

**RESOLUTION 16-\_\_\_**

**AUTHORIZING THE EXCHANGE OF RIGHT-OF-WAY AND THE ALTERATION OF A COUNTY HIGHWAY FOR A PORTION OF WILLSON ROAD LOCATED IN NACO**

**WHEREAS**, the Board of Supervisors of Cochise County, Arizona, is authorized to exchange existing public rights-of-way pursuant to A.R.S. § 28-7203 and A.R.S. § 11-251(44), alter or abandon a County highway pursuant to A.R.S. § 28-6701 through 28-6703 and dispose of or extinguish interest in a portion of roadway that is not necessary for public road use pursuant to A.R.S. § 28-7201 through 28-7215; and

**WHEREAS**, there has been presented to the Board, a request and County Engineer's recommendation to convey to the County right-of-way for the existing County maintained portion of Willson Road, between Hogan Street and Martinez Street, described herein as "Exhibit A", in exchange for the abandonment of an un-opened extension of Willson Road south of Hogan Street and the adjoining alleyway, described herein as "Exhibit B"; and

**WHEREAS**, the un-opened extension of Willson Road was established as a County Highway pursuant to Resolution 88-92, Reception Number 1988-21704 and depicted on Maps and Plats Book 12 Pages 83-83A as filed in the office of the County Recorder and does not qualify as a road granted under Revised Statute 2477; and

**WHEREAS**, it having been determined that it is in the best interests of the County and the public at large to acquire the right-of-way that is occupied by the existing County maintained alignment of Willson Road in exchange for the abandonment of the unopened right-of-way; and

**WHEREAS**, pursuant to A.R.S. § 11-251(44), notice to the public having been given by publication thereof thirty (30) days prior in the Arizona Range News, the official newspaper for Cochise County, and the Sierra Vista Herald, in which said notice stated the property ownership, and legal descriptions of the lands involved in this exchange; and

**WHEREAS**, it is known that Arizona Public Service has a public utility interest within said right-of-way and obtained springing executory grant of easement from the adjacent property owner to retain rights for existing and future utility services as filed in document number 2016-01096; and

**WHEREAS**, 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.

**NOW THEREFORE, IT IS HEREBY RESOLVED**, that we, the Cochise County Board of Supervisors, having determined that this exchange of property to be in the public interest, do hereby approve and authorize the Chairman to accept the accompanying Deed of Dedication for lands described in the attached "Exhibit A".

**IT IS FURTHER RESOLVED**, that the interests of Cochise County in lands described in the attached “Exhibit B” are hereby vacated, abandoning that portion of the County highway, and the Chairman is authorized to issue a Quit Claim Deed to Gerald Eberwein in accordance with A.R.S. § 28-7208 and in exchange for the property to be conveyed to the County.

**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.

**IT IS FURTHER RESOLVED** that the springing executory grant of easement to Arizona Public Service is finalized pursuant to the vesting of title in the adjacent property owner.

**IT IS FINALLY RESOLVED**, that any previous resolution in conflict herewith, is hereby rescinded to the extent of such conflict.

**PASSED AND ADOPTED** by the Board of Supervisors of Cochise County, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Richard R. Searle, Chairman  
Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Arlethe G. Rios, Clerk of the Board

**ATTEST AS TO FORM:**

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Britt W. Hanson, Chief Civil  
Deputy County Attorney

**Exhibit A**  
**Portion of existing Willson Road conveyed to Cochise County**

Portion of GLO Lot 1, Section 24, Township 24 South, Range 23 East of the Gila and Salt River Meridian, Cochise County, Arizona, with reference being made to:

Official Townsite Map of Naco according to Book 0 of Maps and Plats page 68, and Book 1 of Maps and Plats pages 138 & 139,

Portion of GLO Lot 1, herein after referenced as Loreto Property, according to document No. 0307-26262,

Portion of GLO Lot 1, herein after referenced as Valenzuela Property, according to document No. 8901-00872,

Portion of GLO Lot 1, herein after referenced as Morales Property, according to document No. 0103-08090,

Portion of GLO Lot 1, herein after referenced as Urcadez Property, according to document No. 0707-24663,

Portion of GLO Lot 1, herein after referenced as Eberwein Property, according to Docket 1111 page 450,

All references as filed in the office of the Cochise County Recorder, Cochise County, Arizona, and more particularly described as follows:

BEGINNING at a point which is described as the Northwest corner of said Valenzuela parcel,  
thence South along the east line of said Valenzuela, Morales and Urcadez property to the Southeast corner of said Urcadez property;  
thence continuing South along the east line of said Eberwein property to a point of intersection with the westerly prolongation of the South line of Block 5, NACO TOWNSITE;  
thence East along said Westerly prolongation a distance of 14.00 more or less to the Section line common to Section 24, Township 24 South Range 23 East and Section 19 Township 24 South Range 24 East;  
thence North along said section line to a point which is the Southeast corner of said Loreto property;  
thence West along the south line of Loreto property to the POINT OF BEGINNING.

**Exhibit B**  
**Portion of undeveloped extension of Willson Road south of Hogan Street and the adjoining alleyway**

That portion of those certain public rights-of-way, adjoining Block 4, NACO TOWNSITE, according to Book 1 of Maps and Plats at pages 138 and 139, Office of the County Recorder, Cochise County, Arizona and more particularly described as follows:

BEGINNING at the Northwest corner of Lot 600 Block 4 NACO TOWNSITE;  
thence South along the West line of Block 4 a distance of 125.00 feet to the Southwest corner of Lot 608 Block 4;  
thence East along the South line of said Block 4, a distance of 125.00 feet, to a point on the West line of Abandonment recorded in Docket 645, pages 416 through 418, records of Cochise County, Arizona;  
thence South a distance of 15.00 feet to a point that is 60.00 feet North of the United States-Mexico border;  
thence West a distance of 142.5 feet to a point on the West boundary of Section 19;  
thence North a distance of 140.00 feet to the Westerly prolongation of the North line of Block 4;  
thence East along said prolongation a distance of 17.5 feet to the POINT OF BEGINNING.