

**RESOLUTION FCD 17-\_\_**

**RE-AUTHORIZE THE ACQUISITION OF RIGHT-OF-WAY FOR WILLOW LAKES  
FLOOD CONTROL STRUCTURES LOCATED NORTH OF BENSON**

**WHEREAS**, the Flood Control District Board of Cochise County, Arizona is authorized to acquire rights-of-way for drainage purposes to manage and transport storm runoff pursuant to A.R.S. 48-3603; and

**WHEREAS**, it is necessary to establish flood control structures to carry storm waters from the Pacheco Wash watershed to the San Pedro River and around Willow Lakes Unit One; and

**WHEREAS**, in order to facilitate construction of the flood control structures it is necessary to acquire approximately 0.8 acres of right-of-way from Assessor Parcel Number 208-29-005B and 1 acre of right-of-way from Assessor Parcel Number 208-29-005C, and located in Section 7, Township 16 South, Range 20 East G.&S.R.M.; and

**WHEREAS**, on July 12, 2011 the Board adopted Resolution FCD 11-02 authorizing acquisition at appraised value or condemnation action; and

**WHEREAS**, on August 14, 2012 the Board denied acquiring the properties at a value greater than appraised value and condemnation action was not commenced; and

**WHEREAS**, it is in the best interest of Cochise County and the public to pursue the acquisition of said right-of-way,

**NOW, THEREFORE, IT IS RESOLVED**, that we, the Flood Control District Board, having determined that acquisition of this right-of-way to be in the public interest, do hereby re-authorize such actions as may be necessary to acquire the right-of-way for Willow Lakes Flood Control Structures as stated above.

**IT IS FURTHER RESOLVED**, that the Director of the Highway and Floodplain Department, or her designee, is authorized to act on behalf of the Board to acquire the right-of-way, and settle any resulting damages, through purchase at the appraised value or condemnation action as necessary.

**IT IS FURTHER RESOLVED**, that should a condemnation action become necessary to acquire all, or any portion of, this right-of-way, the County Attorney Office is authorized to proceed with said action.

**RESOLUTION FCD 17-\_\_**

**Re: Re-Authorize The Acquisition Of Right-Of-Way For Willow Lakes Flood Control Structures Located North Of Benson**

Page | 2

**IT IS FINALLY RESOLVED**, that the Chairman of the Board is hereby authorized to accept the instruments of conveyance from the affected property owners for the subject properties.

**PASSED AND ADOPTED** by the Flood Control District Board of Cochise County, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Ann English, Chairman  
Cochise County Flood Control District Board

**ATTEST:**

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Arlethe G. Rios,  
Clerk of the Board

**APPROVED AS TO FORM:**



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Britt W. Hanson,  
Chief Civil Deputy County Attorney