

**RESOLUTION 2019-06**

**RESOLUTION OF THE COCONINO COUNTY BOARD OF SUPERVISORS WAIVING  
THE FOUR-YEAR ADVANCE NOTICE OF ABANDONMENT AND PAVEMENT  
QUALITY REPORT, PURSUANT TO A.R.S. § 28-7209 FOR A DEFINED PORTION OF  
THE RIGHT OF WAY ALONG TRANSWESTERN ROAD**

**WHEREAS**, a portion of Transwestern Road lies within existing Arizona Department of Transportation (ADOT) right of way; and

**WHEREAS**, the Bellemont Safety and Access Project will require improvements to Transwestern Road within a portion of this right of way; and

**WHEREAS**, Coconino County would like ADOT to abandon a portion of this right of way to Coconino County; and

**WHEREAS**, A.R.S. § 28-7209(A)(2) requires the State to provide four-years' advance notice of its intended abandonment; and

**WHEREAS**, A.R.S. § 28-7209(B) requires the State to provide a pavement report stating that surface treatment and major maintenance of the highway are not required for at least five years; and

**WHEREAS**, A.R.S. § 28-7209 allows the County to waive said requirements; and

**WHEREAS**, Coconino County desires to reconstruct this portion of Transwestern Road as part of the Bellemont Safety and Access Project; and

**WHEREAS**, the detailed location of this portion to be abandoned is described in the form entitled "Waiver of A.R.S. § 28-7209," attached and incorporated herein, and in the several maps attached as Exhibits A, B, C, and D, and incorporated herein;

**NOW THEREFORE BE IT RESOLVED** that the Coconino County Board of Supervisors hereby waives the four-year advance notice of abandonment and pavement quality report pursuant to A.R.S. § 28-7209, which will allow the State of Arizona, by and through its Department of Transportation (ADOT) to abandon, according to law, in the near future, all of its interest in and to said right of way to the County of Coconino for a continued public transportation use. **BE IT FURTHER RESOLVED** that the Chairman of the Board shall execute the attached Waiver of A.R.S. § 28-7209 Form to effectuate the Resolution.

PASSED AND ADOPTED this 26<sup>th</sup> day of March, 2019.

AYES: 4  
NOES: 0  
ABSENT: 1



**COCONINO COUNTY BOARD OF SUPERVISORS**

Art Babbott  
Art Babbott, Chairman

ATTEST:

Kimberly Dally  
Clerk, Board of Supervisors

APPROVED AS TO FORM:

Rexel W. [Signature]  
Deputy County Attorney

"Exhibit 1"

FROM: Coconino County Board of Supervisors  
219 East Cherry Avenue  
Flagstaff, Arizona 86001-4634

TO: Arizona Department of Transportation Right of Way Group  
205 South Seventeenth Avenue, Mail Drop 612E, Phoenix, Arizona 85007-3212  
Attn.: Byron Hopkins, R/W Group Titles Liaison, Resolution/Disposal Unit

RE: **WAIVER OF A.R.S. § 28-7209**

LOCATION: That portion of right of way along Transwestern Road (formerly known as Navajo Army Depot Road), lying north of the Ash Fork – Flagstaff Highway taken into the State Transportation System to accommodate the construction of Interstate Route 40, being a portion of the Northwest quarter of the Northwest quarter of Section 1, Township 21 North, Range 5 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, as demarcated on Sheet 12 of 28 of the Right of Way Plan of the ASH FORK – FLAGSTAFF HIGHWAY, Parks – Riordan O.P. Section, Project I-40-3(14)175, ADOT Drawing D-3-T-547, marked as ADOT Disposal D-NC-006, Exhibit "A", also depicted on Exhibits "B", "C", and "D", attached hereto and made a part hereof.

- - - - WAIVER - - - -

By signing below, the Coconino County Board of Supervisors hereby waives the Four-Year Advance Notice of Abandonment and Pavement Quality Report, in accordance with the provisions of Arizona Revised Statutes § 28-7209, which will allow the State of Arizona, by and through its Department of Transportation (ADOT) to abandon, according to law, in the near future, all of its interest in and to said right of way to the County of Coconino for a continued public transportation use.



