

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

**AUTHORIZING THE ALTERATION OF A COUNTY HIGHWAY AND THE  
ABANDONMENT OF A PUBLIC RIGHT-OF-WAY IN NACO**

**WHEREAS**, the Board of Supervisors of Cochise County, Arizona, is authorized to 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 of Supervisors of Cochise County Arizona, a formal request from the majority adjoining property owner, praying for the abandonment of that certain public right-of-way, known as Friend Drive, 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 June 28, 2016, and having determined that the public right-of-way described hereinabove is not necessary for public use as a roadway pursuant to A.R.S. § 28-7202; and

**WHEREAS**, the Board of Supervisors at their meeting held on April 18, 2006, adopted Resolution 06-24 which serves as a guideline for departmental staff but does not preclude the Board of Supervisors from taking any action deemed appropriate and in the best interest of the public; 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 Naco Fire Department and the need to have a secured facility and access to emergency vehicles, which is further enabled through said abandonment, a public benefit is received by Cochise County; and

**WHEREAS**, the vacated right-of-way have a market value 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**, 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

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Cochise County, in which said notice stated the property ownership, and legal descriptions of the lands involved; and

**WHEREAS**, unknown public utilities may exist within said right-of-way,

**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, in accordance with A.R.S. § 28-7201, *et seq.*

**IT IS FURTHER RESOLVED** that 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. § 28-7205.4. The Chairman of the Board is hereby authorized to execute the Quit Claim Deed(s) and all other documents necessary to completion of this transaction.

**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 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  
Cochise County Board of Supervisors

**ATTEST:**

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Arlethe G. Rios,  
Clerk of the Board

**APPROVED AS TO FORM:**

*Elda Orduno* for  
\_\_\_\_\_  
Britt W. Hanson,  
Chief Civil Deputy County Attorney