



**YAVAPAI COUNTY BOARD OF SUPERVISORS**

**RESOLUTION NO. 1960**

**REPEALING RESOLUTION NO. 1113 AND ESTABLISHING THE PROCEDURE FOR  
PUBLIC ROADWAY ABANDONMENT  
VACATION OR DISPOSITION**

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

**WHEREAS**, A.R.S. §§ 28-6701(C) and 28-7201 et seq. authorize the Yavapai County Board of Supervisors to abandon, vacate or dispose of public roadways within its jurisdiction which are no longer necessary for public use, and;

**WHEREAS**, pursuant to A.R.S. §§ 28-6701(C), 28-7204 and 28-7211 procedures for public notice, public hearings and other similar actions may be established prior to abandonment, vacation or disposition of a public roadway;

**NOW, THEREFORE, BE IT RESOLVED** that the following procedures are adopted for the abandonment, vacation or disposition of a public roadway owned Yavapai County:

A. Initiation by County.

The Board of Supervisors may elect to initiate the abandonment, vacation or disposition of a public roadway.

B. Initiation by Petition.

Any person may petition for the abandonment, vacation or disposition of a public roadway 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 a majority of the property owners abutting the roadway and those property owners who may be deprived of

reasonable access to their property by the abandonment, vacation or 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.

Once the petition has been filed, any person signing the petition may protest the action as provided in Subsection E, but no signature may be withdrawn from the petition

C. Notice of Hearing.

Upon receipt of a petition pursuant to Subsection B, 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. At least 60 days prior to the hearing, Notice of the hearing shall be mailed by certified mail to each person whose name appears on the petition and list of signators submitted pursuant to paragraph B. Notices of the hearing shall be posted by the petitioner along the roadway which is the subject of the petition at least once, but not less than every 300 feet. The form of the Notice shall be provided by Yavapai County Public Works to the Petitioner.

Posting of the Notice shall occur ten days or more prior to the scheduled hearing. At least three days before the hearing, Petitioner shall file with the Clerk of the Board of Supervisors an affidavit of posting of the Notice of Hearing which shall include photographs of all posted notices and date of posting.

D. Application Fee.

At the time the petition is submitted, the petitioners must pay a non-refundable application fee of \$400.

E. 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.

F. Action by the Board of Supervisors.

At the hearing, the Board of Supervisors may grant or deny the relief requested in the petition, elect to abandon, vacate or dispose of the roadway in any method authorized pursuant to A.R.S. Title 28, Chapter 19, Article 8 (§ 28-7201 et seq.) or hold the matter until a stated time and date for further consideration.

G. Value Received.

If all or a portion of any roadway is abandoned, vacated or disposed of pursuant to A.R.S. §§ 28-7204, 28-7205 or 28-7207 pursuant to a request by a member of the public, the persons petitioning for abandonment, vacation or disposition shall pay to Yavapai County the value of the roadway as determined by the Yavapai County Board of Supervisors pursuant to A.R.S. § 28-7208.

At least ten days prior to the hearing, the petitioner may, at petitioner's expense, submit an appraisal from an Arizona licensed appraiser in support of a value. The Board of Supervisors may rely on all information it deems relevant to the valuation of the roadway including, but not limited to, an appraisal by the Yavapai County Assessor. 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.

The Board of Supervisors may determine the public roadway has no market value subject to the provisions of A.R.S. § 28-7215(B).

H. Plat.

In the event the petition is granted, in whole or in part, the petitioners shall prepare and provide, at petitioner's expense, a recordable plat reflecting the relief granted.

I. Repeal.

Resolution 1113 is hereby repealed.

**Approved and Adopted by the Yavapai County Board of Supervisors this 18<sup>th</sup> day of January, 2017.**

/s/ Thomas Thurman

Thomas Thurman, Chairman

ATTEST:

/s/ Kim Kapin

Kim Kapin, Clerk of the Board

APPROVED AS TO FORM AND DETERMINED TO BE WITHIN THE SCOPE OF PERFORMANCE OF DUTY OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS:

/s/ Martin Brennan

Martin Brennan

Deputy County Attorney