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Phone 536-4060

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NAVAJO COUNTY BOARD OF SUPERVISORS

Governmental Complex
P.O. Box 668 - 100 E. Carter Drive
Holbrook, AZ 86025
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EDWARD J. KOURY
County Manager

JUDY JONES
Clerk of the Board

RESOLUTION NO. 70-95

RESOLUTION OF ADOPTION OF PROCEDURES FOR ABANDONMENT OF COUNTY LOCAL HIGHWAYS, STREETS, AVENUES AND ALLEYS AND FOR THE EXTINGUISHING OF EASEMENTS

WHEREAS, the Navajo County Board of Supervisors recognizes the necessity for procedures to abandon county local highways, streets, avenues and alleys and to establish the extinguishment of such public easements in a orderly manner, and

WHEREAS, procedures have been formulated in accordance with current state statute guidelines as presented in the document entitled "Procedures for Abandonment of County Local Highways, Streets, Avenues and Alleys and for the Extinguishing of Easements," and

WHEREAS, the Public Works Department staff will utilize the said procedures in evaluating requests for abandonment of right-of-way/easement as received from the public.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors hereby adopts said "Procedures for the Abandonment of County Local Highways, Streets, Avenues and Alleys and For the Extinguishing of Easements," and directs the public Works Department to utilize such in their normal evaluation of public requests for road abandonment.

ADOPTED this 20th day of November, 1995.

ATTEST:

Pete Shumway, Chairman
Navajo County Board of Supervisors

Judy Jones
Clerk of the Board

NAVAJO COUNTY, JAY TURLEY - COUNTY RECORDER BY: BOARD OF SUPERVISORS
DATE: 11/24/1995 TIME: 08:35 PAGE #: 0001 OF 0011 FEE #: 1995 19610

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**PROCEDURES FOR THE
ABANDONMENT OF COUNTY LOCAL
HIGHWAYS, STREETS, AVENUES AND
ALLEYS
AND
EXTINGUISHING OF EASEMENTS**

**AS APPROVED & ADOPTED
BY THE NAVAJO COUNTY BOARD OF SUPERVISORS
ON NOVEMBER 20, 1995**

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SECTION 1

***PROCEDURES FOR THE ABANDONMENT
OF COUNTY LOCAL
HIGHWAYS, STREETS, AVENUES AND
ALLEYS***

- (1) To begin the abandonment process the following conditions must be met:
 - (A) The highway, street, alley or avenue that has been proposed for abandonment must have been dedicated to the public or County in a recorded subdivision plat;
or
 - (B) The public or County received title to the highway, street, alley or avenue by deed.

- (2) Per A.R.S. §28-1908. Access to public road; the following conditions must be met:

A roadway shall not be vacated so as to leave any land adjoining the roadway without an established public road connecting the land with another established public roadway unless there is expressly reserved in the conveyancing instrument the roadway rights of ingress and egress for public or emergency vehicles, all property owners, their guests and invitees and persons lawfully conducting business on the land.

- (3) With the above conditions met the Petitioner will present an informational packet containing a completed application and appraisal fee, if necessary, to the County Engineer with all information needed for the abandonment. The fee amount, as set by the Board of Supervisors, is shown on Page 6 of this document.
- (4) The Public Works Department will finish the review within twelve (12) weeks from the date of the application submittal barring any complications as could occur on a case by case basis. If the submittal does not meet the requirements outlined in (1) or (2) of this document Staff will notify the petitioner of their findings that the request will not be presented to the Board of Supervisors under the criteria as presented. With a substantially complete submittal Staff shall accomplish the following:
 - a) Notify by certified mail all adjoining or readily affected property owners and utilities for their input.
 - b) County Engineer will evaluate for transportation planning and public safety purposes.

Upon completion of said review the Public Works Department shall then forward the petition, with Staff recommendations, to the Board of Supervisors for action.

- (5) The Board has the discretion to dispose of a County owned public roadway or any portion thereof, by one of four (4) methods. The Board will decide at this time if and how they will dispose of the roadway.