Art Babbott, Chairman Board of Supervisors



Date









Ex ADOT R/W

BRANNIGAN PARK R



76 01

Abandonment Calculations

Proposed ADOT R/W  
2019

Project: I-40-3(14)175  
Location: Bellemont T. I.  
District: Northcentral  
Date: January 08, 2019  
Square Footage: 16,720

I-40

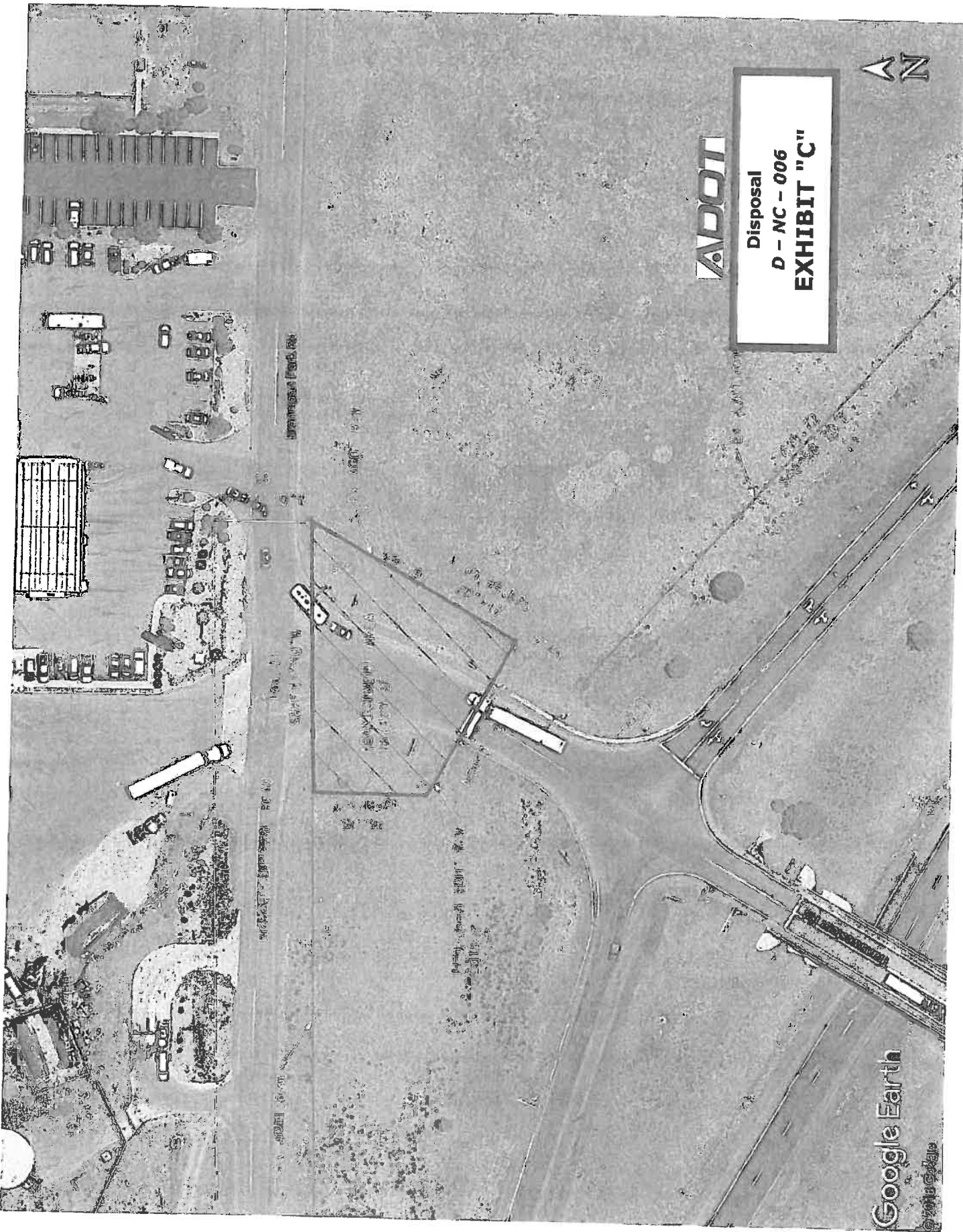
