

COB - BOSAIR FORM

07/08/2026 1:39 PM (MST)

Submitted by Michelle.Guardado@pima.gov



BOARD OF SUPERVISORS AGENDA ITEM REPORT (BOSAIR)

All fields are required. Enter N/A if not applicable. For number fields, enter 0 if not applicable.

Award Type:	Agenda Item
BOSAIR Activity:	Board Meeting Request
Requested Board Meeting Date:	07/28/2026
Project Title / Description:	BOS Policy F 54.7 Small Tracts Easements by Patent Reservation (Veteran Tracts Roads) Revision

Agenda Item Report

Introduction / Background:	At the April 3, 2001 Board of Supervisors Public Hearing, the Pima County Board of Supervisors (BOS) approved the establishment of Board of Supervisors Policy Number F 54.7 "Small Tracts Easements by Patent Reservation (Veteran Tracts Roads)" for road easements created under the Federal Small Tract Act of June 1, 1938, and amended June 8, 1954.
Discussion:	Under BOS Policy F 54.7, Pima County recognizes all road and utility easements in U.S. Patent Reservations to be public rights-of-way; inadvertently creating unmaintained rights-of-way along the boundaries of Veteran Tracts where no road or utilities exist in some instances. Up to the 1976 repeal of the Federal Small Tract Act, pursuant to the United States Department of the Interior Bureau of Land Management Instruction Memorandum No. 91-196, rights-of-way bordering these tracts were determined to be common law dedications available for public use as public easements which the federal government could revoke or modify prior to dedication. The acceptance by use of the easement completed the dedication.
Conclusion:	Per guidance provided by the federal Bureau of Land Management, unless such easements were actually used for roads or utilities serving small tracts, the common law dedication disappeared with the termination of the classification; therefore, Pima County's BOS Policy F 54.7 policy should be revised to recognize reservations contained in patents to be public rights-of-way only for roads and utilities in place prior to the 1976 repeal of the Federal Small Tract Act.
Recommendation:	Staff recommends the approval of the revision to Board of Supervisors Policy F 54.7.
Fiscal Impact:	The amount of unmaintained right-of-way will be reduced benefiting property owners who will no longer be encumbered by the public interest over their property and avoiding costs and liability for Pima County.

Support of Prosperity Initiative: N/A

Provide information that explains how this activity supports the selected Prosperity Initiative N/A

Board of Supervisor District:

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- 2
- 3
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Department: Transportation

Name: Robin Freiman (Admin Contact: Michelle Guardado, 724-2663)

Telephone: 520-724-6655

Department Director Signature:  Date: 7/9/2026 | 7:05 AM MST

Deputy County Administrator Signature:  Date: 7/14/2026 | 10:21 AM MST

County Administrator Signature:  Date: 7/14/2026 | 10:53 AM MST



PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

<u>Subject:</u> Small Tracts Easements by Patent Reservation (Veteran Tracts Roads)	Policy Number	Page
	F 54.7	1 of 1

Purpose:

To establish a policy for road easements created by United States Government Patents under the Federal Small Tract Act of June 1, 1938, and amended June 8, 1954, hereinafter, the "Small Tract Act").

Background:

Under Federal laws approved June 1, 1938 (52 Stat. 609), entitled "An Act to provide for the purchase of public lands for home and other sites," and the Act of June 17, 1948 (62 Stat., 476), lots were sold by Patent of the United States of America, subject to a reservation for road and utility easements. In Pima County, the reservation of easements was by the Government Land Office (ie., GLO Lot Number 25), the predecessor agency to the U.S. Department of Interior, Bureau of Land Management, The Bureau of Land Management became the administering agency for the sale of the federal lands under the small tract patenting procedure.

The easements reserved in the patents are 33', 50', 60', 66', or 75' in width for road and utilities purposes.

In accordance with the United States Department of the Interior, Bureau of Land Management Instruction Memorandum No. 91-196 and common law applications, it shall be the policy of Pima County to recognize all reservations for road and utility easements contained in U.S. Patents to be public rights of way if the roads and utilities were used PRIOR to 1976 when the Small Tract Act was repealed. As public rights of way, Pima County may, in the exercise of the discretion of the Board of Supervisors of the County, elect to: 1) establish county roadways within the easements as provided for in A.R.S. § 28-6701; and/or 2) vacate and abandon the easements as public rights of way under A.R.S. § 28-7201 et seq. and/or ARS 11-251.16; and/or 3) license, regulate and administer as public rights of way pursuant to A.R.S. § 11-251 and its authority as a political subdivision of the State of Arizona.

Responsible Department

Department of Transportation

Adopted Date: April 3, 2001

Revised Date: July 28, 2026

Effective Date: July 28, 2026



PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

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Responsible Department
Department of Transportation

Effective Date: April 3, 2001