

RESOLUTION NO. 2019-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF COCONINO COUNTY, ARIZONA, ACCEPTING FOR PUBLIC MAINTENANCE A PORTION OF A PUBLIC EASEMENT LOCATED IN PINE MOUNTAIN ESTATES SUBDIVISION, AND ABANDONING THE REMAINDER OF THAT EASEMENT.

WHEREAS, the final plat for the subdivision known as Pine Mountain Estates in Coconino County, recorded as instrument no. 1429961, dedicated a 40-foot wide non-vehicular easement to the use of the public for the purpose of equestrian and pedestrian use along the northern border of the subdivision; and

WHEREAS, pursuant to A.R.S. § 11-822(E), Coconino County holds in trust the aforementioned easement for the uses described in such dedication; and

WHEREAS, in 2010, flooding from the Schulz Fire rendered the trail contained within in the access easement impassible and unsafe and Coconino County installed signage and fencing to close the trail; and

WHEREAS, the residents in the area and the County desire that the trail access be restored and the trail improved for the benefit of residents and the general public welfare; and

WHEREAS, Coconino County has rebuilt a pedestrian and equestrian trail within the northerly 20 foot wide section of the existing easement and accept such trail into its public recreation system for County maintenance; and

WHEREAS, Coconino County desires to abandon from public use the southerly 20 feet of the original access easement that is outside the footprint of the proposed public trail; and

WHEREAS, Coconino County may abandon dedicated public easements within subdivisions pursuant to Coconino County Subdivision Ordinance, Section 8; and

WHEREAS, an application was duly initiated by Arlene Butler with Coconino County Public Works, Flagstaff, AZ (Case No. AB-18-002) for the abandonment of the 20-foot wide southernly portion of a 40 foot wide non-vehicular, public, equestrian and pedestrian easement located in Timberline at the intersection of E Copeland Lane and N Copeland Lane along the northern boundary of the Amended Plat for Pine Mountain Estates Subdivision on Lots 7, 8, 9, 10 and 11; and

WHEREAS, Coconino County Planning and Zoning Commission conducted a duly noticed public hearing pursuant to Section 8.3 of the Coconino County Subdivision Ordinance on November 28th 2018, and recommended approval of the abandonment of the southerly 20 feet of the original access easement; and

WHEREAS, Coconino County Board of Supervisors held a duly noticed public hearing pursuant to Section 8.4 of the Coconino County Subdivision Ordinance on January 15, 2019; and

WHEREAS, Coconino County Board of Supervisors finds that the proposed abandonment of the southerly 20 feet of the original access easement: (1) is in the interests of the general welfare of Coconino County; (2) would not prohibit or unduly inhibit access by the public at large, nearby property owners, or public utilities; and (3) would not eliminate public access ways which may be presently in use or desirable for future use;

NOW THEREFORE BE IT RESOLVED that Coconino County, through its Board of Supervisors, hereby:

- A) Formally accepts the dedication of the northerly 20 feet of the 40-foot wide access easement for the purpose of equestrian and pedestrian access and places such easement into its public trail system for County maintenance. The accepted dedication is set forth in the legal description in Exhibit A and depicted in Exhibit B, attached hereto.
- B) The remaining southerly 20 feet of the original public access easement is hereby abandoned pursuant to Coconino County Subdivision Ordinance Section 8, and all right, title, and interest, held in trust for the public by Coconino County, in and to the abandoned section of the southerly 20 feet of the original easement, is hereby extinguished in accordance with the legal descriptions set forth in Exhibit C and as depicted in Exhibit D, as well as in accordance with the following conditions:
 - a. A legal description of the abandoned portion of easement shall be recorded with the County Recorder.

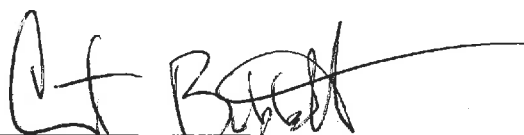
Passed and adopted this 15th day of January 2019 by the following vote:

AYES: 4

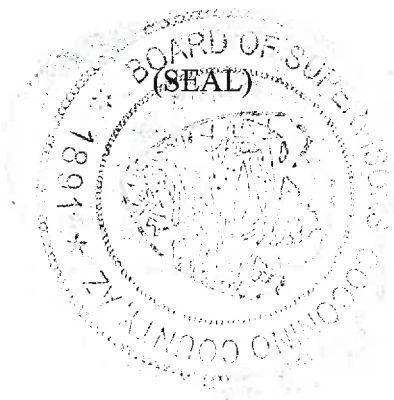
NO'S: 0

ABSENT: 1

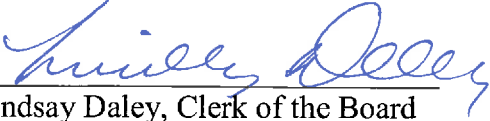
COCONINO COUNTY BOARD OF SUPERVISORS



Art Babbott, Chairman



ATTEST:


Lindsay Daley, Clerk of the Board

APPROVED AS TO FORM:


Deputy County Attorney

EXHIBIT A

The Northerly 20' of the 40' wide non-vehicular public equestrian and public pedestrian access easement along the northerly boundary of lots 7-11 as shown on the Amended Plat for Pine Mountain Estates, Case 6, Map 94, Records of Coconino County, located in the NW ¼ of Section 9, Township 22 North, Range 8 East, G&SRM, Coconino County, Arizona.

