

Arizona Administrative Code R4-28-A1207 – Streets and Access

A. The applicant shall include a statement attesting that:

1. Exterior streets providing access are private; or federal, state, and county highways; or municipal streets;
2. The interior streets are public or private; and
 - a. If any streets are private, a description of what provisions have been made to assure purchasers of a legal right to use the private streets;
 - b. Whether the streets are completed;
 - c. The standards to which the streets will be or are constructed;
 - d. If the streets are not completed, the person responsible for completion and the estimated completion date;
 - e. The type of existing and proposed surfacing;
 - f. The cost, if any, the lot purchaser will pay toward street completion;
 - g. The name of the person responsible for exterior and interior street maintenance;
 - h. Whether a city or county is responsible for maintaining the streets and the approximate date when streets will be accepted for maintenance; and
 - i. The cost, if any, the lot purchaser will pay toward street maintenance.

B. The applicant shall demonstrate that there is permanent access to the land over terrain that may be traversed by conventional 2-wheel drive automobiles and emergency vehicles by providing any of the following information or documents necessary to make the demonstration:

1. A statement from a title insurance company, signed by an authorized title officer, affirming that legal access exists to the development and lots within the development. The statement shall:
 - a. Describe the legal access by listing all recorded instruments which establish legal access,
 - b. Be accompanied by a map on which legal access is shown with accurate references to the recorded instruments,
 - c. Be accompanied by a legible copy of each recorded instrument listed in the statement.
2. A statement bearing the seal and signature of a registered land surveyor or professional engineer, affirming that legal access to and within the development, as described in the title insurance company legal access statement, is over terrain that can be traversed by conventional 2-wheel drive automobiles and emergency vehicles. The statement shall affirm that:
 - a. The legal access corresponds with the actual physical access to the development and to the lots,
 - b. The legal access is permanent and describe how that permanence is assured.
3. The recorded subdivision map which shows approval by the applicable city or county officials.
4. Recorded easements or road dedications whether public or private. If private, the applicant shall ensure that development lot owners, emergency vehicles, and utility service providers have access rights.
5. Land, on which easements and roads are provided, is traversable by conventional 2-wheel drive automobiles and emergency vehicles.

6. Road maintenance programs that assure permanent access. Road maintenance programs include those administered by city or county governments, city or county improvement districts, or private property owner associations.

7. Recorded documentation that establishes legal and permanent access for development lot owners through federal or state lands.