

RESOLUTION 12-___

**AUTHORIZING THE ABANDONMENT OF A PORTION OF CACTUS
LANE PUBLIC RIGHT-OF-WAY SOUTH OF SIERRA VISTA**

WHEREAS, there has been presented to the Board of Supervisors of Cochise County Arizona, a formal request praying for the abandonment of that certain public right-of-way, more particularly described as follows:

A portion of that property dedicated to the public per Docket 790 page 419 and Docket 1170 page 79 as filed in the office of the Cochise County Recorder, also being a portion of Sections 7 and 18 of Township 23 South, Range 21 East of the Gila and Salt River Meridian, Cochise County, Arizona and more particularly described as follows:

COMMENCING at the intersection of the Southeasterly line of said property described in said Docket 790 page 419 and the Southwesterly right-of-way line of State Highway 92, as said Highway exists on July 18, 1977;

Thence following the courses of said property boundary as described in said Docket 790 page 419 and said Docket 1170 page 79 unless noted otherwise;

Thence North 44°34'30" West, a distance of 30.00 feet;

Thence South 45°25'30" West, a distance of 100.00 feet to the POINT OF BEGINNING;

Thence continuing South 45°25'30" West, along a boundary extension a distance of 20.06 feet to the intersection of said boundary extension and the Southwesterly boundary of said property described in said Docket 790 page 419;

Thence North 40°10'35" West, a distance of 229.23 feet;

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Thence North 45°25'30" East, a distance of 20.06 feet;

Thence South 40°10'35" East, a distance of 229.23 feet to the POINT OF BEGINNING.

WHEREAS, the Board of Supervisors having considered all comments regarding this request at their meeting held March 27, 2012, and has determined that the public right-of-way described hereinabove is not necessary for public use as a roadway pursuant to A.R.S. § 28-7202; and

WHEREAS, Quit Claim Deeds for the vacated right-of-way will be issued to the adjacent property owners upon receipt of monies, in accordance with A.R.S. § 28-7208; and

WHEREAS, it is known that QWEST has an existing public utility and Sulphur Springs Valley Electric Co-op has a public utility interest within said right-of-way and other unknown public utilities may also exist within within said right-of-way and that any such rights-of-way are preserved therein pursuant to A.R.S. § 28-7210; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED that the petition for the abandonment as described and requested herein is hereby granted, and the public right-of-way is hereby vacated, in accordance with A.R.S. § 28-7201, *et seq.*

IT IS FURTHER RESOLVED that the interest of Cochise County in lands described above is hereby vacated and the issuance of Quit Claim Deeds vesting title in the adjacent property owners is hereby authorized pursuant to A.R.S. § 28-7205. The Chairman of the Board is hereby authorized to execute the Quit Claim Deeds and all other documents necessary to completion of this transaction.

IT IS FURTHER 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.

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IT IS FINALLY RESOLVED that if necessary the roadway rights of ingress and egress for public or emergency vehicle, all property owners, their guests and invitees and persons lawfully conducting business on the land are hereby retained to the extent as described above, as authorized pursuant to A.R.S. § 28-7215.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this ____ day of _____, 2012.

Richard R. Searle, Chairman
Board of Supervisors

ATTEST:

Katie Howard
Clerk of the Board

APPROVED AS TO FORM:



Britt W. Hanson, Chief Civil
Deputy County Attorney