

RESOLUTION 11-___

**AUTHORIZING THE ABANDONMENT OF A PUBLIC EASEMENT AND
ACCEPTANCE OF A GRANT OF PUBLIC EASEMENT IN ORDER TO
CORRECT AN UNDEFINED LEGAL DESCRIPTION FOR THAT ROAD
KNOWN AS WILLCOX ROAD LOCATED NEAR WHETSTONE**

WHEREAS, the Board of Supervisors of Cochise County Arizona, is authorized to exchange existing public rights-of-way pursuant to A.R.S. § 28-7203; and

WHEREAS, a previous property owner, Allen J. McCarty and Joetta K. McCarty, granted an undefined easement to the public for the existing Wilcox Road, also known as Willcox Road, across their property, Assessor Parcel Number 106-34-001, per Recording Fee number 900509102, as filed in the office of the Cochise County Recorder; and

WHEREAS, the current property owner, Allen J. McCarty, Jr., Trustee of The McCarty Family Trust, surveyed the centerline of the existing Willcox Road, filed in the office of the Cochise County Recorder under Book 45 of Surveys, page 29, and filed a formal request to the Board of Supervisors to define the centerline and width of the easement; and

WHEREAS, the Board of Supervisors determined that it is in the best interests of the County and the public at large to define the easement; and

WHEREAS, due to the change in ownership of Assessor Parcel Number 106-34-001 it is appropriate to abandon the existing undefined easement and accept a new defined grant of easement rather than amend the existing undefined easement; and

WHEREAS, unknown public utilities may exist within said right-of-way.

NOW THEREFORE, IT IS HEREBY RESOLVED, that we, the Board of Supervisors, having determined that this exchange of easements, to be in the public interest, do hereby approve and authorize the Chairman to accept the accompanying Grant of Easement.

IT IS FURTHER RESOLVED, that the interests of Cochise County in the undefined easement granted per Recording Fee number 900509102, across Assessor Parcel Number 106-34-001, is hereby vacated in accordance with A.R.S. § 28-7203 and 28-7214, in exchange for the defined accompanying easement to be accepted.

IT IS FINALLY RESOLVED that any and all rights-of-way or easements for existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals or ditches and

appurtenances and for electric, telephone, and similar lines and appurtenances shall continue as they existed prior to the disposals or abandonment thereof, pursuant to A.R.S. § 28-7210.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this ____ day of _____, 2011.

Patrick Call, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Katie A. Howard,
Clerk of the Board



Britt Hanson,
Chief Civil Deputy County Attorney