

THIS IS A CONFORMED COPY OF INSTRUMENT
RECORDED ON DATE 3/13/98 TIME 253
IN BOOK 3555 PAGE 229
PATSY JENNEY-COLON, RECORDER
[Signature] DEPUTY

RESOLUTION NO. 1113
Repealing Resolution NO. 823

ESTABLISHING THE PROCEDURE FOR PUBLIC ROADWAY ABANDONMENT

WHEREAS, the Yavapai County Board of Supervisors is the governing board of Yavapai County, and;

WHEREAS, A.R.S. '28-7201 et seq. delegates to the Yavapai County Board of Supervisors the discretion to dispose of public roadways within its jurisdiction which are no longer necessary for public use, and;

WHEREAS, pursuant to A.R.S. '28-7204 procedures for public notice, public hearings and other similar actions may be established prior to disposition of a public roadway;

BE IT THEREFORE RESOLVED that the following procedures are adopted for the disposition of a public roadway:

A. Initiation of Hearing.

Any person may initiate hearings for the disposition of a public road within Yavapai County by filing with the Clerk of the Board of Supervisors or the County Engineer a petition containing the signatures and mailing addresses of at least 100% of the property owners abutting the roadway and those who maybe deprived of reasonable access to their property by the disposition. The petition must contain a summary of the action requested, and a description and map of the roadway which is the subject of the petition.

The Board of Supervisors may elect to initiate the disposition of a roadway without the filing of a petition.

B. Notice of Hearing.

Upon receipt of the petition, the Clerk of the Board of Supervisors shall set a hearing date before the Board of Supervisors which shall be the earliest date which will allow adequate notice to the public. Notice of hearing shall be mailed by first class mail to those persons whose name appears on the petition and list submitted under paragraph A. supra, at least two weeks prior to the hearing. Notices of the hearing shall be posted along the roadway by the petitioner at least once but not less than every 300 feet.

C. Application Fee.

At the time the petition is submitted, the petitioners must pay an application fee of \$400.

D. Protests.

Any person may appear and protest the requested action at the hearing or submit written protests at least 24 hours in advance of the hearing. Once the petition has been submitted, any person signing the petition may protest the action, but no signature may be withdrawn.

E. Action by the Board of Supervisors.

At the hearing, the Board of Supervisors may grant or deny the request, elect to dispose of the roadway in any other fashion consistent with A.R.S. '28-7202 and 7215, or hold the matter until a stated time and date for further consideration.

F. Value Received.

If all or a portion of any roadway is abandoned, the persons petitioning for abandonment shall pay to Yavapai County the value of the roadway as determined by the Yavapai County Assessor, or in the alternative, at the petitioners request, value may be determined by an appraiser acceptable to the County without cost to the County. The value to be paid is limited to any amount exceeding the \$400 application fee previously paid. No resolution of abandonment or plat shall be recorded until all amounts due are paid in full.

G. Abandonment Plat.

In the event the request in the petition is granted, in whole or in part, the petitioners shall prepare and record a plat reflecting the disposition at the expense of the petitioners.

H. Repeal.

Resolution 823 is hereby repealed.

PASSED ON THIS 17th DAY OF February 1998.

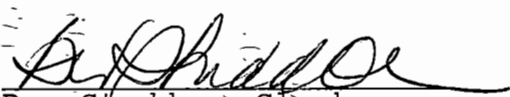
THIS RESOLUTION WILL BECOME EFFECTIVE ON March 17, 1998.

BOARD OF SUPERVISORS OF YAVAPAI COUNTY



Bill Feldmeier, Chairman

ATTEST:



Bev Staddon, Clerk