When recorded return to:
Clerk of the Board
P.O. Box 827
Florence AZ 85132

RESOLUTION NO. _____

A RESOLUTION OF THE PINAL COUNTY, ARIZONA BOARD OF SUPERVISORS RESCINDING A PREVIOUSLY APPROVED ASSIGNMENT AND ASSUMPTION OF SR347 RIGHTS-OF-WAY ACROSS THE AK-CHIN INDIAN COMMUNITY FROM PINAL COUNTY TO THE ARIZONA DEPARTMENT OF TRANSPORTATION.

WHEREAS, on June 7, 2023, an Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation was approved by the Board of Supervisors; and

WHEREAS, April 24, 2024, the Board of Supervisors adopted Resolution No. 042424-RD22-114A rescinding the June 7, 2023, Assignment and Assumption and approving an alternate Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation, a copy of which is attached hereto as Exhibit "A" and

WHEREAS, Arizona Department of Transportation and the Ak-Chin Indian Community failed to approve the Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation as approved by the Board of Supervisors on April 24, 2024, and

WHEREAS, it is in the best interest of Pinal County to rescind the Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation approved on April 24, 2024 by Resolution No. 042424-RD22-114A Exhibit A,

THEREFORE, BE IT RESOLVED by the Pinal County Board of Supervisors that the Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation approved on April 24, 2024, by Resolution No. 042424-RD22-114A attached as Exhibit A is hereby rescinded and of no further force or effect; and

BE IT FURTHER RESOLVED that the Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation approved on June 7, 2023, and rescinded by Resolution No. 042424-RD22-114A on April 24, 2024 remains rescinded and is of no force and effect.

BE IT FURTHER RESOLVED, that this Resolution shall become effective upon recording of said resolution with the Office of the County Recorder, Pinal County, Arizona.

PASSED AND ADOPTED this _____ day of _____, 2025, by the PINAL COUNTY BOARD OF SUPERVISORS.

_____
Chairman of the Board

ATTEST:

_____
Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney

EXHIBIT "A"

RESOLUTION NO. 042424-RD22-114A
ASSIGNMENT AND ASSUMPTION OF RIGHTS-OF-WAY AND GRANTS OF EASEMENT

When recorded return to:
Clerk of the Board
P.O. Box 827
Florence AZ 85132

RESOLUTION NO. 042424-RD22-114A

A RESOLUTION OF THE PINAL COUNTY, ARIZONA BOARD OF SUPERVISORS RESCINDING A PREVIOUSLY APPROVED ASSIGNMENT AND ASSUMPTION OF SR347 RIGHTS-OF-WAYACROSS THE AK-CHIN INDIAN COMMUNITY FROM PINAL COUNTY TO THE ARIZONA DEPARTMENT OF TRANSPORTATION AND APPROVING A REVISED ASSIGNMENT AND ASSUMPTION OF SR347 RIGHTS-OF-WAYACROSS THE AK-CHIN INDIAN COMMUNITY FROM PINAL COUNTY TO THE ARIZONA DEPARTMENT OF TRANSPORTATION

WHEREAS, on June 7, 2023, an Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation was approved by Pinal County Board of Supervisors, copy of which is attached hereto as Exhibit "A" and

WHEREAS, Arizona Department of Transportation and the Ak-Chin Indian Community failed to approve the Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation as approved by the Board of Supervisors, but submitted a revised Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, it is in the best interest of Pinal County to rescind the previously approved Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation Exhibit A , and approve the revised Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation, Exhibit "B".

THEREFORE, BE IT RESOLVED by the Pinal County Board of Supervisors that the Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation approved on June 7, 2023, attached as Exhibit A is hereby rescinded and of no further force or effect; and

BE IT FURTHER RESOLVED the Assignment and Assumption of SR 347 Rights of Way Across the Ak-Chin Indian Community from Pinal County to the Arizona Department of Transportation attached as Exhibit B is approve; and.

