the cost estimate. The property owner must sign the Citizen Pays Agreement Form attached as Exhibit A. The CPP program can only be implemented in City owned rights-of-way. Note: driveway aprons will be constructed only if they are part of a curbing and sidewalk project and only to the City right of way line. If engineering is required, or if the driveway is complex, the City may either ask the property owner to pay for the additional cost, or the City may decline to take the project into this program.
4. Before start of construction, the property owner shall pay the cost of concrete materials directly to a local concrete supplier, and to any other materials supplier that is needed to complete the work. The City will provide the local material supplier an estimate of the amount of material required to do the job. Concrete and other materials needed for the project will also be covered by the property owner and must meet the specifications that the City determines.
5. The City will coordinate the delivery of such materials with the local material supplier only if the materials have been paid in full or satisfactory payment arrangements have been made with the concrete supplier. A city representative will sign for delivery of the materials. This signature will be for

verification of delivery only and does not represent responsibility for payment by the City. As concrete must be purchased in larger quantities, batches, the City may choose to do more than one project at a time to improve efficiency.

6. The property owner will be responsible for the cost of asphalt material to repair the street at the location where the curbing and sidewalk is installed up to a width of four feet. A deposit of 50% of the asphalt replacement costs shall be paid prior to the installation of curbing & sidewalks. The remaining balance shall be paid when the work is complete.
7. Payment for the asphalt material is to be made directly to the Finance Department.
8. The City shall patch and repair the asphalt as they are able to schedule, after the installation of curb & gutter. If the asphalt plant is not functioning, the property owner will need to contract this patching separately from a licensed contractor.

PROJECTS NOT ELIGIBLE FOR THE CPP PROGRAM:

1. This CPP program is reserved for the benefit of owners of existing residences or businesses who have a paved street, but no curbing and/or sidewalks.
2. This program is not available to undeveloped subdivisions or plats previously approved by the Mayor and Council or any development where the development plan required the installation of curbing and sidewalks or any other improvements in the right-of-way.
3. This program is not available to new residential projects, commercial developments, or industrial subdivision developers.

PROJECT CANCELLATION:

In the event of project cancellation by a property owner where the City has invested time and money in preparing the site, including but not limited to forming, excavation and hauling of soils, the property owner shall be responsible to pay for time and materials (labor & equipment).

Fees incurred for canceling a project or for asphalt replacement shall be assessed against the property owner and if unpaid, said assessment may be collected at the same time and in the same manner as other City assessments are collected. The City reserves the right to record any unpaid assessment at the County Recorder's Office and, from the date of its recording, the assessment shall be a lien on the lot or tract of land until paid.

PROGRAM REVIEW:

Fees for asphalt replacement will be reviewed annually or as required due to changes of the materials cost. Current cost for asphalt replacement is available at the Department of Public Works. If the City's asphalt plant is not operational, the City will not be able to do the asphalt patching for this program, and the property owner will need to contract this work separately.

PUBLIC WORKS POLICY NO. 6.05
CURBING & SIDEWALK DEVELOPMENT STANDARD

All new residential, commercial or industrial developments must install curbing & sidewalk, and the repair or extension of the asphalt as it relates to the installation of curbing. This requirement will be a part of the plan review and permitting process and final Certificate of Occupancy will not be granted until all off-site improvements are complete.

IMPLEMENTATION PROCESS:

1. Property owner, developer, or contractor submits an application for a residential, commercial and/or industrial building permit and a right of way permit.
2. Building Permits are reviewed by the Development Services Department, and Right of Way permits are routed to the Department of Public Works for review and comments.
3. Department of Public Works outlines the off-site improvement requirements and determines the right-of-way property line to ensure that the proposed curbing and sidewalks are located within the public right-of-way. Any improvements in the right-of-way must be constructed by a licensed and bonded contractor.
4. The Chief Building Inspector and Public Works Director incorporate comments in the plan review process.
5. Building and Right of Way Permits are issued.
6. The Department of Public Works provides guidance through the project review, for the installation and construction of curbing and sidewalks in the City right-of- way to be compliant with the current M.A.G. and ADA standards.
7. The Department of Public Works performs site inspections to ensure that curbing and sidewalks improvements meet the adopted specifications for public works construction. The property owner, developer, or contractor shall schedule an inspection with the Department of Public Works, 48 hours in advance. No partial

inspections will be conducted.

8. The Director of Public Works or designee approves or disapproves the work in writing and notifies the Chief Building Inspector accordingly.
9. The Chief Building Inspector issues the Certificate of Occupancy as appropriate.

**CURBING & SIDEWALK INSTALLATION POLICY CITIZEN PAYS
PROGRAM (CPP)
CURB, SIDEWALK, & ASPHALT AGREEMENT**

This is an agreement entered into this _____ day of _____,
20____, by and
between the City of Douglas (the "City") and _____
("Property Owner(s)"), regarding property located at _____ in
Douglas, Arizona.

1. The Property Owner is the owner of property located at the address identified in the agreement. Project agreement will have a drawing and estimate to further describe the scope of work for the project.
2. The City agrees to install curbing, sidewalk, driveway and asphalt repair/replacement at the above-identified property pursuant to the agreement of the parties identified in the attached drawing (which has been initialed by the parties) and incorporated into the agreement and made a part of it.
3. Property Owner agrees to pay for the cost of the materials for the project by entering into a contract with the local materials supplier to pay the supplier directly for all necessary to be ordered to complete the terms of the agreement. Said contract with the supplier shall be made before start of this construction project.
4. Property Owner agrees to pay a deposit of 50% of the asphalt replacement cost before start of this construction project, the remaining balance shall be paid when the work is complete.
5. Based on the attached drawing, the estimated cost of the concrete for the project is \$_____. Property Owner understands that the actual cost may exceed the estimated cost. The Property Owner agrees to pay the total cost of the concrete

construction materials, and asphalt for the project in the event that the actual cost exceeds the estimate.

- 6. Property Owner understands that when the curbing is installed there may be a gap between the asphalt roadway and the new curbing. Estimated cost of road repairs for this project is \$ _____. The Property Owner further understands that the City will make an effort to patch and repair the asphalt within (90) days of the installation of curb & gutter. If weather conditions do not permit, or the plant is not functional, the property owner will need to contract this work separately.

- 7. Total estimated cost for this project is \$_____.

- 8. Projected completion date: _____.

By: _____
City Manager

Property Owner(s)
Name: _____

Address:

Resolution No. 03-319

**A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF DOUGLAS, ARIZONA,
ADOPTING DEPARTMENT OF PUBLIC WORKS
POLICY NUMBER 6.04 ESTABLISHING
CURBING AND SIDEWALK INSTALLATION
POLICY AND POLICY NUMBER 6.05
ESTABLISHING CURBING AND SIDEWALK
DEVELOPMENT STANDARDS.**

BE IT RESOLVED, by the Mayor and Council of the City of Douglas,
Arizona, as follows:

Section 1. Department of Public Works Policy Number 6.04, dated
December 10th, 2003, is adopted to establish the Curbing and
Sidewalk Installation Policy; and

Section 2. Department of Public Works Policy Number 6.05, dated
December 10th, 2003, is adopted to establish Curbing and Sidewalk
Development Standards; and

Section 3. Policy Numbers 6.04 and 6.05 shall be in effect until revised
or repealed by further council action.

PASSED AND ADOPTED by the Mayor and Council of the City of
Douglas, Arizona, this 10th day of December, 2003.

By Ray Borane
Ray Borane, Mayor

Attest:
Shirley B. Rodriguez
City Clerk

Approved as to Form:
Chad S. Smith
City Attorney