

Senate Engrossed House Bill

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

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.

Passed the House February 25, 20 13

Passed the Senate March 28, 20 13

by the following vote: 50 Ayes,

by the following vote: 26 Ayes,

9 Nays, 1 Not Voting

2 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

H.B. 2031

\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 3, 2013,

by the following vote: 48 Ayes,

12 Nays, 0 Not Voting

[Signature]

Speaker of the House

[Signature]

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3 day of April, 2013,

at 2:25 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 5<sup>th</sup> day of

April, 2013,

at 2:44 o'clock P M.

[Signature]  
Governor of Arizona

H.B. 2031

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5<sup>th</sup> day of April, 2013,

at 5:00 o'clock P M.

[Signature]  
Secretary of State