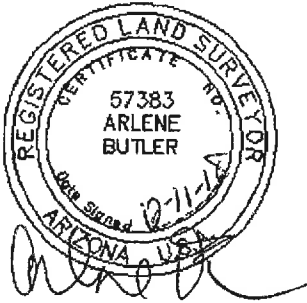
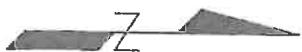
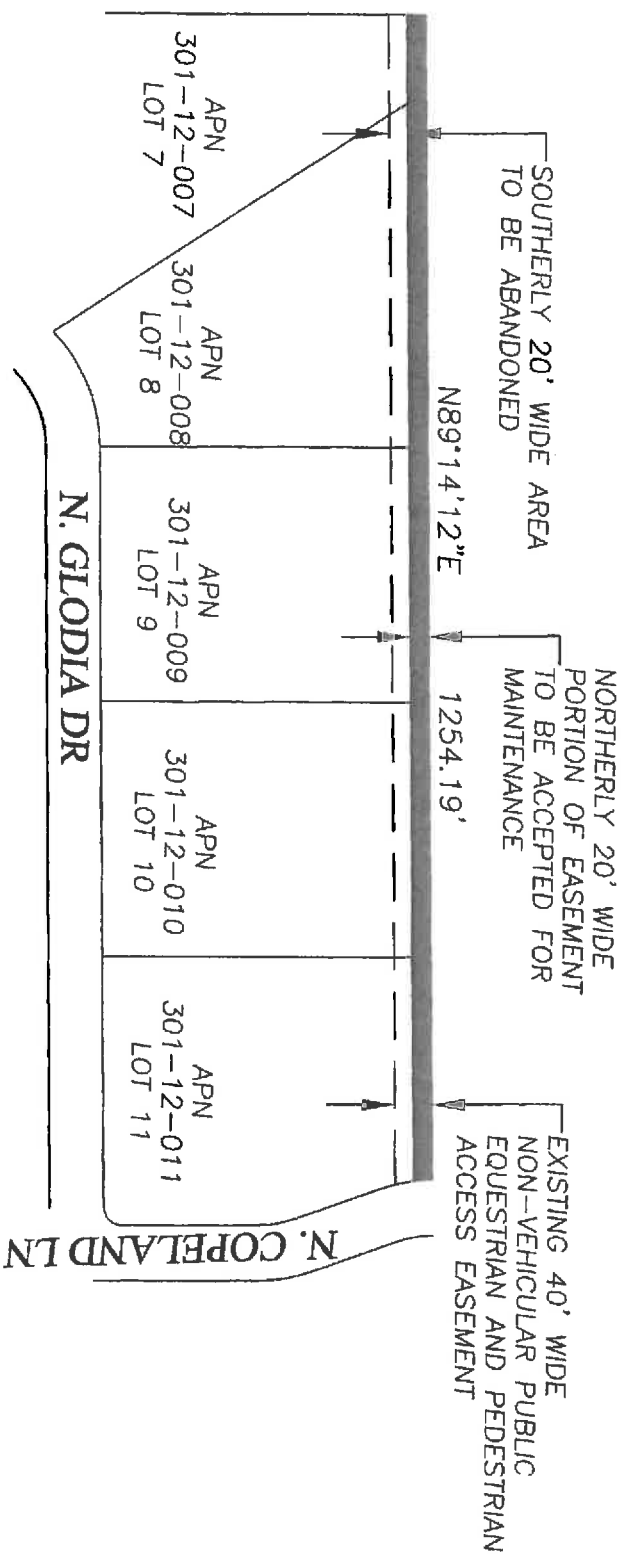


EXHIBIT B

NORTHERLY 20' OF THE 40' WIDE NON-VEHICULAR
PUBLIC EQUESTRIAN AND PUBLIC PEDESTRIAN ACCESS EASEMENT ALONG THE
NORTHERLY BOUNDARY OF LOTS 7-11 OF THE AMENDED PLAT FOR PINE MOUNTAIN ESTATES
CASE 6, MAP 94 AND 94A, RCC, AND LOCATED IN THE NW 1/4 OF SEC 9, T22N, R8E,
G&SRM, COCONINO COUNTY, ARIZONA



1"=200'



