

**GILA COUNTY POLICY AND PROCEDURE
FOR THE ABANDONMENT OF COUNTY
HIGHWAYS, LOCAL STREETS, AVENUES,
ALLEYS AND FOR THE EXTINGUISHMENT
OF EASEMENTS WITHIN GILA COUNTY**



Adopted by the Board of Supervisors on February 1, 2011

I. PURPOSE

The purpose of this policy is to establish general procedures and guidelines for the abandonment of public rights-of-way, public roadway easements, or any other public easement under the jurisdiction of Gila County and governed by Arizona Revised Statutes § 28-7201 through A.R.S. § 28-7215. This policy supersedes all existing policies including the one adopted by the Gila County Board of Supervisors dated July 27th, 1999.

II. GENERAL POLICY STATEMENTS

- A. If the Board of Supervisors determines that a public roadway within the County's jurisdiction is no longer needed for public use the Board may dispose of the roadway.
- B. The policies and procedures set forth herein serve as a guideline for staff and the Board in their review of abandonment requests. These guidelines shall not preclude the Board from taking any action deemed appropriate and in the best interest of the public.
- C. County Highways are public roads that have been formally designated as County Highways by the Board of Supervisors.
- D. Public Roads are roads that have been designated for use by the public in a recorded document. Some of these roads may only exist on paper and have never been built.
- E. Maintained Roads are public roads that the County has accepted for maintenance into the Gila County Maintained Roadway System.
- F. Easements are the right to use the land of another for a specific purpose.
- G. Easements may be extinguished by a resolution from the Board of Supervisors.
- H. A roadway or portion of a roadway may be exchanged with an abutting owner for all or part of a new public roadway.
- I. The Board of Supervisors may authorize the sale of the land within the roadway and convey the roadway by quitclaim deed.

III. GENERAL PROCEDURES FOR ABANDONMENT

- A. A petition signed by ten (10) or more resident taxpayers of Gila County requesting the abandonment of a County Highway, public road, maintained road, or easement as described above, including a description of the beginning, end, general course and direction, approximate condition of the roadway or easement to be abandoned. The petition should also cite the record reference of any known instruments which established the road or easement. A current Gila County Assessor's Tax Parcel Map or other map acceptable to the County showing Section, Township, and Range of the roadway or easement shall accompany the petition. The County may require a survey, legal description, and Record of Survey Map by a Registered Land Surveyor licensed in the State of Arizona. The petition and supporting documentation will be submitted to the Public Works Department.
- B. County Staff may initiate abandonment proceedings with approval from the Board.

- C. County Staff will conduct a site visit and determine the County's authority to pursue the request, as well as the current and future impact on issues such as legal access, traffic circulation, access to public lands, access by emergency service providers, encroachment issues.
- D. Public Works will present petition along with a recommendation to the Board for their consideration. If the Board does not accept the petition the roadway is deemed necessary for public use and no further action will be taken. If the Board accepts the petition and declares the roadway is no longer needed for public use then staff will move forward with abandonment proceedings.
- E. Notification letters will be sent by County staff to affected property owners, utility companies, and emergency service providers giving them time to support or oppose the abandonment, exchange, or extinguishment. If there is opposition to the Abandonment County Staff will notify the applicant and it shall be the responsibility of the applicant to resolve the issue.
- F. If the County decides to sell the roadway the guidelines set forth in A.R.S. § 28-7204 shall be followed.
- G. If the County exchanges the roadway for a new roadway the guidelines set forth in A.R.S. § 28-7203 shall be followed.
- H. If the Board of Supervisors determines that the public roadway has no public use or market value, the Board may vacate the roadway without compensation as set forth in A.R.S. §28-7215
- I. If the County is extinguishing an easement the guidelines set forth in A.R.S. § 28-7214 shall be followed.

IV. PROCESSING FEES AND ACTIONS

- A. A Non-Refundable fee of \$500.00 shall accompany all petitions and applications for abandonment.
- B. Should the County choose to sell or vacate the roadway the County shall receive consideration commensurate with value of the abandoned roadway. Consideration based upon current assessed value of the land in the area shall be deemed commensurate with the value of the road. The County may also accept the certified appraisal of an Appraiser licensed in the State of Arizona as proof of consideration deemed commensurate with the value of the roadway. Any and all costs associated with an appraisal shall be at the expense of the applicant.
- C. This is a lengthy process and could take up to one hundred eighty (180) days to complete from the acceptance of the petition.
- D. Any action by the Board of Supervisors to sell, exchange, vacate, or extinguish under this policy shall be adopted by resolution of the Board.

V. APPLICATION AND PETITION

Gila County Engineering Department

Application for

Right-of-Way Abandonment **Extinguishment of Easement**

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: (____) _____

Assessor's Parcel Number _____

Describe the reason for the request: _____

LOCATION INFORMATION:

Section: _____ Township: _____ Range: _____

Road Name: _____

List any known utilities in the requested abandonment area: _____

Signature of Applicant*

Date

*Applicant is required to be the current owner (or a legally authorized representative of the owner, proof of which must be submitted with this form) of a property adjacent to the requested roadway or easement.

FOR DEPARTMENTAL USE ONLY				
Application Fee \$500.00	Amount Received:	Date:	Receipt No.:	Received by:

