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07/07/2009 08:40:51 AM Receipt #: 09-4491
Rec Fee: $0 Gila County Bos - Marian Sheppard
Gila County, Az, Sadie Tomerlin Dalton, Recorder

RESOLUTION

NO. 09-06-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, ACCEPTING THE PETITIONS AND THE CERTIFICATION THAT SAID PETITIONS WERE SIGNED BY TWO THIRDS OF THE MEMBERS OF THE STRAWBERRY HOLLOW PROPERTY OWNERS ASSOCIATION, PHASE I AND II AND VACATING PUBLIC ROADWAYS WITHIN THE STRAWBERRY HOLLOW SUBDIVISION, PHASE I & II.

WHEREAS, the Board of Supervisors has received a petition for the vacating of public roadways within the Strawberry Hollow Subdivision, Phase I & II; and

WHEREAS, said petition conforms to the requirements of ***Arizona Revised Statutes § 28-6701 B;*** and

WHEREAS, said petition sets forth the names of the roadways to be vacated, the boundaries and a map of the Strawberry Hollow Subdivision ***Exhibits A and B***; and

WHEREAS, said petition has been signed by two thirds of the members of the Strawberry Hollow Property Owners Association, Phase I and II, the Strawberry Hollow property Association Phase I and II includes the owners of the land abutting the roadway or portion of the roadway to be vacated, and the Strawberry Hollow Property Owners Association Phase I and II 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 pursuant to ***Arizona Revised Statutes §§ 28-7201 et seq***, and that pursuant to ***Arizona Revised Statutes §§ 28-6701 & 28-7206 this*** Board of Supervisors may summarily vacate the public roads within the Strawberry Hollow Subdivision to the Strawberry Hollow Property Owners Association; and

WHEREAS, the roadways within the Strawberry Hollow Subdivision are not necessary for public use as a roadway pursuant to ***Arizona Revised Statutes § 28-7202***; and

WHEREAS, vacating of the public roads in the Strawberry Hollow Subdivision furthers the public health, safety and welfare of the property owners and occupants of the property within the proposed district; and

WHEREAS, the public roadways to be vacated have no public use or market value and that the Strawberry Hollow Property Owners Association agrees to assume the costs of maintaining the roadway and the liability for the roadway and pursuant to ***Arizona Revised***

Statutes § 28-7215 no compensation is required to be paid to Gila County for the vacating of these roads, and

WHEREAS, pursuant to ***Arizona Revised Statutes § 28-7211*** no notice, hearing, nor appraisal or other similar action is necessary for the disposition of said roadways.

THEREFORE; BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA:

1. That the Petitions for the vacating of public roadways within the Strawberry Hollow Subdivision are accepted and conform to the requirements of ***Arizona Revised Statutes § §28-6701 & 28-7206;***
2. That the Petitions for vacating public roadways within the Strawberry Hollow Subdivision contain the signatures of more than two thirds of the members of the Strawberry Hollow Property Owners Association, Phase I and II, pursuant to ***Arizona Revised Statutes §§ 28-7201 et seq*** and that the roadways may be summarily vacated by this Board of Supervisors;
3. That pursuant to ***Arizona Revised Statutes § 28-7211*** no request or establishment of any hearing, nor appraisals be obtained nor any other similar action be taken in connection with the disposition of said roadways; and
4. That pursuant to ***Arizona Revised Statutes § 28-7202*** the roadways within the Strawberry Hollow Subdivision, as hereinafter described, are not necessary for public use as a roadway;
5. That this petition and request is in the public interest and that it furthers the public health, safety and welfare of the property owners, residents and visitors of and to the Strawberry Hollow Subdivision and the citizens of Gila County, Arizona;
6. That this petition is valid in all respects and is signed by the requisite owners of real property;
7. That these public roadways have no public use or no market value and that the Strawberry Hollow Property Owners Association agrees to assume the costs of maintaining the public roadway and the liability for the public roadway, thus, pursuant to ***Arizona Revised Statutes § 28-7215*** no compensation is required to be paid to Gila County for the vacation of these roads,
8. That the roads to be vacated are within a planned development and that the conditions set forth in ***Arizona Revised Statutes § 28-7206*** have been met;
9. That this petition is accepted and approved and vacates title to and responsibility for the roads within the Strawberry Hollow Subdivision, as recorded in Maps number 732 A & B and 758 A&B, records of the Gila County Recorder, subject to the reservation of easements for other public utility purposes as set forth in ***Arizona Revised Statutes § 28-7210***; effective as of the date of recording of this resolution vacating said roads and vesting the same in the Strawberry Hollow Property Owners Association as provided by ***Arizona Revised Statutes § 28-7213;***
10. That title to and responsibility for the ownership and maintenance of the roads within the subdivision in the Strawberry Hollow Subdivision is vested in the Strawberry Hollow Property Owners Association;
11. That any easements granted in favor of Gila County covering any portion of the roadways being vacated hereunder pursuant to ***Arizona Revised Statutes § 28-7214*** extinguished.

ADOPTED this 23rd day of June, 2009.

GILA COUNTY BOARD OF SUPERVISORS

Shirley L. Dawson, Chairman, Board of Supervisors

ATTEST:

for Marian Sheppard, Chief Deputy Clerk
Steven L. Besich, Clerk of the Board

APPROVED AS TO FORM:

Bryan B. Chambers, Chief Deputy County Attorney

EXHIBIT A

BOUNDARIES OF THE STRAWBERRY HOLLOW SUBDIVISION

The SE ¼ of Section 26, T. 12 N, R 8 E of the G & SR B&M, Gila County, Arizona.

EXHIBIT B

STRAWBERRY HOLLOW SUBDIVISION MAP
Official Map Nos. 732A, 732B, 758A, and 758B, Gila County Records, Gila County, Arizona.