

## GUIDELINES FOR VACATION OF PUBLIC ROADWAYS

### IN GILA COUNTY

#### A.R.S. SECTION 28-7201 ET SEQ.

1. A non-refundable fee of \$250.00 shall accompany all Petitions for Vacation of Public Roadway in Gila County.
2. Petition for Vacation must be signed by at least ten residents of Gila County.
3. Petitions shall be accompanied by a legal description and map of the area being petitioned for vacation. If there is more than one owner who will receive the land there will be a legal description on each area.
4. The legal description and map shall be prepared by a Registered Land Surveyor. The map shall be a Record of Survey Map and meet the guidelines established by the Gila County Recorder's Office.
5. All Angle Points, Point of Curvatures, and Point of Tangents of the property being petitioned for vacation shall be physically staked on the ground by the petitioner's surveyor.
6. Upon review of the legal description and map, Gila County Engineering Services will conduct a field inspection of the site.
7. After reviewing the site and finding that it meets the guidelines established by Gila County Engineering Services the petition will be sent to all Utility Companies with an interest in the area.
8. Utility Companies shall have thirty days upon receipt of Notice of Petition for Vacation for comments and/or objections.

9. As per Arizona Revised Statute § 28-7210 all Rights of way or easements of existing sewer, gas, water, or similar pipelines and appurtenances and for canals, laterals or ditches and appurtenances, and for electric, telephone, and similar lines and appurtenances shall continue as they existed prior to the disposal or vacation thereof.
10. As per Arizona Revised Statute § 28-7215 a roadway shall not be vacated so as to leave any land adjoining the roadway without an established public road connecting the land with another established public roadway unless there is expressly reserved in the conveying instrument the roadway rights of ingress and egress for public or emergency vehicles, all property owners, their guests and invitees and persons lawfully conducting business on the land.
11. Upon receipt of all reviews and comments from Utility Companies the petition shall be presented to the Gila County Board of Supervisors along with Gila County Engineering Services comments for the Board's consideration.
12. The Board of Supervisors shall approve and/or deny approval for publication a Notice of Intent to Vacate, pursuant to A.R.S. section 28-7211. Upon approval by the Board, Engineering Services shall have such notice prepared using the legal description contained in the petition.
13. Upon approval for publication of a Notice of Intent to Vacate, Engineering Services will furnish to the Clerk of the Board, the names and addresses of persons owning property adjacent to the property being vacated, along with legal descriptions, provided by the petitioner and prepared by a Registered Land Surveyor of the vacated roadway that will be deeded to each adjacent owner.
14. Engineering Services will prepare a Resolution of Vacation, incorporating the legal description of the entire parcel to be vacated along with the names of the persons and legal descriptions, to whom portions of the vacated roadway will be deeded.
15. The Resolution will be presented to the Board for consideration. If approved and executed by the Board, said Resolution will be recorded with the Gila County Recorder.

16. When the recorded Resolution is returned, the Clerk of the Board will forward a copy to Engineering Services. After receiving the Resolution, Engineering Services will prepare Quit Claim Deeds that will deed the proper portion of the vacated roadway to the adjacent owners.

Before the deeds are signed, pursuant to A.R.S. Section 28-7208, the recipient of the deed must pay consideration to Gila County in an amount deemed by the Board of Supervisors to be commensurate with the value of the vacated roadway.

17. Engineering Services will present the Quit Claim Deeds to the Board. The Board will approve and execute said Quit Claim Deeds, and the Clerk will record them with the Gila County Recorder.

18. When the Quit Claim Deeds are received by Engineering Services from the Recorder, the original deeds shall be forwarded to the persons receiving the vacated land. A copy of the deeds will be retained in the Engineering Services Office and a copy will be sent to the Supervisor's Office.

19. Failure to comply with these guidelines shall result in the immediate return of the petition with no further action.

THIS PROCESS COULD TAKE UP TO 180 DAYS, UPON RECEIPT OF THE PETITION FOR VACATION.

Approved and dated this 27th day of July 1999.

  
Signature \_\_\_\_\_ Chairman

  
Signature \_\_\_\_\_ Clerk

  
Signature \_\_\_\_\_ Gila County Attorney

