



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 5/16/2023

**= Mandatory, information must be provided*

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

Resolution No. 2023-_____ providing for the termination of Right-of-Way Easement and abandonment of a portion of Broken Spur Lane.

***Introduction/Background:**

An application has been received for the termination of Right-of-Way Lease No. 09-2835 for abandonment of a portion of Broken Spur Lane. The roadway is a named right-of-way easement lying within Section 32, Township 14, Range 12 G&SRM, Pima County, Arizona, as shown on attached Location Map. File #R-0141.

***Discussion:**

The subject easement was acquired by Pima County under a right-of-way Lease No. 09-2835 with Arizona State Land Department for public egress and ingress in 1961 and subsequently assigned to a buyer at auction. The roadway easement has never been constructed as a county highway and is not maintained by Pima County. The Pima County Department of Transportation has determined there is no need for the easement and approves of the termination of easement.

***Conclusion:**

This abandonment request has been reviewed and approved by appropriate County staff. All existing utilities shall remain as they currently exist and no property will be left without public or private legal access. Notice to abutting property owners was completed in March 2023. County has determined that the subject roadway easement is not needed for public use and shall be terminated by recording a Release of Easement.

***Recommendation:**

Staff recommends that the Pima County Board of Supervisors approve Resolution No. 2023-_____.

***Fiscal Impact:**

Pima County will be removed from liability and have no maintenance responsibilities toward the subject roadway easement.

***Board of Supervisor District:**

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Real Property Services

Telephone: 724-6313

Contact: Tim Murphy

Telephone: 724-6379

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____

RESOLUTION NO. 2023 - _____

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
FOR THE VACATION OF A PORTION OF BROKEN SPUR LANE, A
NAMED EASEMENT AND RIGHT-OF-WAY LEASE AS PIMA
COUNTY ROAD ABANDONMENT NO. R-0141, WITHIN SECTION 32,
TOWNSHIP 14 SOUTH, RANGE 12 EAST, G&SRM, PIMA COUNTY,
ARIZONA**

The Board of Supervisors of Pima County, Arizona finds:

1. An application has been received by Pima County for the termination of a portion of Broken Spur Lane, a named right-of-way easement, acquired by Pima County as a Right of Way lease with Arizona State Land Department per Right of Way Lease No. 09-2835 on July 25, 1961; said roadway portion being more particularly described and depicted in attached **Exhibit "A"** (the "Right of way Easement").
2. The Right of way Easement was acquired by Pima County for a public right of egress and ingress. The County has determined that the portion of public right-of-way is not needed for public use pursuant to A.R.S. §§ 28-7202 and 28-7214.
3. No land adjoining said roadway would be left without legal access to a public highway.

NOW, THEREFORE, BE IT RESOLVED,

The public roadway described and depicted in Exhibit "A" will be disposed of by termination of the Easement, in accordance with A.R.S. § 28-7214, reserving any and all rights-of-way or easements for drainage and utilities, which shall continue as they existed prior to and after this Lease termination.

Upon recordation of the Release of Easement, the subject roadway shall be deemed to be vacated.

Passed and adopted, this ____ day of _____, 2023.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM



Deputy County Attorney,
Rachelle Barr

BOS Approval: 04/18/2023	S32/T14S/R12E	File R-0141	Agent: TM
--------------------------	---------------	-------------	-----------

