COCHISE COUNTY

HIGHWAY AND FLOODPLAIN DEPARTMENT MEMORANDUM

MAKING IT BETTER

Your County Questions answered:
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DATE: March 4, 2013

TO: Board of Supervisors

THRU: Karen Riggs, P.E., Interim Director KR

FROM: Terry Couchenour, Right-of-way Agent II TC

SUBJECT: **Resolution 13-__, Abandonment of Rights-of-way for Bowie School District**

Recommendation: This department recommends adoption of the accompanying resolution abandoning portions of 4th Street, Washington Avenue, Jefferson Avenue and 5 alleyways, approximately a total of 3.75 acres, which are unnecessary for public road use.

Background (Brief): Recorded plats of portions of the townsite of Bowie date back to 1908 with a full townsite depiction dated 1913. The 1913 townsite contained uniformly platted blocks, streets, alleyways and a separate School Block. The School Block was previously conveyed to the Bowie School District in 1912, and in 1922 and 1960 the School acquired an additional 5 blocks. While not utilized for public road purposes, several platted streets and alleyways separate the individual blocks; however the School has utilized all 6 blocks and rights-of-way as one property. Portions of several buildings, an athletic field, etc. were constructed within the public rights-of-way and attached is an aerial map as reference.

The location of School facilities in public right-of-way may be considered an encroachment as they obstruct the potential use of public road/alley purposes. This scenario places Cochise County in an unusual situation which can be remedied through abandonment. The department recommends approval of the abandonment proposal based on the rights-of-way not being necessary for public road use. The rights-of-way are not open for public road use and are not necessary as sole legal access for a property. Regarding compensation for the abandoned rights-of-way, the Board is required by statute to factor any public benefit received. The department recommends that the Board value the public benefit received as equal to the value of the abandoned rights-of-way. This approach is consistent with previous Board actions for Cochise Elementary School (Resolution 93-17), Pearce Elementary School (Resolution 01-47) and McNeal Elementary School (Resolution 02-11).

Fiscal Impact & Funding Sources: Not applicable

Next Steps/Action Items/Follow-up: If abandonment is approved and documents are recorded, no further Board action is required.

Impact of <u>Not</u> Approving: If abandonment is not approved, the rights-of-way will remain public streets and alleyways. Bowie School facilities may be interpreted as an encroachment on the public rights-of-way. Cochise County may face problems due to an encroachment situation.