COCONINO
COUNTY ARIZONA
PUBLIC WORKS DEPARTMENT

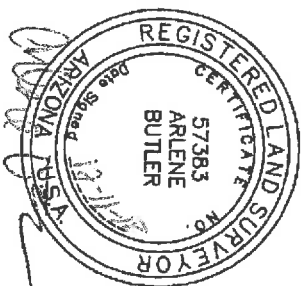
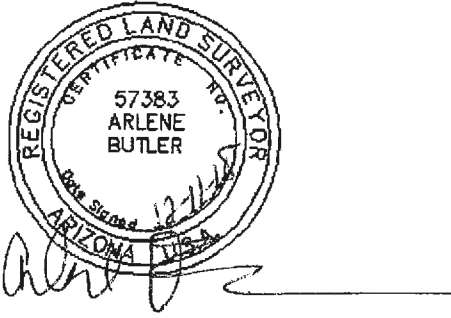


EXHIBIT C

The Southerly 20' of the 40' wide non-vehicular public equestrian and public pedestrian access easement along the northerly boundary of lots 7-11 as shown on the Amended Plat for Pine Mountain Estates, Case 6, Map 94, Records of Coconino County, located in the NW ¼ of Section 9, Township 22 North, Range 8 East, G&SRM, Coconino County, Arizona.

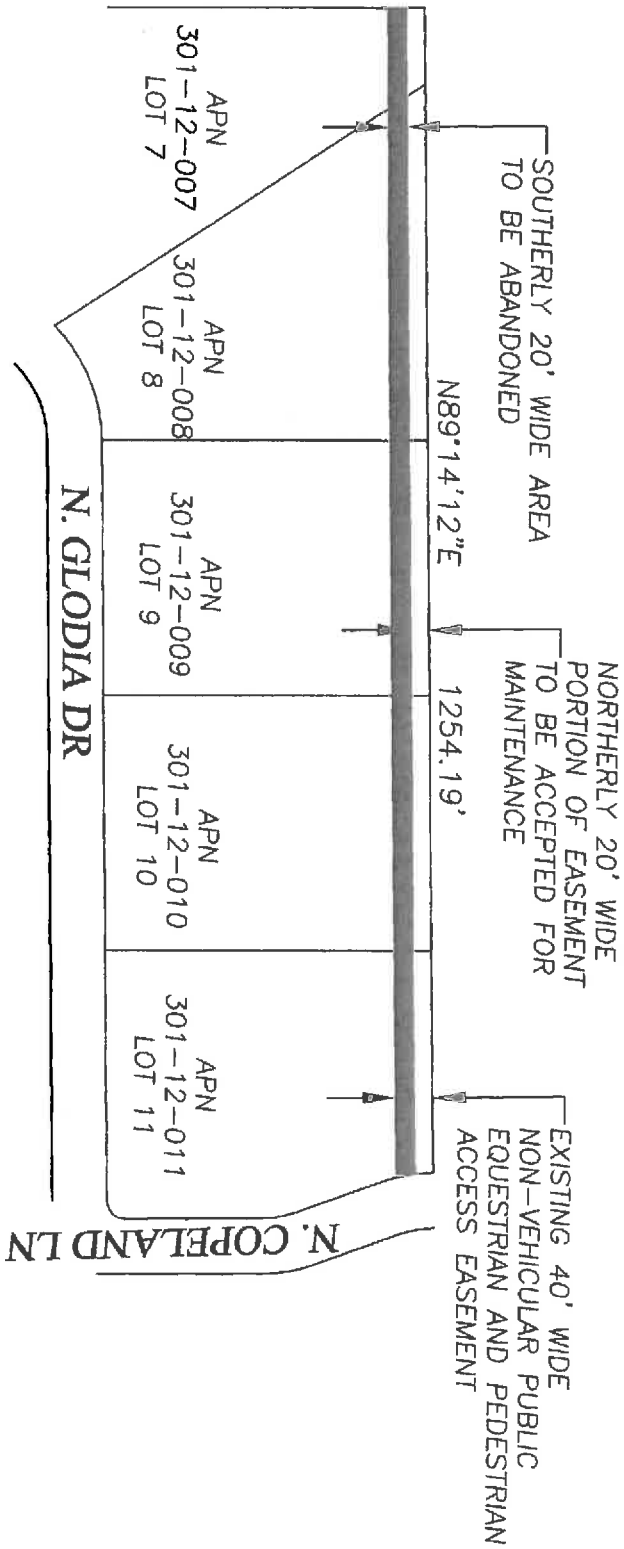




1" = 200'

EXHIBIT D

EASEMENT ABANDONMENT OF THE SOUTHERLY 20' OF THE 40' WIDE NON-VEHICULAR PUBLIC EQUESTRIAN AND PUBLIC PEDESTRIAN ACCESS EASEMENT ALONG THE NORTHERLY BOUNDARY OF LOTS 7-11 OF THE AMENDED PLAT FOR PINE MOUNTAIN ESTATES CASE 6, MAP 94 AND 94A, RCC, AND LOCATED IN THE NW 1/4 OF SEC 9, T22N, R8E, G&SRM, COCONINO COUNTY, ARIZONA



COCONINO COUNTY ARIZONA
PUBLIC WORKS DEPARTMENT