BE IT FURTHER RESOLVED, that this Resolution shall become effective upon recording of said resolution with the Office of the County Recorder, Pinal County, Arizona.

RESOLUTION NO. 042424-RD22-114A

PASSED AND ADOPTED this 24th day of April, 2024, by the PINAL COUNTY BOARD OF SUPERVISORS.

Chairman of the Board

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney

RESOLUTION NO. 042424-RD22-114A

EXHIBIT "A"

ASSIGNMENT AND ASSUMPTION OF GRANTS OF EASEMENT

When Recorded Return To:
ARIZONA DEPARTMENT OF TRANSPORTATION
205 South 17th Avenue
R/W Titles Section, MD 612E
Phoenix, Arizona 85007-3212
Attn.: Paula Gibson

ASSIGNMENT AND ASSUMPTION OF GRANTS OF EASEMENT

Ak-Chin Indian Community
Grant No. A-40-73, dated June 16, 1941; and
Grant No. AK-RW-90-04, dated October 30, 1990

Project:	347 PN 000 H2778 02R / RS-347-(10)
Highway:	MARICOPA ROAD
Section:	Jct. S. R. 84 - Maricopa
Route No.:	State Route 347
District:	Central
County:	Pinal

This document is being recorded in order to perfect the chain of title of the above referenced right of way road and utility easements through the recordation of this approval by the Pima Agency of the Bureau of Indian Affairs, United States Department of the Interior.

WHEN RECORDED RETURN TO:
Ak-Chin Indian Community
Engineering & Construction Services Department
Rights of Way Section

TRIBAL __X__
INDIVIDUALLY OWNED __X__
GOVERNMENT OWNED __X__

PROJECT NO.: 347 PN 000 H2778 02R / RS-347-(10)
PROJECT NAME: MARICOPA ROAD

ASSIGNMENT AND ASSUMPTION OF GRANTS OF EASMENT

THIS ASSIGNMENT AND ASSUMPTION OF THE GRANTS OF EASEMENT (this "Assignment") is entered into as of this 7th day of June, 2023, by and between the County of Pinal, a political subdivision of the State of Arizona (the "*County*", or "*Assignor*"); and the State of Arizona, by and through its Department of Transportation ("*ADOT*", or *Assignee*"). The United States of America, acting by and through the Bureau of Indian Affairs, Department of the Interior, Pima Agency, P.O. Box 8, Sacaton, Arizona, for an on behalf, with the consent of the Ak-Chin Indian Community.

RECITALS:

A. The Grants of Easement for the MARICOPA ROAD, ADOT Project 347 PN 000 H2778 02R / RS-347-(10), road-and-utility easements (collectively, the "*Easement*"), approved by the Office of Indian Affairs on June 16, 1941 (Grant No. AK-RW-80-05); and additional rights-of-way approved by the Bureau of Indian Affairs on October 30, 1990 (Grant No. AK-RW-90-04), copies of which are attached hereto as Exhibit "A" and located within the political boundaries of the Ak-Chin Indian Community.
B. Pursuant to Part 169, Title 25, *Code of Federal Regulations*, which by reference are made a part hereof, does hereby Assign this Agreement to Assignee in accordance with §169.207(a)(1)(2).
C. Pursuant to this Agreement, Assignor is authorized to assign and transfer Assignor's right, title and interest, in the Easement.
D. Pursuant to this Agreement, Assignor desires an assignment of the Grants of Easement, and Assignee is agreeable to such assignment subject to the terms and conditions herein set forth.

AGREEMENTS:

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable considerations, the receipt, sufficiency and validity of which are hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignor hereby assigns, transfers and conveys to Assignee all of Assignor's right, title, and interest, in, to and under the Grants of Easement for the portions of the following roadway depicted in Exhibit "B" and more specifically in the legal descriptions for those tracts being re-assigned to the Assignee, herein referred to as the "Assigned Easement Area", for the purpose of construction, operation, and maintenance of the roads and roadway traffic light utilities.