28 February 2023

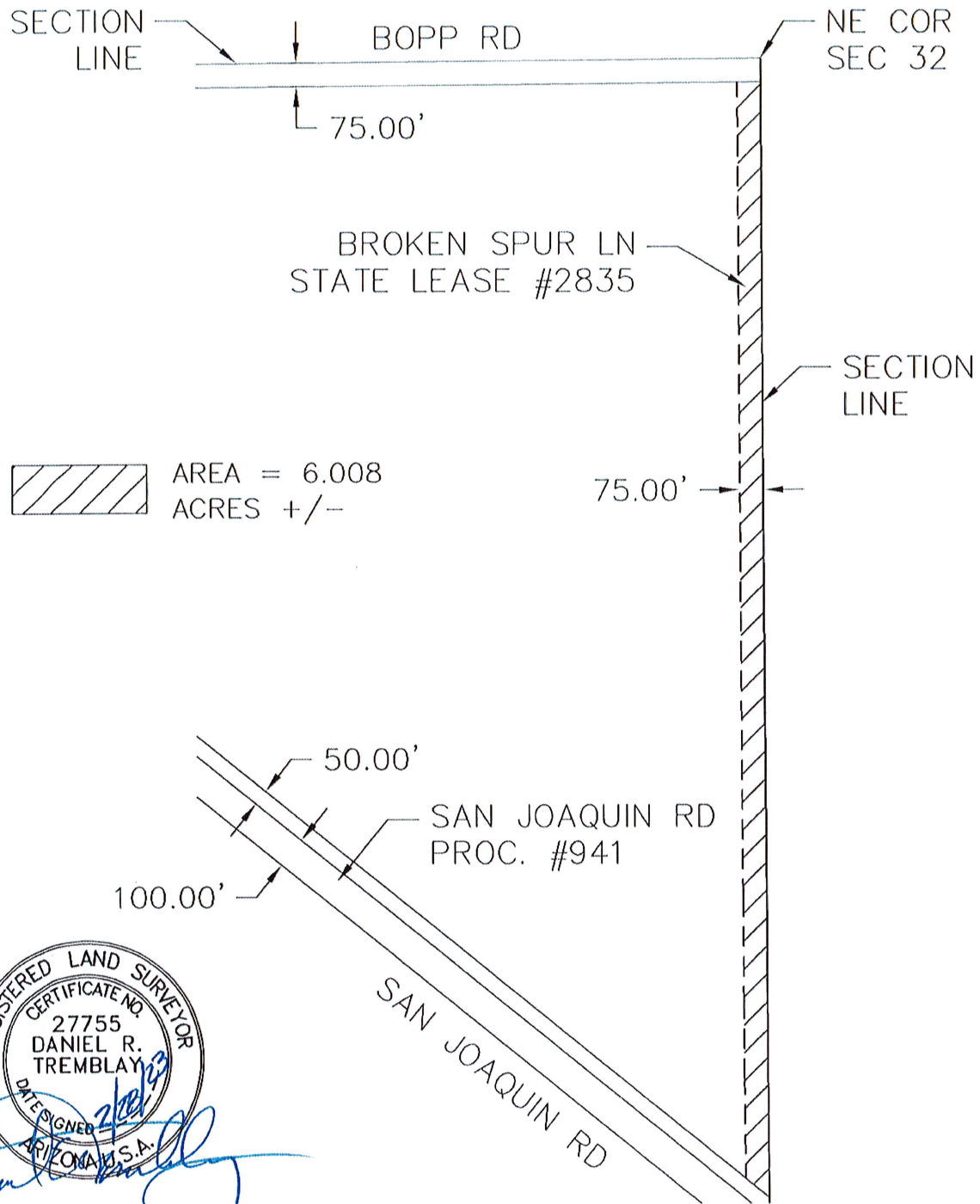
EXHIBIT "A"
LEGAL DESCRIPTION

A portion of Broken Spur Lane as defined in the Arizona State Land Department Right of Way Lease No. 2835 and as described in Docket 11785 at Page 05, recorded in the office of the Pima County Recorder, Arizona, and being within Section 32, Township 14 South, Range 12 East, Gila & Salt River Meridian, Pima County, Arizona, more particularly described as follows:

All that portion of said Broken Spur Lane lying south of a line 75.00 feet south of and parallel with the north line of said Section 32 and north of the north right of way line of San Joaquin Road as defined by Pima County Highway Department Establishment Proceeding No. 941, Book 7 of Road Maps at Page 90 and recorded in Book 1058 at Page 341 in the office of the Pima County Recorder, Pima County, Arizona.



DEPICTION OF EXHIBIT "A"



PIMA COUNTY SURVEY

A PORTION OF BROKEN SPUR LN PER DKT 11785 PG 05
LOCATED IN SECTION 32, TOWNSHIP 14 SOUTH, RANGE 12 EAST,
GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA

