

## **RESOLUTION 21-22**

### **AUTHORIZING THE ABANDONMENT OF WALNUT VALLEY RANCH SUBDIVISION**

**WHEREAS**, there has been presented to the Board of Supervisors of Cochise County Arizona, a Cochise County staff-initiated request seeking the abandonment of the Walnut Valley Ranch Subdivision, recorded in Book 15 of Maps & Plats, pages 61 and 61A, records of Cochise County (Docket S-05-01); and

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

**WHEREAS**, Section 804 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**, the Walnut Valley Ranch Subdivision, platted in 2006, Lots 1 through 22, Tracts A, B, & C, and public right-of-way, has not been developed with any improvements, as intended; and

**WHEREAS**, Walnut Valley Ranch Subdivision Assurance Agreement for improvements expired on August 27, 2016; and

**WHEREAS**, the Trustee and Beneficiaries were provided thirty (30) days notice of the intent to abandon; and

**WHEREAS**, the effect of the Abandonment of Plat will extinguish all lines of Lots 1 through 22, Tracts A, B, and C, and subdivision boundaries, and otherwise return the subject property to appropriately the same boundary configurations of recorded as existed before the subdivision plat was recorded as shown on the accompanying Abandonment Plat; and

**WHEREAS**, the Board of Supervisors having considered all comments regarding this request at their meeting held on November 16, 2021 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.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the request for the abandonment, as shown on the accompanying Abandonment Plat and requested herein, is hereby granted, and said subdivision is hereby vacated and abandoned, in accordance with A.R.S. §11-806.01 and 28-7201, *et seq.*, and Cochise County Subdivision Regulation 804.

**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 and all other documents necessary to completion of this transaction.

**IT IS FINALLY RESOLVED** 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 approval of this subdivision.

**PASSED AND ADOPTED** by the Board of Supervisors of Cochise County, Arizona, this 16th day of November 2021.

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Ann English, Chair  
Cochise County Board of Supervisors

**ATTEST:**

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Kim Lemons, CPCC  
Clerk of the Board

**APPROVED AS TO FORM:**

*Paul Correa*  
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Paul Correa, Esq.  
Civil Deputy County Attorney