

RES 2023-09

WHEN RECORDED, PLEASE RETURN TO:

Board of Supervisors
Clerk of the Board
219 E. Cherry Avenue
Flagstaff, Arizona 86001

RESOLUTION 2023-39

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF COCONINO, ARIZONA; ACCEPTING A RIGHT OF WAY CONVEYANCE TO COCONINO COUNTY FOR GARLAND PRAIRIE ROAD, PART OF THE PARKS ROADS RECONSTRUCTION PHASE II PROJECT.

WHEREAS, the Coconino County Department of Public Works (PW) has acquired a highway use easement for Garland Prairie Road from Alvin & Judy Miller on Assessor's Parcel No. 20330009B, commonly known as 166 S. Garland Prairie Road, as part of the Parks Roads Reconstruction Phase II project; and

WHEREAS, the Parks Road Reconstruction Phase II project is a Capital Improvement Program project slated for construction in calendar year 2023; and

WHEREAS, said highway use easement was recorded by the Coconino County Recorder's Office as instrument no. 3969710, attached; and

WHEREAS, the landowners have been paid just compensation for the highway use easement,

NOW, THEREFORE, BE IT RESOLVED that the Coconino County Board of Supervisors accepts said right of way conveyance to Coconino County.

PASSED AND ADOPTED this 1st of August, 2023.

AYES: 4
NOS: 0
ABSENT: 1

COCONINO COUNTY BOARD OF SUPERVISORS:

(SEAL)





Patrice Horstman, Chair

ATTEST:



Lindsay Daley, Clerk of the Board

APPROVED AS TO FORM:



Paul Gams, Deputy County Attorney



Return To:

*Coconino County Public Works
Attn: Eric Sikora
5600 E. Commerce Ave.
Flagstaff, AZ 86001*

**DO NOT REMOVE
THIS IS PART OF THE OFFICIAL DOCUMENT**

WHEN RECORDED, MAIL TO:
Coconino County Public Works
5600 E. Commerce
Flagstaff, AZ 86004

(parcel # 20330009B)

EASEMENT FOR HIGHWAY PURPOSES

Alvin E. Miller and Judy A. Miller, husband and wife (GRANTORS), for and in consideration of the sum of \$4,500.00, receipt of which is hereby acknowledged, do hereby grant to COCONINO COUNTY, a political subdivision of the State of Arizona, its successors, and assigns, a permanent easement and right-of-way, for the following purposes, namely: The right to enter upon the hereinafter described land and grade, level, fill, drain, pave, build, maintain, repair and rebuild a road or highway, including incidental purposes consistent therewith, together with such bridges, culverts, ramps and cuts as may be necessary, on, over, under, and across the ground embraced within the right-of-way situated in the County of Coconino, State of Arizona, and described as follows:

See Exhibits A and B

Exempt ARS 11-1134(A)(3)

To have and to hold the said easement and right-of-way unto Coconino County, a political subdivision of the State of Arizona and unto its successors and assigns forever, together with the right of ingress and egress to permit the economical operation and maintenance of said public highway and all incidents thereto, and together with the right to authorize, permit, and license the use thereof for utilities or other public purposes not inconsistent with its primary use as a highway.

And the Grantors hereby covenant that they are lawfully seized and possessed on this aforementioned tract or parcel of land; that they have a good and lawful right to sell and convey it; and that they will warrant the title and quiet possession thereto against the lawful claim of all persons.

The said easement to include the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow upon the above described premises, as may extend over said right-of-way, so as to prevent the same from interfering with the efficient maintenance and operation of said public highway.

In the event the right, privilege, and easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted, all rights herein granted shall cease and revert to the grantors, their heirs or assigns.

EASEMENT FOR HIGHWAY PURPOSES continued

Wherever in the foregoing instrument the plural is used, it will be read as singular when necessary, and wherever words indicating gender are employed they will apply to either masculine, feminine or neuter as the context requires.

Dated this 22nd day of February, 2023

Alvin E Miller Grantor

STATE OF ARIZONA)
) SS
COUNTY OF COCONINO)

This instrument was acknowledged before me this 22nd day of February, 2023

By Judy A. Miller (ERS) Alvin E. Miller

In witness whereof I herewith set my hand and official seal.

[Signature]
Notary Public



Dated this 3rd day of March, 2023

Judy A. Miller Grantor

STATE OF ARIZONA)
) SS
COUNTY OF COCONINO)

This instrument was acknowledged before me this 3rd day of March, 2023

By Judy A. Miller

In witness whereof I herewith set my hand and official seal.

[Signature]
Notary Public



EXHIBIT A
(APN 203-30-009B)

The following is a description of a parcel of land being a portion of the parcels described in Instrument #3703098 and #3699963, Records of Coconino County and located in the southwest quarter of Section 26, Township 22 North, Range 4 East, G&SRM, Coconino County, Arizona and is more particularly described by metes and bounds as follows:

COMMENCING at the south quarter corner of Section 26, which is a General Land Office brass cap dated 1940, thence North 01° 10' 01" East (Basis of Bearing) along the north-south mid-section line, a distance of 787.42 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE North 88° 49' 59" West, a distance of 9.72 feet to the beginning of a non-tangent curve, concave to the Northeast, having a radius of 692.17 feet, to which point a radial line bears South 74° 11' 19" West;

THENCE northwesterly, along said curve, a distance of 154.12 feet, through a central angle of 12° 45' 26", to a point on the southerly line of the Burlington Northern Santa Fe (BNSF) railroad right of way;

THENCE North 79° 03' 58" West, along the south line of said BNSF right of way, a distance of 38.87 feet, to the north-south mid-section line of Section 26 and the easterly line of said property, from which a 1" pipe, marking the center of Section 26, bears North 01° 10' 01" East, a distance of 1947.68 feet;

THENCE South 01° 10' 01" West, along the mid-section line, a distance of 159.31 feet to the **TRUE POINT OF BEGINNING** of this description.

The parcel described above contains 4,202 square feet (0.10 acres) of land, more or less.

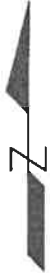
For a drawing of the parcel described above, see the attached **EXHIBIT B**, which by this reference is made a part hereof.



EXHIBIT B

A PORTION OF THE PARCEL DESCRIBED IN INSTRUMENT #3703098 AND #3699963
AND LOCATED IN THE SW 1/4 OF SEC 26, T22N, R4E,
G&SRM, COCONINO COUNTY, ARIZONA

1" PIPE
C 1/4 SECTION 26,
T22N, R4E



1"=80'

N79°03'58"E 38.87'

N01°10'01"E

1947.68'

$\Delta = 12'45'26''$
R=692.17'
L=154.12'

APN 203-30-009B
DEEDS PER INSTRUMENT #3703098 &
#3699963

S01°10'01"W 159.31'

RADIAL LINE
S74°11'19"W

N88°49'59"W
9.72'

N01°10'01"E 787.82'

MID-SECTION LINE (BASIS OF BEARING)



1940 GLO BRASS CAP
1/4 SECTIONS 26/35,
T22N, R4E



COCONINO
COUNTY ARIZONA
PUBLIC WORKS DEPARTMENT