2. Assignee hereby accepts the foregoing assignment of the "Assigned Easement Area" and hereby assumes, agrees to be bound by and perform all of the provisions and covenants of the Easement to be performed on the part of Assignor as Grantee under the terms and conditions of the Grant of Easement.

3. Assignee hereby agrees to indemnify, protect, defend and hold harmless the United States, the Ak-Chin Indian Community ("Community") and Assignor for, from and against any and all liabilities, obligations, actions, suits, proceedings, demands or claims and all costs and expenses (including, without limitation, reasonable attorneys' fee) incurred in connection with the "Assigned Easement Area", based upon or arising out of any breach of the Grants of Easement by Assignee occurring subsequent to the date of this Assignment.

4. Whenever work is to be performed on or within the Community's lands located within the Assigned Easement Area, Assignee shall provide Notice of Entry, defining access and/or encroachment, its scope of work, and duration of time for work to be completed to the BIA and Community according to the Community's right-of-entry permit.

5. This Assignment shall insure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

6. The parties agree to execute and deliver any further documents and to perform any further actions reasonably requested by any other party hereto in order to fulfill the intention hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment and Assumption of the Grants of Easement, as of the date and year first written above.

ASSIGNOR:

By: Jeff Serdy

Name: Jeff Serdy

Title: Chairman, Pinal County Board of Supervisors

Pinal County, Arizona

State of ARIZONA)
) ss.
County of Pinal)

On this 7TH day of JUNE, 2023, before me, Julie Clark, a Notary Public in and for said state, personally appeared Jeff Serdy, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the entity upon behalf of which person acted, executed the instrument.

WITNESS my hand and official seal.

Julie Clark

Notary Public in and for said State

My Commission Expires:

FEB 10, 2027

JULIE CLARK
Notary Public - Arizona
Pinal County
Commission # 643161
My Comm. Expires Feb 10, 2027

ASSIGNOR:

By: _____

Name: Paula I. Gibson

Title: Right of Way Group Senior Administrator

Arizona Department of Transportation

State of ARIZONA)
) ss.
County of Pinal)

On this _____ day of _____, 2023, before me,_____, a Notary Public in and for said state, personally appeared Paula I. Gibson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in his authorized capacity, and that by her signature on the instrument, the entity upon behalf of which person acted, executed the instrument.

WITNESS my hand and official seal.

_____
Notary Public in and for said State

My Commission Expires:

_____

IN WITNESS WHEREOF, this Assignment of Easement, MARICOPA ROAD, ADOT Project 347 PN 000 H2778 02R / RS-347-(10), pursuant to authority delegated to the Assistant Secretary – Indian Affairs by 209 DM 8, to the Director of the BIA by 230 DM 1, to the Western Regional Director by 3 IAM 4, and to the Superintendent by historic Phoenix Area Re-Delegation Documents in 10 BIAM, is hereby approved this_____day of _____, 2023.

UNITED STATES OF AMERICA

By: _____

Name: Cecilia Baker

Title: Superintendent, Pima Agency, Bureau of Indian Affairs

United States Department of the Interior,

Pima Agency, P.O. Box 8, Sacaton, AZ 85147

ACKNOWLEDGMENT

State of ARIZONA)
) ss.
County of Pinal)

On this _____ day of _____, 2023, before me,_____, a Notary Public in and for said state, personally appeared Cecilia Baker, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in his authorized capacity, and that by her signature on the instrument, the entity upon behalf of which person acted, executed the instrument.

WITNESS my hand and official seal.

