

RESOLUTION 16-

**AUTHORIZING THE ABANDONMENT OF FOREMOST AMENDED SUBDIVISION,
DOCKET S-99-01, AND TERMINATING THE ASSURANCE AGREEMENT**

WHEREAS, A.R.S. § 11-806.01 grants the Board of Supervisors the authority to regulate subdivisions; and

WHEREAS, the Final Plat of Foremost Amended Subdivision, located approximately 2.5 miles east of the intersection of E. Birch Road and U.S. Highway 191 northeast of Sunsites, AZ, with a total of twenty eight lots and three tracts of opens space was approved in 2007, as Docket S-99-01, and recorded in Book 15 page 88, 88A, and 86B of maps and plats with the Cochise County Recorder; and

WHEREAS, Nuri Muhammad as the beneficiary of Trust No. 313438, which owns the parcel for the proposed Foremost Amended Subdivision, has requested abandonment of the Final Plat; and

WHEREAS, Mr. Muhammad has submitted an Abandonment Plat for the Foremost Amended Subdivision, set forth in attached Exhibit A; and

WHEREAS, the effect of the Abandonment of Plat will extinguish lot lines, common area boundaries and subdivision boundaries, and otherwise return the subject property to approximately the same boundary configurations of record as existed before the subdivision plat was recorded; and

WHEREAS, in connection with the approval of the Final Plat, an Assurance Agreement was recorded on December 14, 2007, Fee No. 071239201 with the Office of the Cochise County Recorder between Cochise County and Pioneer Title Agency, Inc., as Trustee under Trust #313438, with beneficiaries Nuri Muhammad and Kaliqah D. Muhammad; and

WHEREAS, the Assurance Agreement was extended pursuant an Extension of Assurance Agreement, recorded on October 04, 2010, Fee No. 2010-22815 with the Office of the Cochise County Recorder between Cochise County and Pioneer Title Agency, Inc., as Trustee under Trust # 313438, with beneficiary Nuri Muhammad, extending the deadline for the completion of subdivision improvements to December 14, 2011; and

WHEREAS, said improvements were not completed by the December 14, 2011 deadline; and

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**Re: Authorizing The Abandonment Of Foremost Amended Subdivision, Docket S-99-01,
And Terminating The Assurance Agreement**

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WHEREAS, Article 3, Section 308 of the Cochise County Subdivision Regulations provides for the abandonment of recorded final plats if required improvements have not been completed in a timely fashion, or where there have not been substantial sales and improvements in at least ten years, and it appears the subdivision will not be developed as originally intended; and

WHEREAS, given Mr. Muhammad's request to abandon the Final Plat, the Assurance Agreement would serve no further purpose,

NOW THEREFORE, IT IS HEREBY RESOLVED that we, the Board of Supervisors of Cochise County, do hereby grant the request for the abandonment of the final plat and authorize the recordation of the Abandonment Plat as described in Exhibit "A", and do hereby vacate and abandon said subdivision and private rights-of-way, in accordance with A.R.S. 11-806.01 and 28-7201 et seq.

IT IS FURTHER RESOLVED AND ORDERED, that the Assurance Agreement (including the extension thereof) is hereby terminated.

IT IS FURTHER RESOLVED AND ORDERED, that any and all rights-of-way or easements of 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 of abandonment thereof.

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

Richard Searle, Chairman
Cochise County Board of Supervisors

ATTEST:

Arlethe Rios,
Clerk of the Board

APPROVED AS TO FORM:



Britt Hanson,
Chief Civil Deputy County Attorney