RESOLUTION 13-___

AUTHORIZING THE ABANDONMENT OF A PORTION OF A PUBLIC ONE FOOT NO ACCESS EASEMENT ADJOINING STATE ROUTE 92 IN THE SIERRA VISTA AREA

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

See attached "EXHIBIT A"

WHEREAS, the Board of Supervisors having considered all comments regarding this request at their meeting held April 9, 2013, and having determined that the public right-of-way described hereinabove is not necessary for the overall public use of the roadway pursuant to A.R.S. § 28-7202; and

WHEREAS, a one foot No Access Easement was granted to the public pursuant to Docket 1555 page 43, as filed in the office of the County Recorder; and

WHEREAS, said easement controls access onto State Route 92 which is maintained by the Arizona Department of Transportation (ADOT); however said easement is outside of State Route 92 right-of-way and is within Cochise County jurisdiction; and

WHEREAS, ADOT has approved the location of the abandonment request and authorized the commercial driveway access onto State Route 92 pursuant to ADOT ROW Encroachment Permit 121-0645; 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 easement is hereby vacated, in accordance with A.R.S. § 28-7214.

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.

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

NO ACCESS EASEMENT PARTIAL ABANDONMENT

THE NORTH 50.00 FEET OF THE SOUTH 266.00 FEET OF THE EAST 1.00 FOOT OF THE FOLLOWING:

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 23 SOUTH, RANGE 20 EAST OF THE GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1;

THENCE SOUTH 00°01'03" WEST COINCIDENT WITH THE EAST LINE OF SAID SECTION 1 A DISTANCE OF 500.66 FEET;

THENCE SOUTH 89°56'00" WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY OF STATE HIGHWAY 92;

THENCE CONTINUING SOUTH 89°56'00" WEST A DISTANCE OF 261.00 FEET;

THENCE NORTH 00°01'03" EAST PARALLEL WITH AND 361.00 FEET DISTANT FROM SAID EAST LINE OF SECTION 1 A DISTANCE OF 451.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF RAMSEY CANYON ROAD;

THENCE NORTH 89°59'18" EAST COINCIDENT WITH SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 261.00 FEET TO A POINT ON THE SAID WEST RIGHT-OF-WAY;

THENCE SOUTH 00°01'03" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY A DISTANCE OF 451.00 FEET TO THE POINT OF BEGINNING.