

RESOLUTION 19-___

**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, on February 9, 2016, upon the application of Wilson Holding Company, LLC and Larry Hubbard LLC (the “Applicants”) for abandonment of right-of-way described on Exhibit A hereto (the “Property”), the County entered into an Agreement for the County to transfer the Property to the Applicants; and

WHEREAS, pursuant to said Agreement, recorded as Document 2016-02243 (the “Original Agreement”), the Applicants were required to provide an emergency access route connecting Dorothy Avenue to Meadowlark Lane; and

WHEREAS, the County, Applicants and Larry Hubbard individually now agree that said emergency access route is no longer necessary and desire to eliminate that condition of the transfer of the Property; and

WHEREAS, at the time the Agreement was executed, the Applicants were the owners of the properties adjacent to the Property; however, Larry Hubbard LLC has since transferred the Property to Larry Hubbard individually; and

WHEREAS, Wilson Holding Company, LLC and Larry Hubbard individually have signed an Amended Agreement transferring the Property to them, but without the emergency access condition; and

WHEREAS, a Quit Claim Deed for the vacated rights-of-way will be issued to the adjacent property owner upon receipt of monies, 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 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 and 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, one half to Larry Hubbard individually and one half to Wilson Holding Company LLL, is hereby authorized pursuant to A.R.S. § 28-7205(4). The Chairman of the Board is hereby authorized to execute the Amended Agreement, Quit Claim Deeds 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 FURTHER RESOLVED that this Resolution supersedes Resolution 16-04.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this ____ day of _____, 2019.

Peggy Judd, Chair
Cochise County Board of Supervisors

ATTEST:

Arlethe G. Rios,
Clerk of the Board

APPROVED AS TO FORM:

Britt Hanson

Britt Hanson,
Chief 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 Lot159 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 Lot159 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.