

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 49
HOUSE BILL 2031

AN ACT

AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-251.16; RELATING TO COUNTY POWERS AND DUTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 11, chapter 2, article 4, Arizona Revised Statutes,
3 is amended by adding section 11-251.16, to read:
4 11-251.16. Federal patent easements; county abandonment;
5 exception
6 A. A COUNTY, AT THE REQUEST OF A PROPERTY OWNER, MAY ABANDON A FEDERAL
7 PATENT EASEMENT ESTABLISHED BY THE SMALL TRACT ACT OF 1938 THAT THE COUNTY
8 DETERMINES, AFTER NOTIFYING AND OBTAINING THE CONSENT OF ALL AFFECTED
9 UTILITIES, IS NOT BEING USED BY THE PUBLIC OR IS NO LONGER NECESSARY.
10 B. AT LEAST SIXTY DAYS BEFORE THE CONSIDERATION OF AN ABANDONMENT
11 RESOLUTION, THE BOARD OF SUPERVISORS SHALL GIVE WRITTEN NOTICE OF THE
12 ABANDONMENT PROPOSAL AND THE DATE AND TIME OF ITS CONSIDERATION BY CERTIFIED
13 MAIL AT THE ADDRESS SHOWN IN THE RECORDS OF THE COUNTY ASSESSOR TO THE OWNERS
14 OF THE LAND ABUTTING THE EASEMENT TO BE ABANDONED. THE NOTICE SHALL INFORM
15 RECIPIENTS OF THE OPPORTUNITY AND DEADLINE TO OBJECT IN WRITING OR IN PERSON
16 ON THE DATE OF THE BOARD'S SCHEDULED CONSIDERATION OF THE ABANDONMENT
17 PROPOSAL. THE BOARD OF SUPERVISORS SHALL NOT RESOLVE TO ABANDON AN EASEMENT
18 UNLESS A MAJORITY OF THE OWNERS OF THE LAND ABUTTING THE EASEMENT APPROVES
19 THE ACTION. AN OWNER WHO DOES NOT OBJECT IN WRITING TO THE ABANDONMENT
20 PROPOSAL ON OR BEFORE THE DATE OF THE BOARD'S SCHEDULED CONSIDERATION OF THE
21 PROPOSAL OR IN PERSON ON THE DATE OF THE BOARD'S SCHEDULED CONSIDERATION OF
22 THE PROPOSAL SHALL BE DEEMED TO HAVE CONSENTED TO THE ABANDONMENT PROPOSAL.
23 THE BOARD SHALL POST A COPY OF THE NOTICE AT OR IN THE IMMEDIATE VICINITY OF
24 THE PROPOSED ABANDONMENT.
25 C. THIS SECTION DOES NOT APPLY TO THE ABANDONMENT OF A ROADWAY THAT
26 WAS GRANTED UNDER REVISED STATUTE 2477 (43 UNITED STATES CODE SECTION 932)
27 THAT WAS ENACTED BY THE UNITED STATES CONGRESS IN 1866.

APPROVED BY THE GOVERNOR APRIL 5, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2013.