_____
Notary Public in and for said State

My Commission Expires:

_____

Exhibit "A"
Grants of Easement

TRIBAL LAND X
FILE NO. AK-RW-90-04

GRANT OF EASEMENT FOR RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

That the United States of America, acting by and through the Superintendent, Pima Agency, Bureau of Indian Affairs, Department of the Interior, Sacaton, Arizona, hereinafter referred to "Grantor", under authority delegated to Superintendent by 209 DM 8 230 DM 3.1 and 10 B.I.A.M. 3 and 11, pursuant to provisions of the Act of February 5, 1948 (62 Stat. 17; 15 U.S.C. 323-328) and Part 169, Title 25 Code of Federal Regulations, in consideration of $190,320.00 and other valuable consideration, the receipt of which is acknowledged, does hereby grant to PINAL COUNTY HIGHWAY DEPARTMENT, its successors and assigns, hereinafter referred to as "Grantee", an easement for right-of-way for the following purposes, namely: The right to enter upon the hereinafter described land, for a public highway, together with bridges, culverts, ramps and cuts, as necessary on, over, and under and across the land embraced within the Ak-Chin Indian Reservation, County of Pinal, State of Arizona:

Section 33, T. 4S., R. 3E; Sections 4, 9, 10, 15, 22 and 27, T.5S., R. 3E.

The said easement is more delineated on Drawing Number D-11-T-464 dated 9-91, attached hereto. The described easement contains approximately 48.919 acres.

1990 Additional R/W

11-519

612-005-92

TO HAVE AND TO HOLD, the said easement and right-of-way unto the Grantee and its successors and assigns, together with the right to authorize, permit and license the use thereof for utility lines, including water and sewer lines when these are not inconsistent with the use of the Grantee, its successors and assigns to transfer said right-of-way by assignment, grant or otherwise.

The said easement to include the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereinafter grow upon the above-described premises, as may extend over said right-of-way, so as to prevent the same from interfering with the efficient maintenance and operation of said public road.

This easement is subject to any prior valid existing right or adverse claim and is without limitation as to tenure, so long as said easement shall be actually used for the purpose above specified; PROVIDED, that upon 30 days written notice and failure of the grantee within said notice period to correct the basis of termination, this right-of-way may be terminated in whole or in part by the Grantor for any of the following causes: (25 CFR 169.20):

A. Failure to comply with any term or condition of the grant or easement or the applicable regulations.

B. A nonuse of the right-of-way for a consecutive two year period for the purposes for which it was granted.

C. An abandonment of the right-of-way.

612-005-9

RECEIVED
90 OCT 25 PM 2:01

D. Failure of the Grantee, upon completion of construction, to file with the Grantor an Affidavit of Completion, pursuant to 25 CFR 169.16.

E. Failure to comply with the conditions of Ak-Chin Indian Community Tribal Resolution A-52-88 and A-16-90.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easement this 30th day of OCTOBER, 1990.

UNITED STATES OF AMERICA

BY Robert L Donlevy
Acting Superintendent
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
PIMA AGENCY, SACATON, ARIZONA

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF PINAL)

BEFORE ME, a Notary Public in and for the said County and State, on this 30th day of October, 1990, personally appeared Robert Donlevy, whose name is subscribed to the foregoing Grant of Easement for Right-of-Way as Superintendent, Pima Agency, Bureau of Indian Affairs, and who acknowledged to me that he executed the said Grant of Easement for Right-of-Way as his free and voluntary act and deed for the uses and purposes set forth therein.

612-005-92

OFFICIAL SEAL
CAROL LYNN STONE
Notary Public — State of Arizona
PINAL COUNTY
My Comm. Expires Dec 2, 1991

Carol Lynn Stone - Vallecillo
Notary Public

My Commission Expires:

Exhibit "B"

Area of Assignment of Easement from the County of Pinal to ADOT

DESCRIPTION FOR
ASSIGNMENT AND ASSUMPTION
OF GRANTS OF EASEMENT

PARCEL NO. 1:

That portion of the East half of the East half (E½E½) of Section 4, Township 5 South, Range 3 East, Gila and Salt River Meridian, Pinal County, Arizona, described as follows:

BEGINNING at a brass cap marking the Northeast corner of said Section 4, being North 89°53'05" East 5267.88 feet from a cotton spindle marking the Northwest corner of said Section 4;

thence along the East line of said Section 4, South 00°38'19" West 2612.57 feet to the East quarter corner of said Section 4;

thence continuing along said East line of Section 4, South 00°36'09" West 2630.19 feet to the Southeast corner of said Section 4;

thence along the South line of said Section 4, South 89°21'16" West 64.73 feet to the existing westerly right of way line of State Route 347 (Maricopa Road);

thence along said existing westerly right of way line, North 00°40'19" East 740.58 feet;

thence continuing along said existing westerly right of way line, South 89°19'41" East 5.00 feet;

thence continuing along said existing westerly right of way line, North 00°40'19" East 2300.00 feet to POINT "A" for later identification;

thence continuing along said existing westerly right of way line, South 89°19'41" East 6.29 feet;

thence continuing along said existing westerly right of way line, North 00°38'19" East 2202.98 feet to the North line of said Section 4;

thence along said North line of Section 4, North 89°53'05" East 50.00 feet to the POINT OF BEGINNING.

289,830 square feet, more or less.

(continued)

EXHIBIT "B"

PAGE 1 OF 5

The Grantor's remaining land in said Section 4 shall have no right or easement of access to said State Route 347 (MARICOPA ROAD) to be constructed over and upon the right of way described above, provided however, that access shall be permitted to said State Route 347 northerly of POINT "A", as described above.

The Access Control provisions set forth above shall be a covenant running with the land and shall be binding upon, and shall inure to the benefit of the State of Arizona, the landowners and their respective successors and assigns with respect to the property. The Access Control provisions shall also remain enforceable by the State of Arizona even if all or part of any roadway is abandoned to a local jurisdiction.

PARCEL NO. 2:

That portion of the East half of the Southeast quarter (E½SE¼) of Section 33, Township 4 South, Range 3 East, Gila and Salt River Meridian, Pinal County, Arizona, described as follows:

BEGINNING at a brass cap marking the Southeast quarter corner of said Section 33 being North 89°53'05" East 5267.88 feet from a cotton spindle marking the Southwest corner of said Section 33;

thence along the South line of said Section 33, South 89°53'05" West 50.00 feet to said existing westerly right of way line of State Route 347;

thence along said existing westerly right of way line, North 00°05'43" West 2630.91 feet to the East – West mid section line of said Section 33;

thence along the East – West mid section line of said Section 33, North 89°50'23" East 50.00 feet to a brass cap marking the East quarter corner of said Section 33;

thence along the East line of said Section 33, South 00°05'43" East 2630.95 feet to the POINT OF BEGINNING.