The four (4) roadway abandonment methods are listed below with the appropriate Administrative procedures listed under each method (A ,B,C & D).

A) BY EXCHANGE	B) BY SALE & QUIT CLAIM	C) BY RESOLUTION (THE ABUTTING OWNER ONLY)	D) TO PLANNED DEVELOPMENT
<p>For a new roadway the Board may exchange an existing roadway with the abutting owner. As directed by the County Engineer, surveys and legal descriptions of the existing roadway Right-of-Way shall be provided by the County. The proposed roadway Right-of-Way surveys and legal descriptions shall be provided by the abutter as required by the County Engineer. The exchange shall occur by transfer of property by deed. (*See Special Notes 1, 2 & 3)</p>	<ol style="list-style-type: none"> 1. The Board may sell and convey a public roadway by quit claim deed. 2. 60 days prior to the sale Staff must post a Notice of Sale in at least 3 places along the proposed roadway abandonment and no further than one mile apart. 3. The abutting owners of record shall be mailed a copy of the Notice of Sale for the proposed roadway abandonment at least 60 days prior to the sale. 4. Abutting owners shall have preference rights. To assert their preference rights, abutting owners may at the sale or at any time prior to the sale, deliver to the Clerk of the Board of Supervisors a written offer to purchase the roadway for the consideration paid by the County when it first acquired the land within the roadway for public use. If past record of right-of-way does not reflect the specific purchase price the County Engineer may require an appraisal of the proposed abandoned properties. (*See Special Notes 1,2 & 3) 	<ol style="list-style-type: none"> 1. The Board may resolve that a roadway be abandoned by resolution. 2. The title shall vest, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues as shown on the attached example reversion maps one thru three. (*See Special Notes 2 & 3) 	<p>If the roadway is in a Planned Development; the Board may resolve that the roadway be vacated and that title vests in the owners association if the following conditions are met:</p> <ol style="list-style-type: none"> (a) The owners association includes owners of the land abutting the roadway to be vacated. (b) The owners association has rights and remedies under covenants, conditions or restrictions of title to maintain the vacated roadway and to assess all members of the association for the maintenance of the roadway. (c) Two-thirds of the members of the owners association and a majority of the owners of commercial property abutting the roadway approve the title vesting to the association. (*See Special Notes 2 & 3)

SPECIAL NOTE #1

The Board of Supervisors may require the Petitioner to pay for an appraisal of the existing and/or proposed roadway Right- of -Ways to ensure that an equitable value or exchange will be determined or occur. Costs for the appraisal shall be paid by the petitioner(s). If the County itself is initiating the abandonment then the appraisal shall be paid for by the County.

SPECIAL NOTE #2

All adjacent to or those that may reasonably be expected to be affected property owners within a 300 foot radius of the proposed abandonment shall be noticed of the proposed abandonment 60 days prior to the date that the offers to purchase or resolution will be heard by the Navajo County Board of Supervisors. In the case of sale by quit claim A.R.S. 29-1902 must be referenced.

SPECIAL NOTE #3

In no instance will this procedure supersede Arizona Revised Statutes.

