

Recorded at the Request of and
when recorded return to:
Yavapai County Public Works Dept. (folder)
1100 Commerce Drive
Prescott, AZ 86301

RESOLUTION NO. 1643
ESTABLISHING THE PROCEDURE FOR EXCHANGE OF PUBLIC ROADWAY

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. § 28-7203 a roadway or portion of a roadway may be exchanged with an abutting owner for all or part of a new public roadway, and;

WHEREAS, pursuant to A.R.S. § 11-251(44) the Board of Supervisors may acquire land for roads, drainage ways and other public purposes by exchange without public auction, 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 exchange of a public roadway:

A. Initiation of Hearing.

Any person may initiate hearings for the exchange 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 to be exchanged and those who may be deprived of reasonable access to their property by the exchange. 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 exchange of a roadway without the filing of a petition or waive the requirement for 100% of signatures on the 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. The Notice of Hearing shall be published pursuant to A.R.S. § 11-251(44) and § 39-204. The Notice of Hearing shall be mailed by first class mail to those persons whose name appears on the petition submitted under paragraph A, or if the exchange is initiated without petition, to all property owners adjacent to the proposed exchange parcels, 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 petitioner must pay a non-refundable application fee of \$400. The Board of Supervisors may elect to waive this requirement.

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 § 28-7215, or hold the matter until a stated time and date for further consideration.

F. Exchange Plat.

In the event the exchange is granted, in whole or in part, the petitioner shall prepare and record a plat reflecting the exchange at the expense of the petitioner. In some cases an exchange agreement or a deed from the petitioner to Yavapai County for the exchanged property may be required.

PASSED ON THIS 4th DAY OF JUNE, 2007.

THIS RESOLUTION WILL BECOME EFFECTIVE ON JUNE 4, 2007.

BOARD OF SUPERVISORS OF YAVAPAI COUNTY

/s/ A.G. "Chip" Davis
A.G. "Chip" Davis, Chairman

ATTEST:

/s/ Bev Staddon
Bev Staddon, Clerk