

RESOLUTION 13-___

**AUTHORIZING THE GRANTING OF AN EASEMENT FOR THOSE
RIGHTS-OF-WAY KNOWN AS ROBISON ROAD AND GASKILL ROAD
IN THE KANSAS SETTLEMENT AREA**

WHEREAS, pursuant to Resolution 93-28, Cochise County acquired a forty acre parcel and access easement in the Kansas Settlement area to provide a source for road maintenance materials hereinafter referred to as "Material Site" and "Material Site Access Easement," as described in "EXHIBIT A," attached hereto and incorporated by reference; and

WHEREAS, prior to the acquisition of the Material Site and Material Site Access Easement, roads open for public travel, although not declared public highways, traversed the Material Site property. Said roads are currently open for public travel and are commonly referred to as Robison Road and Gaskill Road, hereinafter referred to as "Roads," located as described in "EXHIBIT B," attached hereto and incorporated by reference; and

WHEREAS, at time of sale of the Material Site to the County the seller, who retained ownership of an adjacent property, herein referred to as the "Neighboring Property," described in "EXHIBIT C," attached hereto and incorporated by reference, inadvertently failed at time of said sale to retain easement rights to use those Roads to access seller's remaining property, although current occupants, invitees and licensees of the Neighboring Property continue to use those Roads to access said property; and

WHEREAS, the heir to the Neighboring Property has submitted a formal request to the Board to correct this oversight by granting said party an easement acknowledging their legal right of access to the Neighboring Property across the Material Site; and

WHEREAS, it is acknowledged by the heir to the Neighboring Property that the Roads described in Exhibit B are not part of the County Road Maintenance System, and may only be maintained by the County in a manner sufficient to support the County's heavy truck use of the Material Site; and

WHEREAS, the Board of Supervisors having considered all comments regarding this request at their meeting held July 23, 2013, and having determined that issuance of a non-exclusive corrective easement to owners of the Neighboring Property, as described in Exhibit C, granting legal access across the Material Site described in Exhibit A is in the best interest of the public,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Chairman of the Board of Supervisors is hereby authorized to execute the Grant of Easement, and all other documents

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necessary to complete the transaction, to correct legal access and use of the Roads traversing the Material Site and leading to the Neighboring Property.

BE IT FINALLY RESOLVED that while Cochise County may perform maintenance of the Roads, any such maintenance may be infrequent and performed only as necessary for the County's heavy truck use, and as such the County does not assume responsibility for any liability arising from the use of said Roads.

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

Ann English, Chair
Cochise County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Adam Ambrose,
Civil Deputy County Attorney

EXHIBIT "A"

Material Site:

The Northwest quarter of the Southwest quarter of Section 33, Township 16 South, Range 26 East of the Gila and Salt River Meridian, Cochise County, Arizona.

Material Site Access Easement:

An easement for ingress, egress and utilities as created in 930511622 as filed in the office of the Cochise County Recorder, over the west 30.00 feet of the Southwest quarter of the Southwest quarter of Section 33, Township 16 South, Range 26 East of the Gila and Salt River Meridian, Cochise County, Arizona.

EXHIBIT "B"

Robison Road:

The west 30.00 feet of the Northwest quarter of the Southwest quarter of Section 33, Township 16 South, Range 26 East of the Gila and Salt River Meridian, Cochise County, Arizona.

Gaskill Road:

The north 30.00 feet of the Northwest quarter of the Southwest quarter of Section 33, Township 16 South, Range 26 East of the Gila and Salt River Meridian, Cochise County, Arizona.

EXHIBIT "C"

Neighboring Property:

The Northeast quarter of the Southwest quarter of Section 33, Township 16 South, Range 26
East of the Gila and Salt River Meridian, Cochise County, Arizona.