

**RESOLUTION 13-\_\_\_**

**AUTHORIZING THE ABANDONMENT OF PUBLIC RIGHTS-OF-WAY  
IN BOWIE**

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

See attached **EXHIBIT "A" & EXHIBIT "B"**

**WHEREAS**, the Board of Supervisors having considered all comments regarding this request at their meeting held March 26, 2013, and having determined that the public rights-of-way described hereinabove are not necessary for public use as a roadway pursuant to A.R.S. § 28-7202; and

**WHEREAS**, the Board of Supervisors, at the meeting held on April 18, 2006, adopted Resolution 06-24 which serves as a guideline for departmental staff but does not preclude the Board from taking any action deemed appropriate and in the best interest of the public; and

**WHEREAS**, Resolution 06-24 subsection II.B. does not consider the public benefit received by Cochise County, and due to the elimination of an encroachment of Bowie Unified School District facilities which is enabled through said abandonment, a public benefit is received by Cochise County; and

**WHEREAS**, the vacated rights-of-way have a market value commensurate with the public benefit received by Cochise County in accordance with A.R.S. § 28-7208; and

**WHEREAS**, a Quit Claim Deed for the vacated rights-of-way will be issued to the adjacent property owner, in accordance with A.R.S. § 28-7208; and

**WHEREAS**, unknown public utilities may exist within said rights-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 rights-of-way are hereby vacated, in accordance with A.R.S. § 28-7201, *et seq.*

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**IT IS FURTHER RESOLVED** that the interest of Cochise County in lands described above is hereby vacated and the issuance of a Quit Claim Deed vesting title in the adjacent property owner, Bowie Unified School District # 14, is hereby authorized pursuant to A.R.S. § 28-7205. The Chairman of the Board is hereby authorized to execute the Quit Claim Deed and all other documents necessary to completion of this transaction.

**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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
Ann English, Chairman  
Cochise County Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Katie A. Howard,  
Clerk of the Board

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Britt Hanson,  
Chief Civil Deputy County Attorney

**EXHIBIT "A"**

Those portions of public rights-of-way within Bowie Townsite, according to Book 0 of Maps and Plats at page 157, Office of the County Recorder, Cochise County, Arizona, and more particularly described as follows:

That portion of a certain 60.00 foot wide public right-of-way, known as 4<sup>th</sup> Street, as it adjoins the southerly boundary of Blocks 28, 29 and 30, and adjoining the northerly boundary of Blocks 39, 40 and 41, of said Bowie Townsite;

AND;

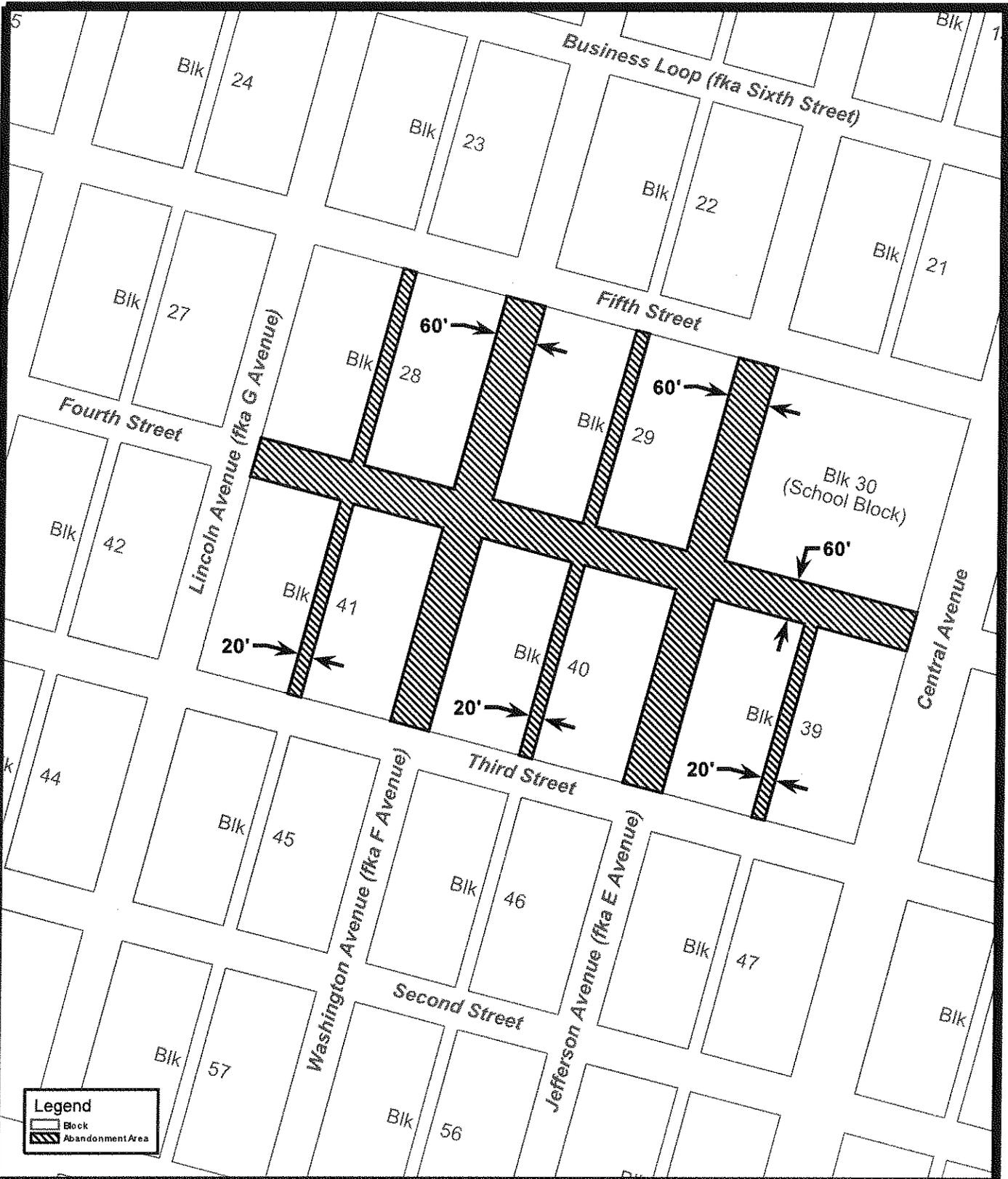
That portion of a certain 60.00 foot wide public right-of-way, known as Washington Avenue, formerly known as F Avenue, as it adjoins the easterly boundary of Blocks 28 and 41, and adjoining the westerly boundary of Blocks 29 and 40, of said Bowie Townsite;

AND;

That portion of a certain 60.00 foot wide public right-of-way, known as Jefferson Avenue, formerly known as E Avenue, as it adjoins the easterly boundary of Blocks 29 and 40, and adjoining the westerly boundary of Blocks 30 and 39, of said Bowie Townsite;

AND;

Those certain 20.00 foot wide public alleyways, within Blocks 28, 29, 39, 40 and 41 of said Bowie Townsite.



**Legend**

- Block
- Abandonment Area



**EXHIBIT B**

Abandonment adjoining Bowie School