EXTINGUISHING OF EASEMENTS

- (1) To begin the easement extinguishment process the following conditions must be met:
 - (A) The highway, street, alley or avenue that has been proposed for abandonment must have been dedicated to the public or County, as an easement, in a recorded subdivision plat; or
 - (B) The public or County accepted an easement to the highway, street, alley or avenue.
- (2) With the above conditions met the Petitioner will present an informational packet, completed application and the appropriate fee, as set by the Board of Supervisors, to the County Engineer with all information necessary for the proposed abandonment.
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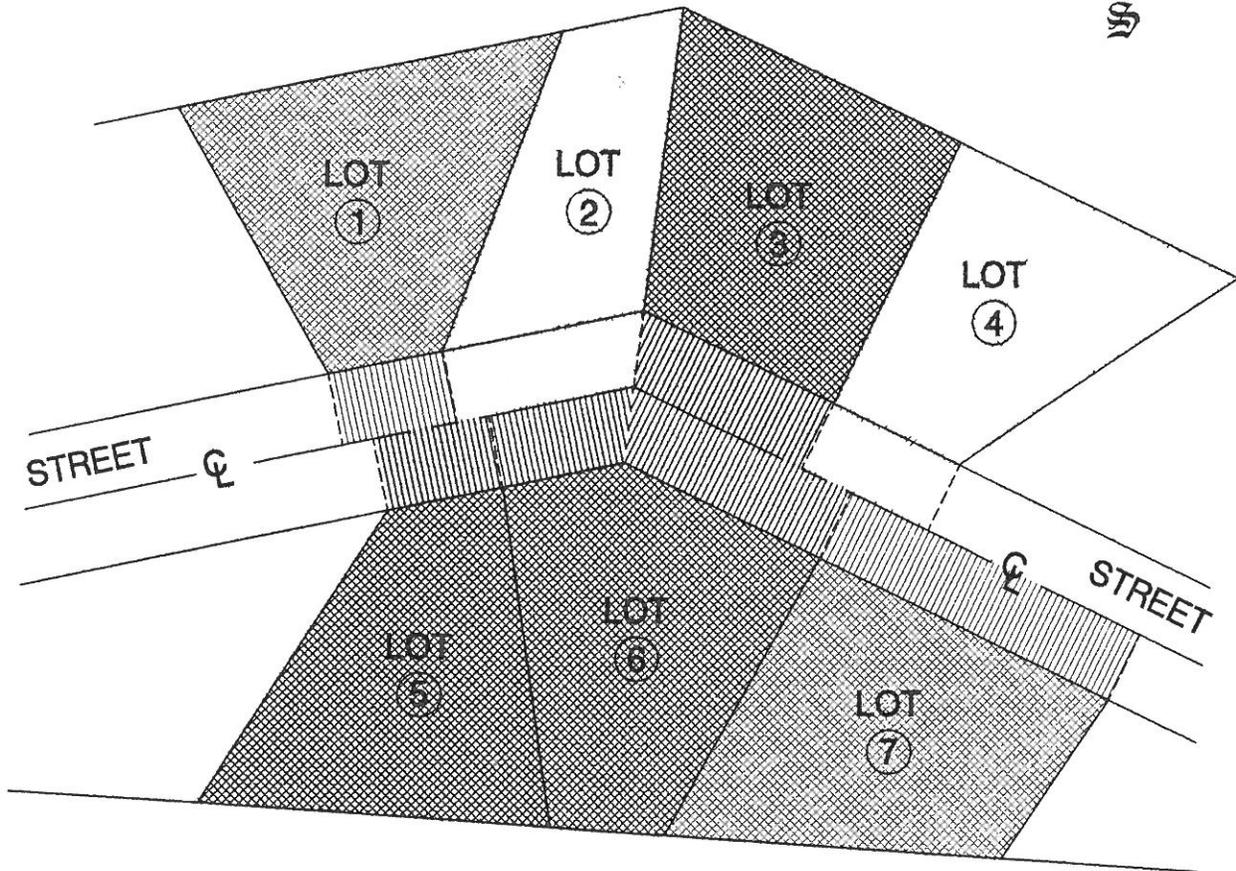
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FEE SCHEDULE PER
ABANDONMENT OR
EXTINGUISHMENT