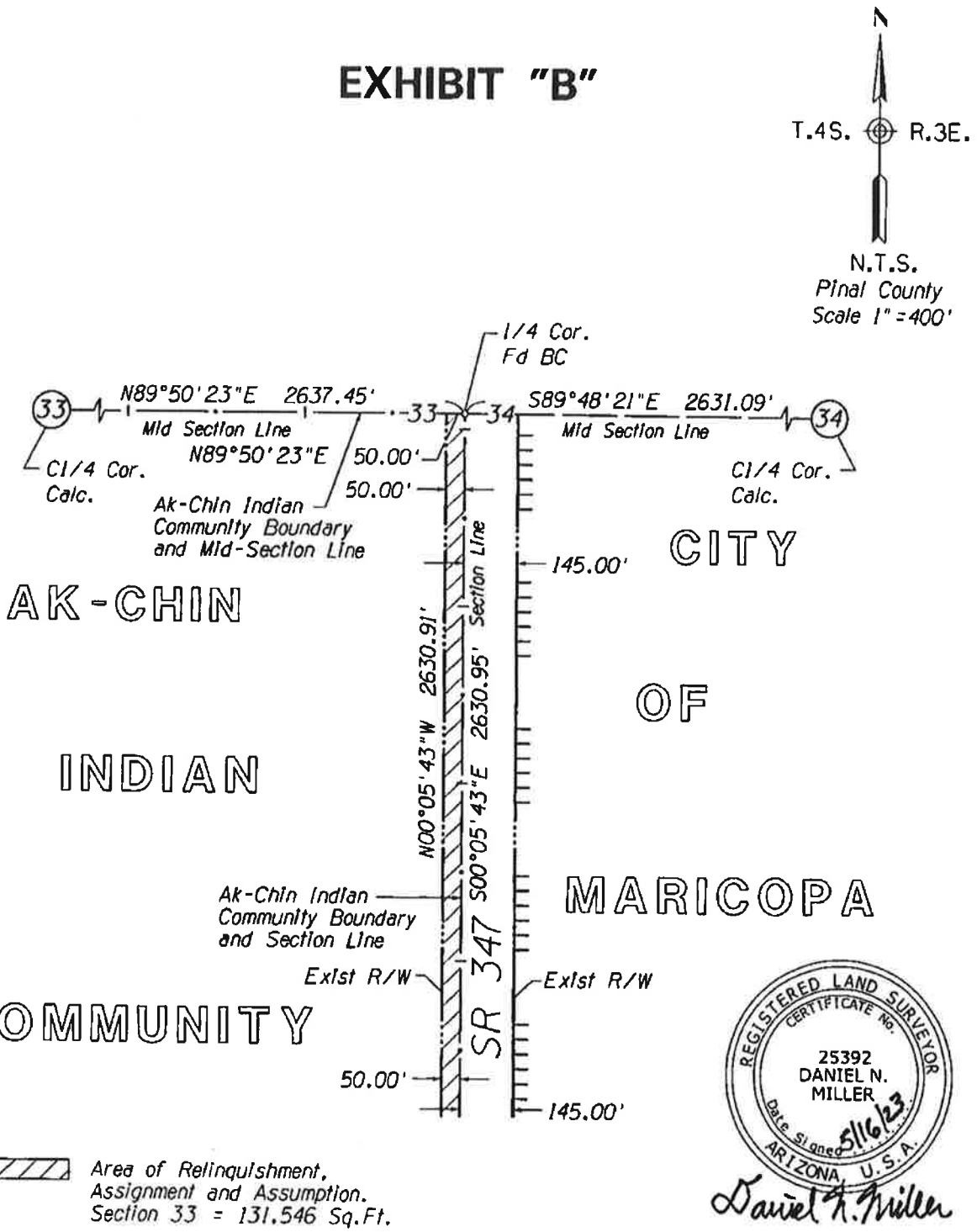
131,546 square feet, more or less.



Daniel N. Miller

EXHIBIT "B"
PAGE 2 OF 5

EXHIBIT "B"

