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COCHISE COUNTY
HIGHWAY AND FLOODPLAIN DEPARTMENT
1415 W. MELODY LANE, BISBEE, AZ 85603



Your County Questions answered: www.cochise.az.gov

ROADWAY ABANDONMENT APPLICATION

Name: _____

Mailing _____

Address: City: _____ State: _____ ZIP: _____

Daytime Telephone: () _____ **FAX:** () _____

Assessor's Parcel Number: _____ - _____ - _____

1. Physical Description of Request and/or attach Map:

(ex: Abandonment of 30' of Right-of-Way bordering the South side of parcel ___)

2. Reason for Request / Comments / Concerns:

3. List any known utilities located in the requested abandonment area:

4. Attach and include any other information deemed necessary.

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.

FOR DEPARTMENTAL USE ONLY				
Application Processing Fee = \$75	Total \$ Received:	Date:	Receipt #:	Received By:

COCHISE COUNTY RIGHT-OF-WAY ABANDONMENT POLICY & PROCEDURE

Adopted by Resolution 09-57

Adoption date: 11/17/2009

I. PURPOSE

The purpose of this policy is to establish general procedures and criteria for the abandonment of public rights-of-way, fee-interest and easement, consistent with Arizona Revised Statutes § 28-7201 through A.R.S. § 28-7215. These procedures are structured so as to minimize administrative expenditures and maximize departmental efficiency.

II. GENERAL POLICY STATEMENTS

- A. Pursuant to State Statutes, if the Board of Supervisors determines that a public roadway within the County's jurisdiction or portion thereof is not necessary for public use as a roadway, the Board may dispose of the roadway. Disposition may include reduction to a private easement status or full abandonment of the right-of-way. Generally a request for full abandonment will be recommended by staff if all entities involved are in unanimous agreement as to the unnecessary nature of the roadway.
- B. The policies and procedures set forth herein serve as a guideline for departmental staff and the Board in their review of abandonment requests. However, said guidelines shall not preclude the Board from taking any action deemed appropriate and in the best interest of the public.
- C. Generally requests for abandonment shall address the full length of the right-of-way from intersection to intersection, or adjoining platted block(s), etc., thereby minimizing inconsistent right(s)-of-way.
- D. The abandonment process may not generally be used to cure an encroachment citation.
- E. In the case of a right-of-way which is deemed to be public by virtue of public use and/or County maintenance, and lacking a recorded instrument establishing said roadway for the public, said right-of-way may be abandoned by resolution in which the County stipulates that it is relinquishing any interest that may have accrued. This action shall serve to clear title to the land encumbered and terminate County involvement.

III. FEES

- A. Application Processing Fee – \$75.00 non-refundable
(The Application Processing Fee is applied to costs of determining jurisdiction/legal status of the right-of-way, performing a field review, determining potential impact within Cochise County, preparing initial notification documents, etc.)

- B. Administrative Action Fee – \$300.00 non-refundable
(The Administrative Action Fee is applied to costs of reviewing/confirming property owner comments, determining the land purchase amount, preparing legal documents, advertising/notifying the public regarding the Board meeting, preparing/presenting the abandonment request to Board of Supervisors, mailing recorded documents, etc.)
- C. Land Purchase Fee
1. Abandonment requests for fee-interest rights-of-way are subject to a statutory compensation requirement. As such the Board shall give due consideration to any public benefit received by the County in return for the abandoned roadway in determining the amount to be required. Expansion of the tax base as a consequence of the transfer of property into private hands is not sufficient, alone, as a basis for finding public benefit under this subparagraph.
 2. In the event that the Board denies a request where a Land Purchase Fee has been submitted, the fee shall be refunded since a transfer of property has not occurred.
 3. The following guideline shall be used by the County to determine the Land Purchase Fee.

Guideline:

- The right-of-way shall be valued as a whole based upon current land values within the vicinity as set for tax assessment valuation.
- The right-of-way may, where appropriate, be discounted based upon a determination of degree of fragmentation/marketability. Typical discount shall be 50% for those rights-of-way whose size does not meet the minimum site area for building purposes.
- At a minimum, the value established through said guideline shall not be less than \$50.00.

IV. GENERAL PROCEDURES FOR ABANDONMENT ACTION

- A. At the time that a request for abandonment is received, the applicant shall be provided with a copy of the Cochise County Abandonment Policy & Procedure, together with a Right-of-Way Abandonment Application. All applications shall be submitted to the Right-of-Way Section of the Highway & Floodplain Department with the Application Processing Fee.
- B. County staff shall conduct a preliminary review to determine the County's authority to pursue the request, as well as current and future impact on issues such as legal access, traffic circulation, possible encroachment issues, access to public lands, access by emergency services providers, other health and safety-related considerations, etc.
- C. The Right-of-Way Section shall inform the applicant of the results of the review. The review results shall include any issues which must be addressed, a map of the abandonment area, name and addresses of adjacent or potentially impacted property owners as determined by the County, and a sample contact letter.

- D. The applicant shall contact all property owners, area-operating utility companies, emergency services providers, etc., attempt to resolve any and all issues of concern, and submit to the Right-of-Way Section, documentation of any support or opposition. It is the responsibility of the applicant to attempt to resolve all such issues. Comments by notified parties shall be submitted within 30 days of notification to be considered by staff.
- E. The Right-of-Way Section shall, at that time, notify the applicant of the Land Purchase Fee for the entire right(s)-of-way (if applicable).
- F. Once the applicant has submitted the Administrative Action Fee, total Land Purchase Fee, and any other fee that remains outstanding; Right-of-Way Section shall review/confirm documentation of both support and opposition, if any. Once documentation is verified complete, the Right-of-Way Section shall process an agenda packet containing departmental position paper, resolution, maps, letter of request, comments from County departments and the public, and other relevant information to the Board for formal action.
- G. In the event that 100% support/no opposition is not achieved, the Right-of-Way Section shall inform the Board of Supervisors of the contested request. In contested cases, or if requested or otherwise required by law, ordinance, policy, etc., the Right-of-Way Section shall coordinate a date for a Public Hearing with the Clerk of the Board and shall advertise the agenda item as a Public Hearing in the official County newspaper. Notice of the Public Hearing shall be published at least fifteen days prior to the scheduled Public Hearing unless statutory requirements dictate otherwise.
- H. The Right-of-Way Section shall notify the applicant, affected property owners, and affected agencies of the date and time of the Board meeting should they wish to attend. The Board shall take formal action on the abandonment request and upon completion of Board action, all affected parties shall be notified of the Board decision, and provided with copies of the recorded resolution, quit claim deeds, and other pertinent information as applicable.