RESOLUTION 13-___

AUTHORIZING THE ALTERATION OF THE ESTABLISHED COUNTY HIGHWAY AND AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY FOR PORTIONS OF DAVIS ROAD

WHEREAS, pursuant to A.R.S. § 28-6701, the Board of Supervisors of Cochise County, Arizona, may alter a highway in the county and acquire real property for this purpose by purchase, donation, dedication, condemnation or other lawful means; and

WHEREAS, pursuant to A.R.S. § 28-6701, there has been presented to the Board of Supervisors of Cochise County, Arizona, a recommendation by the County Engineer of said County, praying for the alteration of a County Highway known as Davis Road:

LEGAL DESCRIPTION

> **Alter the established width of Davis Road, from 66 feet to 200 feet, approximately beginning at milepost 4.7, and running southeasterly to milepost 5.5, and approximately beginning at milepost 12.85, and running southeasterly to milepost 13.35 as specified per plans identified as Federal Aid Project Number STP CCH-0(200) on file in the office of the Cochise County Engineer. Said altered alignments are commonly referred to as improvements to milepost 5.1 and 13.1 and located within Sections 25, 26 and 36, Township 20 South, Range 23 East; Section 13, Township 21 South, Range 24 East; Section 18, Township 21 South, Range 25 East of the Gila and Salt River Meridian, Cochise County, Arizona.**

WHEREAS, the Board of Supervisors on the May 21, 2013, at the hour of 10:00 a.m., held a public hearing on said recommendation, and notice having been given by publication thereof once a week for two (2) weeks in the Arizona Range News/San Pedro Valley News-Sun, the designated official newspaper for Cochise County notices, and said notice having directed all persons wishing to object to the action prayed for in the petition to file with Clerk of the Board of Supervisors, a statement in writing setting forth any objections or opposition and to show cause why said petition should not be granted; and

WHEREAS, at said hearing the Board of Supervisors considered the feasibility, advantages and necessity of the highway and determined that the alteration of said highway as recommended by the County Engineer is a public necessity; and

WHEREAS, it having been determined that it is in the best interest of the County and the public at large to acquire said public rights-of-way; and

WHEREAS, the parcels to be affected by these rights-of-way acquisition are identified as:

Assessor Parcel Number 108-53-007A, Silverstone Investments LLP
Assessor Parcel Number 108-53-007B, J Marco Investment Trust
Arizona State Trust Land, Sections 25 & 36, Tn 20 S, Rg 23 E
Assessor Parcel Number 111-27-004B, Cross U Cattle Co
Assessor Parcel Number 111-45-004C, Dennis & Deborah Moroney
Assessor Parcel Number 111-45-038A, Cross U Cattle Co
Assessor Parcel Number 111-45-185, Gilbert II & Monica Rodriguez
Assessor Parcel Number 111-45-186, Sanchez Family Trust
Assessor Parcel Number 111-45-187, Gilbert II & Monica Rodriguez
Assessor Parcel Number 111-45-188, David Xan Ngoc Le & Christine My-Lien Le

NOW, THEREFORE, IT IS RESOLVED that the alteration of the County Highway as above described is hereby approved.

IT IS FURTHER RESOLVED that the Clerk of the Board of Supervisors is authorized and directed to file in the office of the County Recorder of Cochise County, Arizona, a certified copy of this resolution and order, together with a map of said highway.

IT IS FURTHER RESOLVED that any previous declaration in conflict herewith is hereby rescinded to the extent of such conflict.

IT IS FURTHER RESOLVED that the Director of the Community Development Department, or her designee, is authorized to negotiate on behalf of the County to acquire said public rights-of-way, and settle resulting damages through donation, purchase, or condemnation action as necessary.

IT IS FURTHER RESOLVED that should a condemnation action become necessary to acquire all, or any portion of, said rights-of-way, the Cochise County Attorney's Office is authorized to proceed with said action.

IT IS FINALLY RESOLVED that the Chairman of the Board of Supervisors, or the Vice-Chairman, is authorized to accept conveyance documents for said rights-of-way.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this _____ day of _____, 2013.

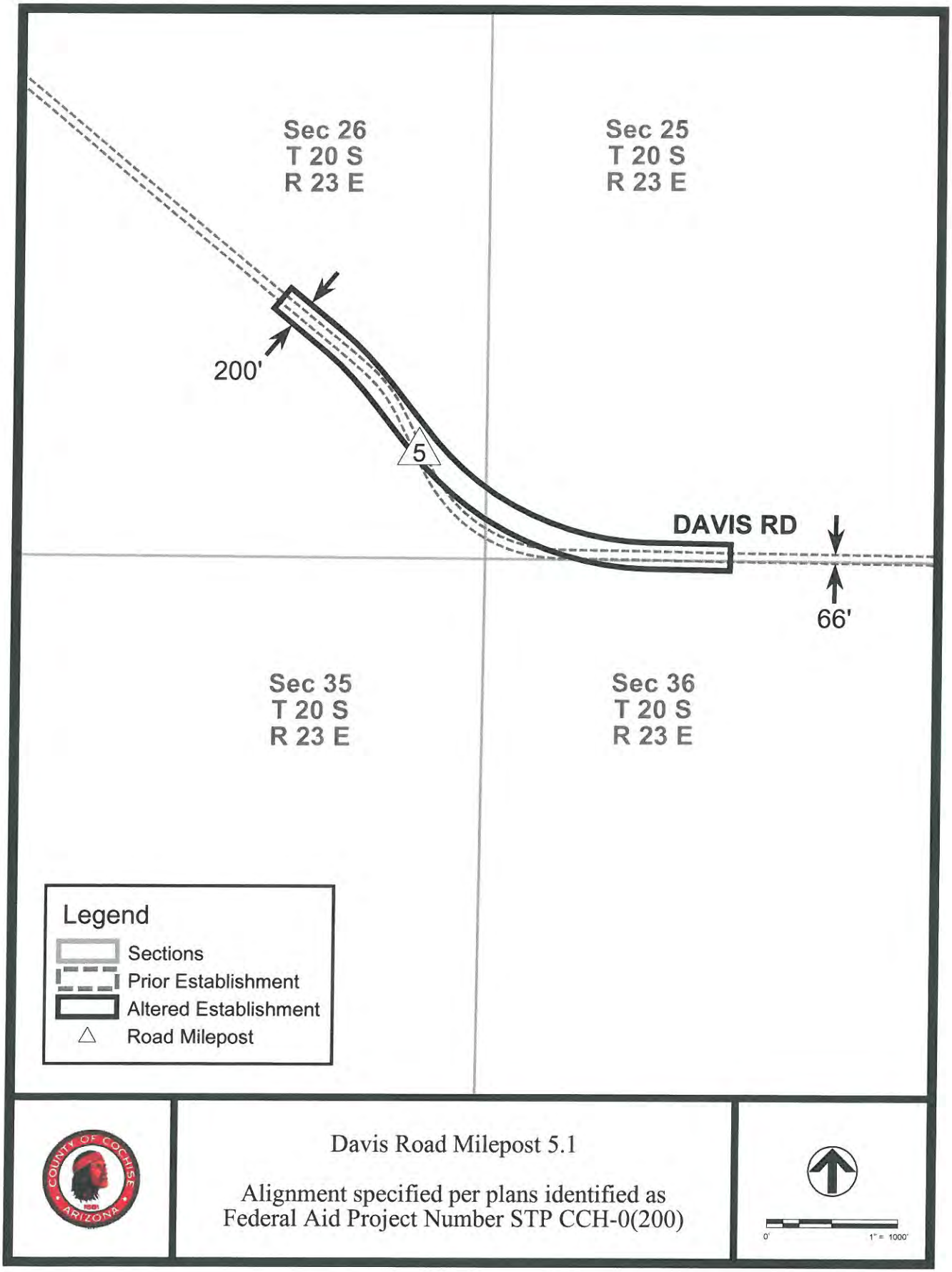
_____
Ann English, Chairman
Cochise County Board of Supervisors

ATTEST:

_____
Katie A. Howard,
Clerk of the Board

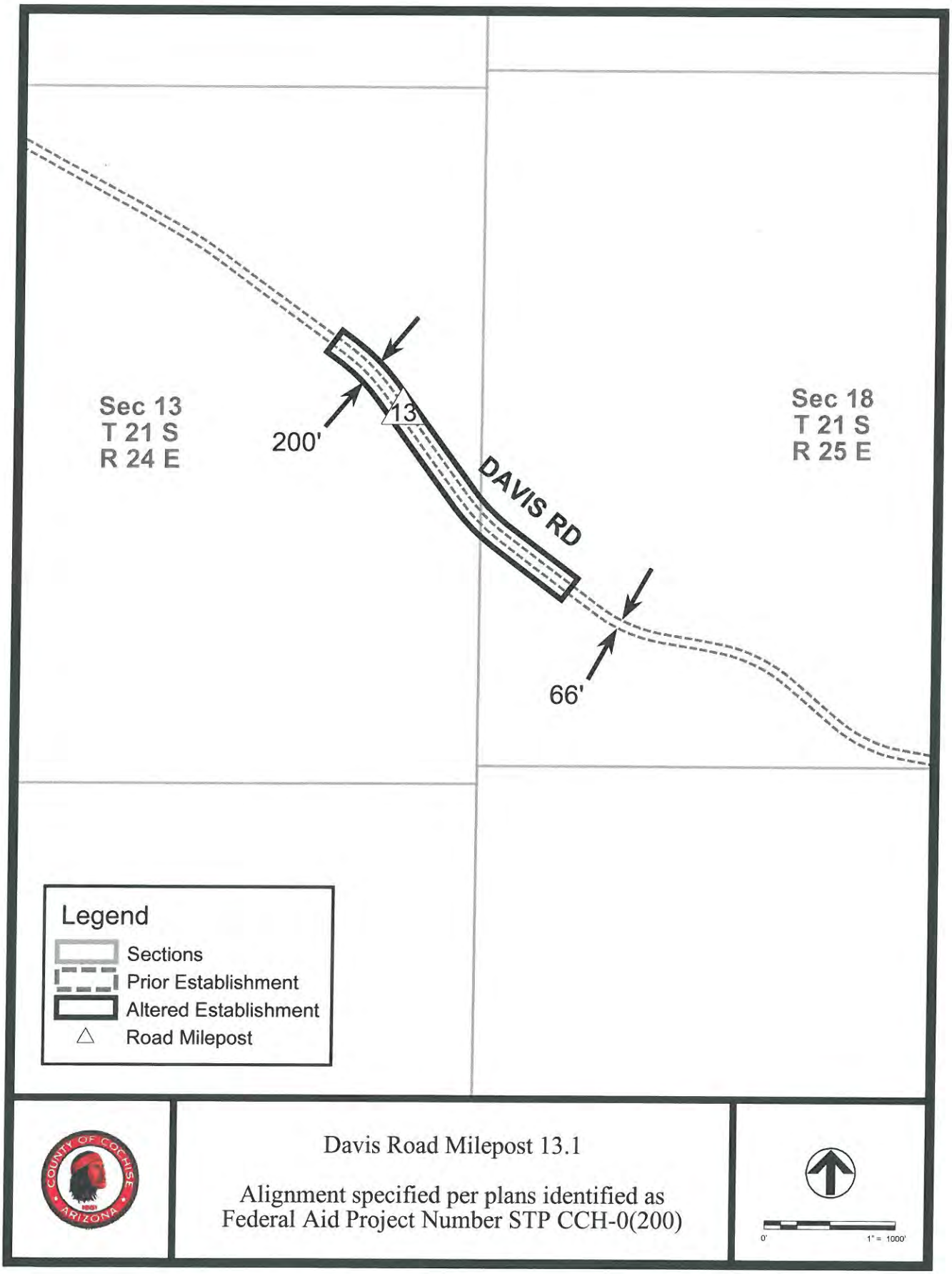
APPROVED AS TO FORM:

_____
Britt Hanson,
Chief Civil Deputy County Attorney



Davis Road Milepost 5.1

Alignment specified per plans identified as
Federal Aid Project Number STP CCH-0(200)



Davis Road Milepost 13.1

Alignment specified per plans identified as
Federal Aid Project Number STP CCH-0(200)