Scale: NTS

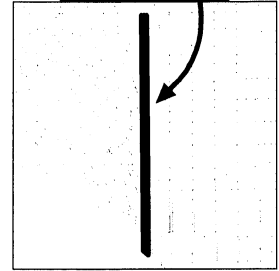
Date: 28 February 2023 Drawn By: AJI

Sheet 2 of 2

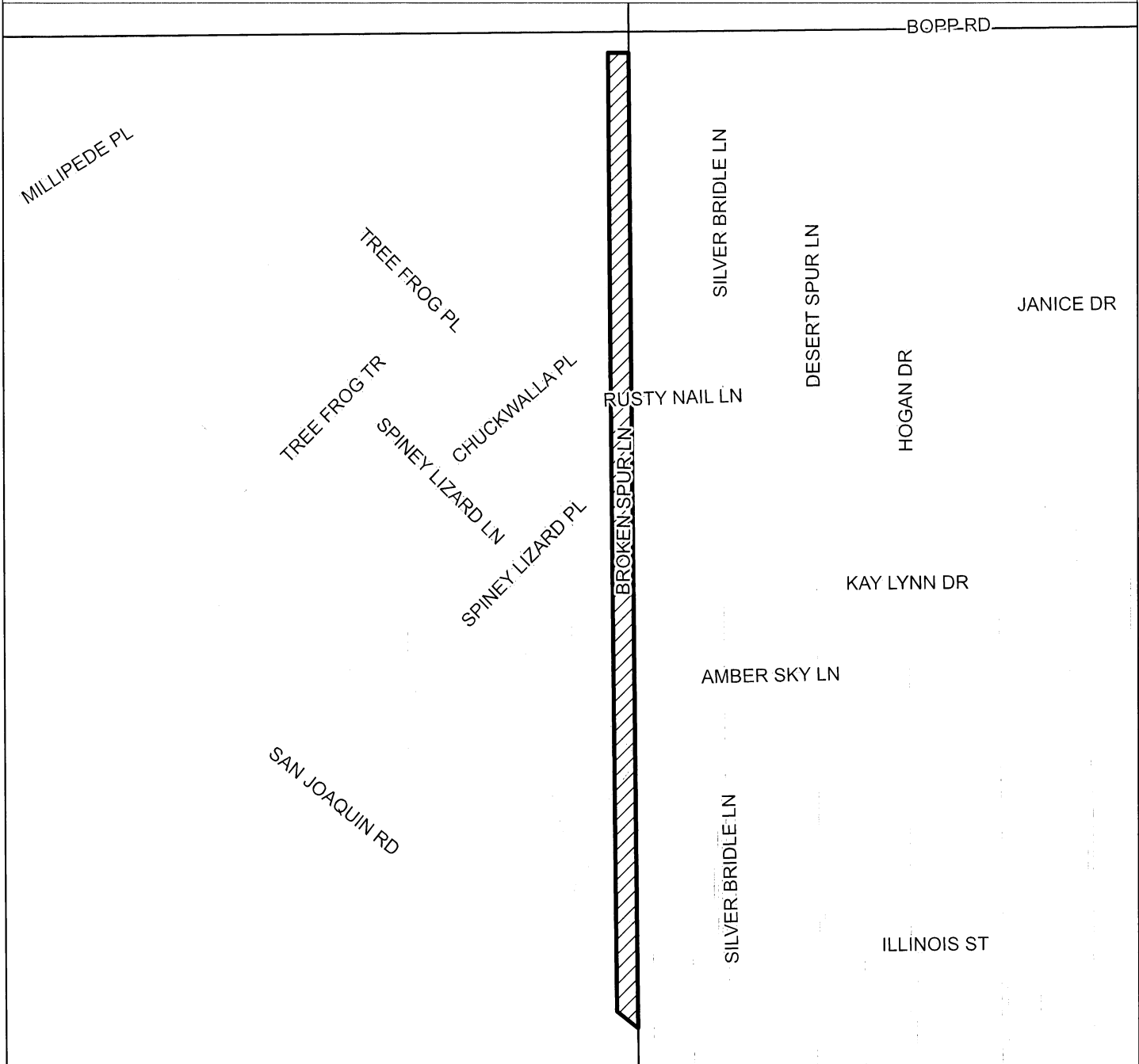
LOCATION MAP

SECTION 32
TOWNSHIP 14 SOUTH
RANGE 12 EAST

SUBJECT AREA



SECTION 32 G&SRM
PIMA COUNTY, ARIZONA




23026

**PIMA COUNTY DEPARTMENT OF TRANSPORTATION
ENGINEERING INFORMATION MANAGEMENT**

DRAWING NOT TO SCALE DRAWN BY: SR BUTLER DATE: MAR 2023

LEGEND

 Abandonment of
Broken Spur Lane