Staff Review Fee

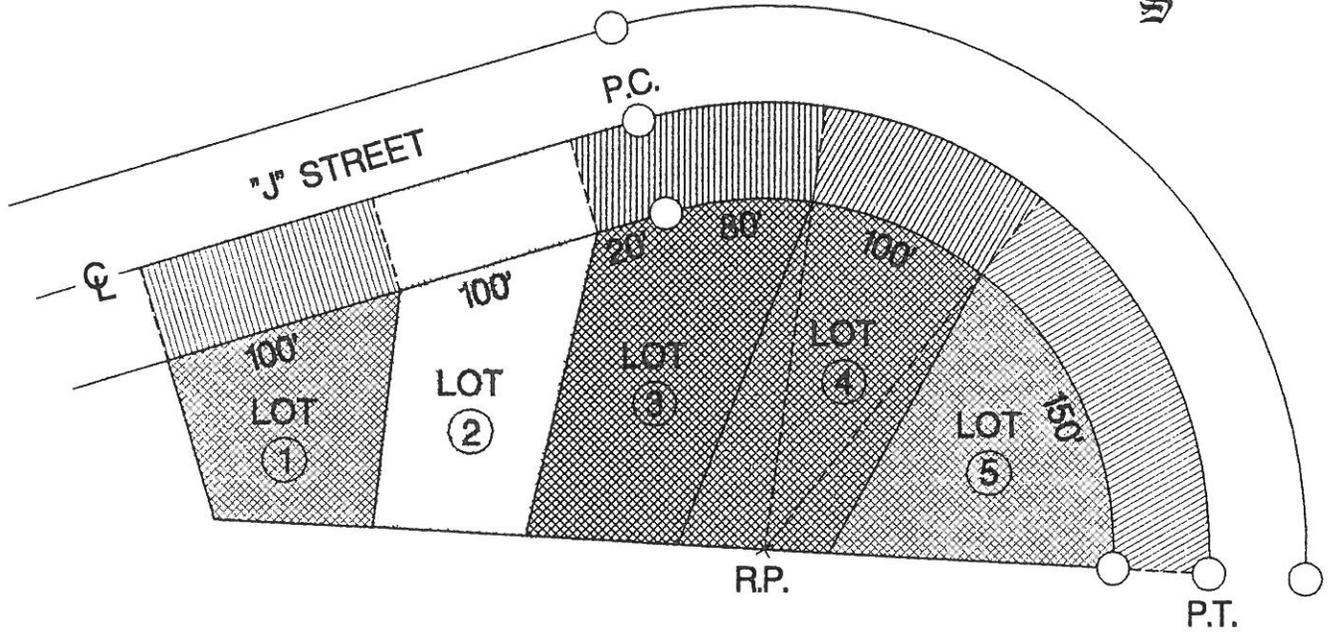
\$100.00

MAP 1

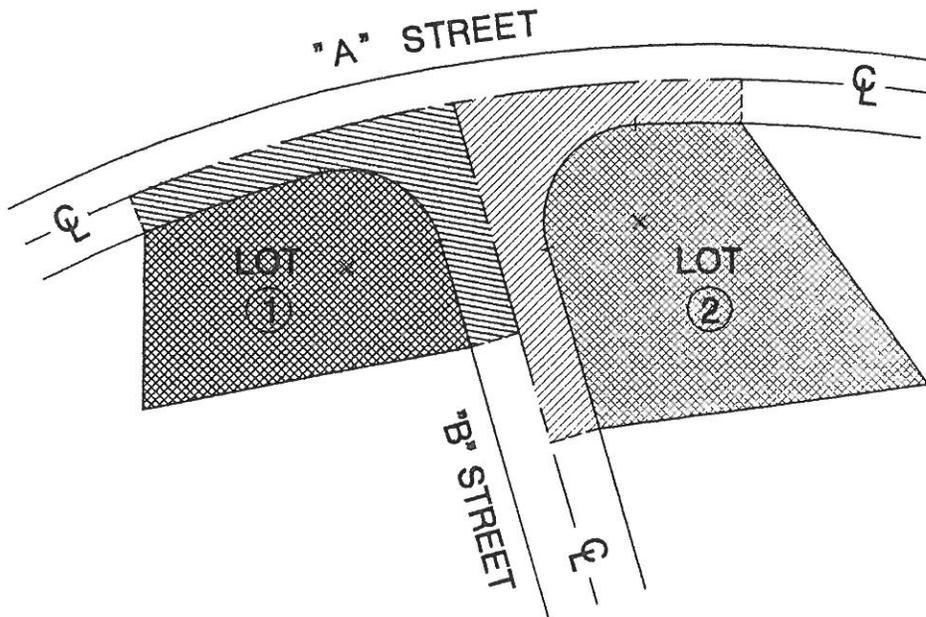
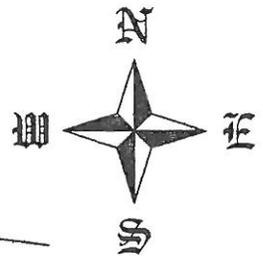