**ADOT**

**Disposal**  
**D - NC - 006**  
**EXHIBIT "B"**





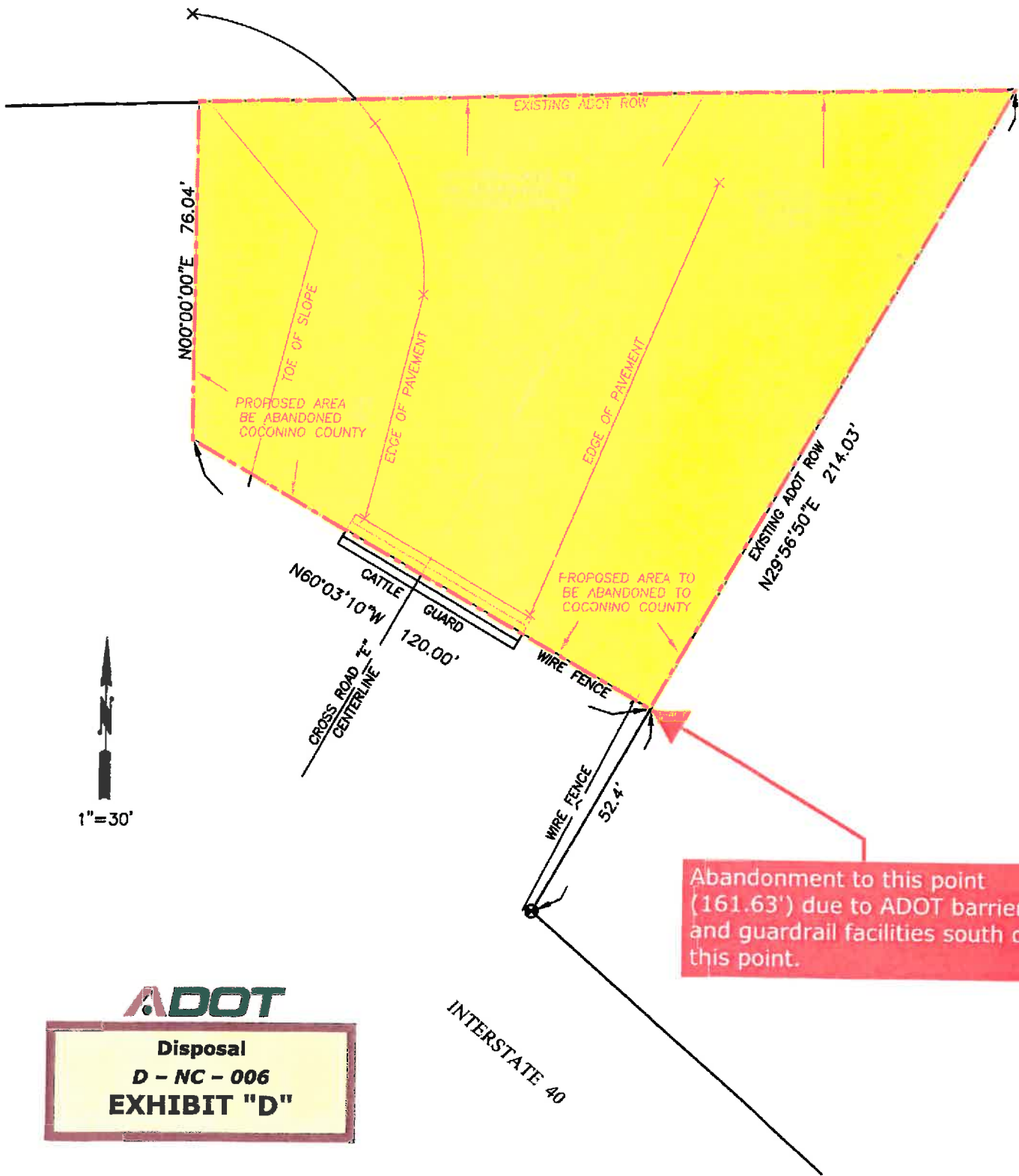
Disposal  
D - NC - 006  
EXHIBIT "C"



SECTION 1, T21N, R5E

BRANNIGAN PARK ROAD

SHADOW MOUNTAIN DRIVE



**ADOT**  
Disposal  
D - NC - 006  
EXHIBIT "D"

Abandonment to this point (161.63') due to ADOT barrier and guardrail facilities south of this point.