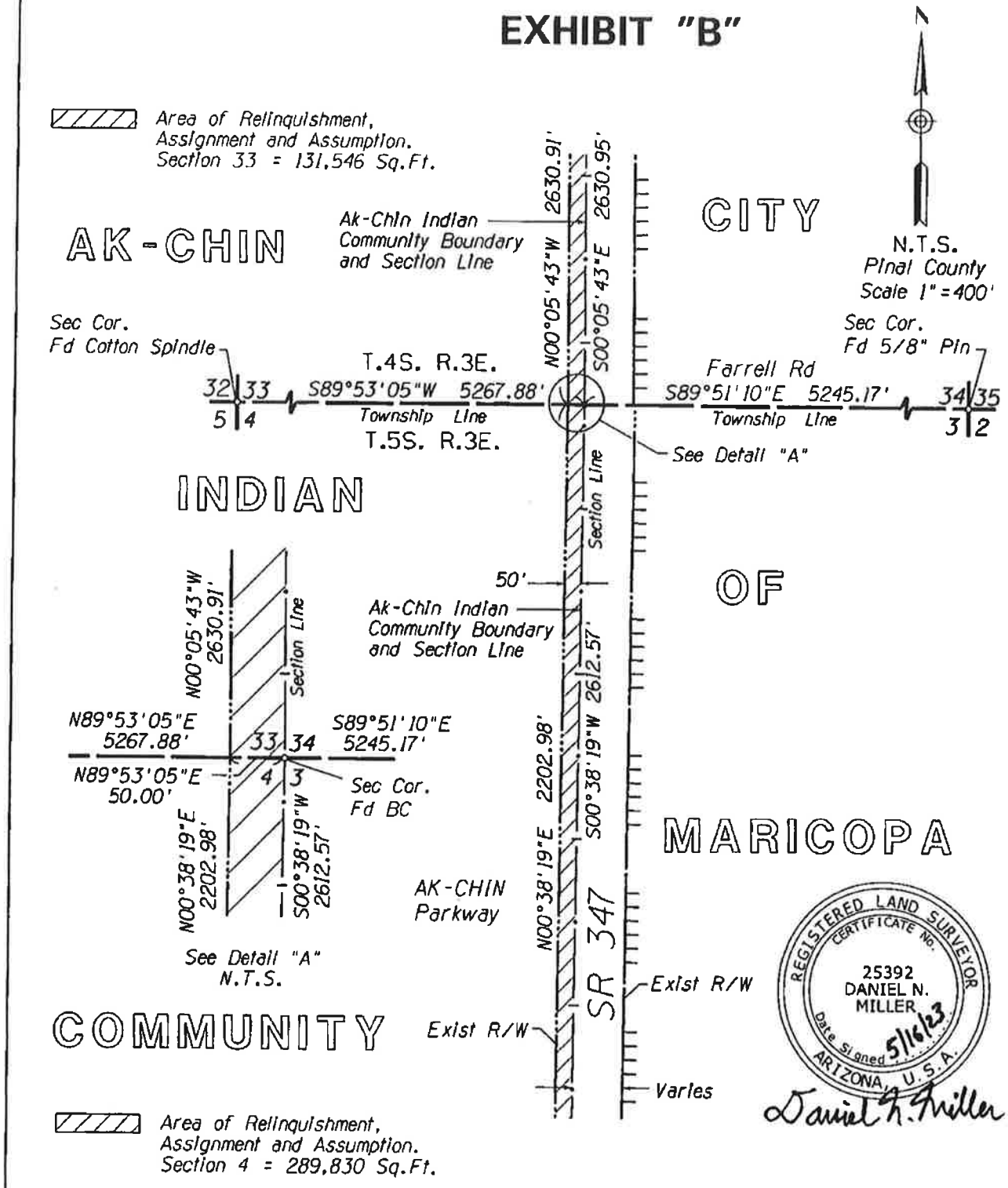


REGISTERED LAND SURVEYOR
CERTIFICATE No.
25392
DANIEL N.
MILLER
Date Signed 5/16/23
ARIZONA, U.S.A.