(EXAMPLE) RIGHT OF WAY REVERSION TO ABUTTING LOTS

MAP 2



MAP 3



NAVAJO COUNTY, JAY TURLEY - COUNTY RECORDER BY: BOARD OF SUPERVISORS
DATE: 11/24/1995 TIME: 08:35 PAGE #: 0011 OF 0011 FEE #: 1995 19610

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*pend -
wait for
reorder*

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County Manager

JUDY JONES
Clerk of the Board

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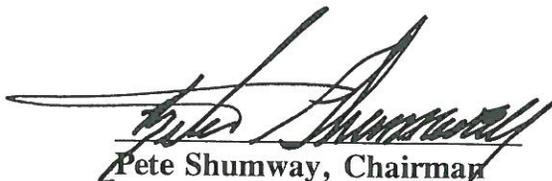
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ABANDONMENT OF COUNTY LOCAL
HIGHWAYS, STREETS, AVENUES AND
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AND
EXTINGUISHING OF EASEMENTS**

**AS APPROVED & ADOPTED
BY THE NAVAJO COUNTY BOARD OF SUPERVISORS
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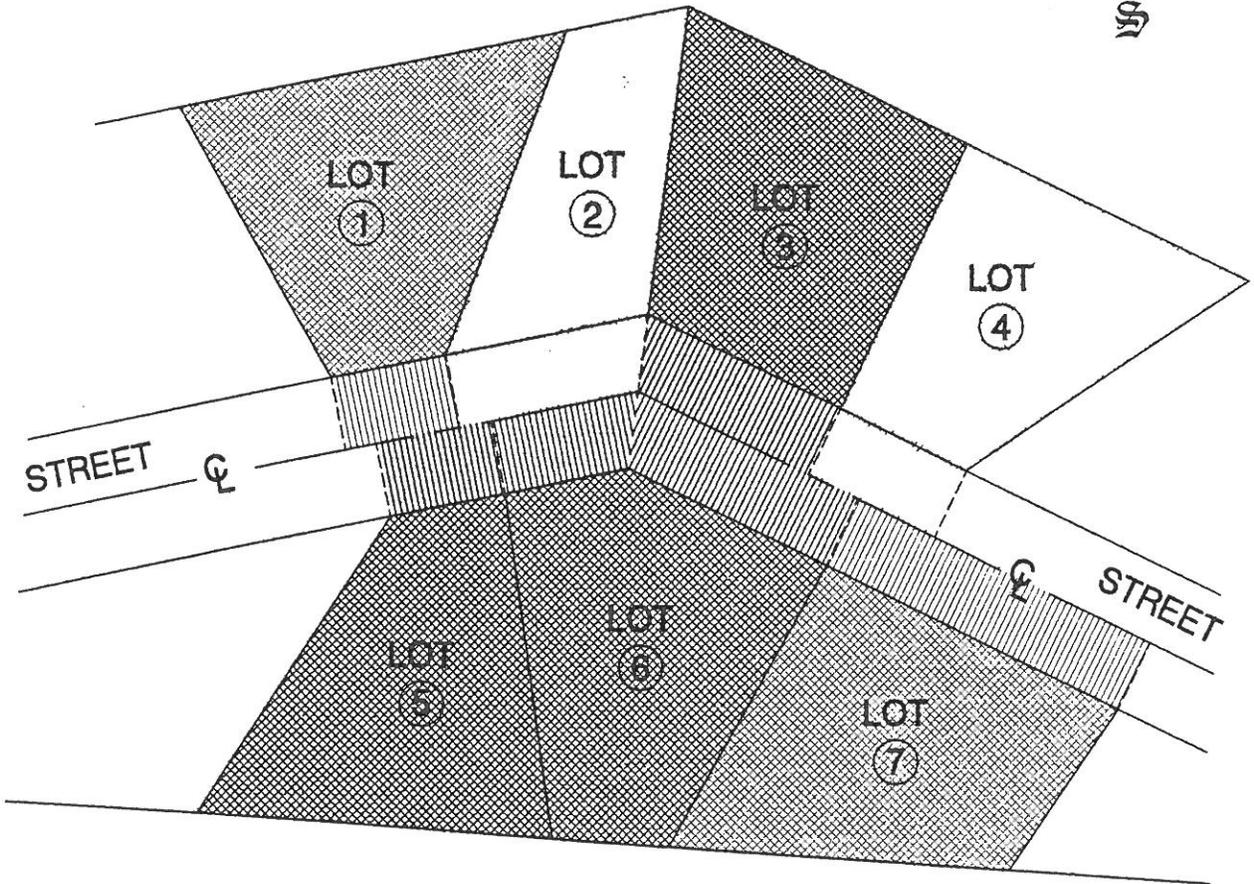
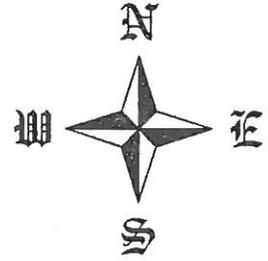
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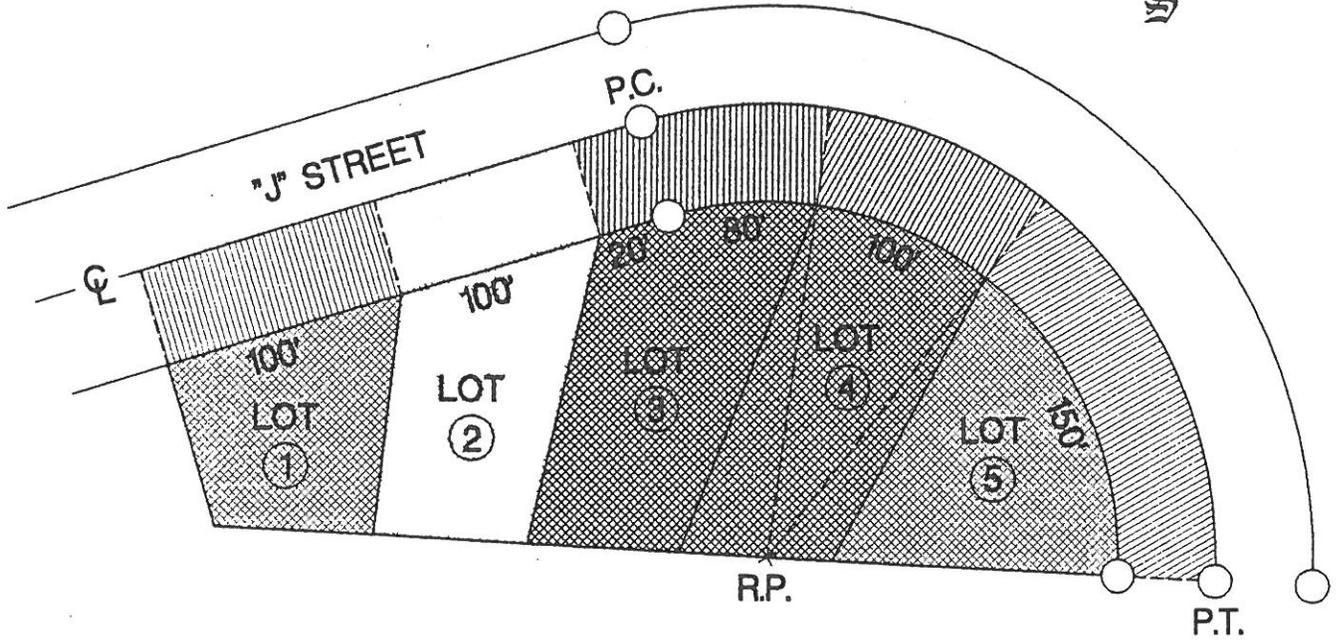
\$100.00

MAP 1



(EXAMPLE)
RIGHT OF WAY
REVERSION TO ABUTTING LOTS

MAP 2



MAP 3

