

RESOLUTION 15-__

**AUTHORIZING THE ABANDONMENT OF PUBLIC RIGHTS-OF-WAY
ADJACENT TO BRIAN A TERRY BORDER PATROL STATION**

WHEREAS, the Board of Supervisors of Cochise County, Arizona is authorized to dispose of unnecessary public roadway pursuant to A.R.S. § 28-7201 through 28-7215; and

WHEREAS, there has been presented to the Board of Supervisors, a formal request praying for the abandonment of those certain public rights-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 September 15, 2015, and have determined that the public rights-of-way described herein are not necessary for public use as a roadway pursuant to A.R.S. § 28-7202; and

WHEREAS, Resolution 06-24 subsection II.B. does not consider the public benefit received by Cochise County, however due to the operations of the United States Customs and Border Protection that is enabled by having a facility without a public right-of-way compromising their security, a public benefit is received by Cochise County; and

WHEREAS, the vacated rights-of-way have a market value and are not subject to A.R.S. § 28-7215.B, however the market value is 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, it is known that Arizona Public Service has a public utility interest within said right-of-way and reserves an easement to serve future customers, and other unknown public utilities may also exist within said right-of-way and that any such rights-of-way are preserved therein pursuant to A.R.S. § 28-7210; and

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.*

IT IS FURTHER RESOLVED, that the interest of Cochise County in lands described above are hereby vacated and the issuance of a Quit Claim Deed vesting title in the adjacent

property owner 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 to complete 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.

RESOLUTION 15-__

Re: Authorizing the Abandonment Of Public Rights-Of-Way Adjacent to Brian A Terry Border Patrol Station

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PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this ____ day of _____, 2015.

Patrick Call, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Arlethe G. Rios,
Clerk of the Board

Britt Hanson,
Chief Civil Deputy County Attorney

“EXHIBIT A”

PARCEL I

The Southerly 30.00 feet of the Northwest quarter of the Northeast quarter of Section 5 Township 24 South Range 24 East of the Gila and Salt River Meridian, Cochise County, Arizona, lying West of the Naco Road as it existed on September 8, 1976.

PARCEL II

A portion of the Westerly 40.00 feet of the Northwest quarter of the Northeast quarter of Section 5 Township 24 South Range 24 East of the Gila & Salt River Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the North quarter corner of said Section 5, thence South $00^{\circ} 06' 38''$ East along the West line of the Northwest quarter of the Northeast quarter a distance of 883.08 feet to the Northwest corner of a parcel of land conveyed in Document No. 8510-21316 records of Cochise County, Arizona, also being the POINT OF BEGINNING:
thence continuing South $00^{\circ} 06' 38''$ East along said West line a distance of 397.00 feet to a point which is North 30.00 feet from the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 5,
thence South $89^{\circ} 40' 90''$ East, parallel to the South line of the Northwest quarter of the Northeast quarter of said Section 5, a distance of 40.00 feet,
thence North $00^{\circ} 06' 38''$ West, a distance of 397.00 feet,
thence North $89^{\circ} 40' 00''$ West, a distance of 40.00 feet to the POINT OF BEGINNING.

