

RESOLUTION 16-__

**AUTHORIZING THE ABANDONMENT OF A PUBLIC RIGHT-OF-WAY
WITHIN MESCAL LAKES UNIT II**

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, in conjunction with a proposed business development of tax assessor parcel numbers 124-15-234, 124-15-300, 124-15-301 and 124-15-302, there has been presented to the Board of Supervisors, a formal request praying for the abandonment 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 February 9, 2016 and having determined that an emergency access route is necessary connecting the southern terminus of Dorothy Avenue to Meadowlark Lane, the alignment of said emergency access does not have to lay solely within the public right-of-way and therefore the public right-of-way described hereinabove is not necessary for public use as a roadway pursuant to A.R.S. § 28-7202 if an emergency access route is provided in conjunction with the proposed business development; and

WHEREAS, the developer and property owners have executed an Agreement for Transfer of Property outlining the terms and conditions of the abandonment of public right-of-way and transfer of title contingent upon the completion of said emergency access route; and

WHEREAS, pursuant to the Agreement, Quit Claim Deeds for the vacated right-of-way will be issued to the adjacent property owners upon completion of the emergency access route to the County’s satisfaction, in accordance with A.R.S. § 28-7208; and

WHEREAS, it is known that Sulphur Springs Valley Electric Cooperative 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.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the petition for the abandonment as described and requested herein is hereby granted, and the public right-of-way is hereby vacated, subject to the terms and conditions outlined in the Agreement and, in accordance with A.R.S. § 28-7201, *et seq.*

IT IS FURTHER RESOLVED that upon completion of the emergency access route, the interest of Cochise County in lands described above is hereby vacated and the issuance of Quit Claim Deeds vesting title in the adjacent property owners is hereby authorized pursuant to A.R.S. §

28-7205. The Chairman of the Board is hereby authorized to execute the Agreement, Quit Claim Deeds and all other documents necessary to completion of 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.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this ____ day of _____, 2016.

Richard R. Searle, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Arlethe G. Rios,
Clerk of the Board

Britt W. Hanson,
Chief Civil Deputy County Attorney

EXHIBIT "A"

PARCEL I

The East half of that portion of a certain 60 foot wide public right-of-way, known as Dorothy Avenue, as it adjoins the East boundary of Lot 159 and the West boundary of Lot 87, MESCAL LAKES UNIT II, according to Book 7 of Maps and Plats, page 30, Office of the County Recorder, Cochise County, Arizona.

PARCEL II

The West half of that portion of a certain 60 foot wide public right-of-way, known as Dorothy Avenue, as it adjoins the East boundary of Lot 159 and the West boundary of Lot 87, MESCAL LAKES UNIT II, according to Book 7 of Maps and Plats, page 30, Office of the County Recorder, Cochise County, Arizona.