Daniel N. Miller

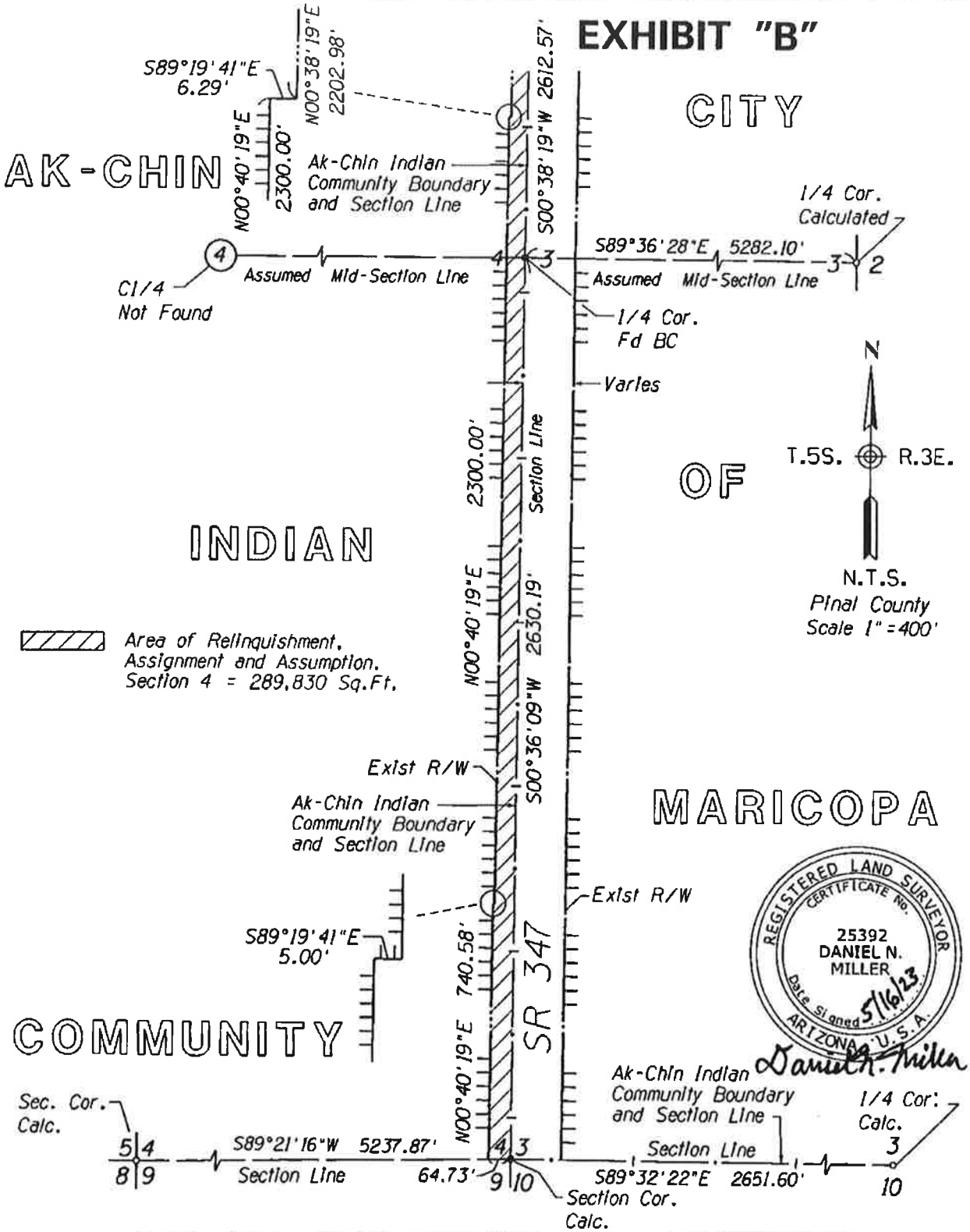
ADOT Right Of Way Plans Section	PARCEL NO.	11-519	HIGHWAY NAME: MARICOPA ROAD
	DWG NO.	D-11-T-464	PROJECT NO. 347 PN 000 H2778 02R
	DATE	5/16/23	
ROUTE NO.: SR 347	SECTION NAME: Jct. S.R. 84 - Maricopa		FEDERAL AID NO.: RS-347-(10) / SHEET NO. 3 OF 5

EXHIBIT "B"



ADOT Right Of Way Plans Section	PARCEL NO. 11-519	HIGHWAY NAME: MARICOPA ROAD	
	DWG NO. D-11-T-464	PROJECT NO. 347 PN 000 H2778 02R	
	DATE 5/16/23		
ROUTE NO.: SR 347	SECTION NAME: Jct. S.R. 84 - Maricopa	FEDERAL AID NO.: RS-347-(10)	SHEET NO. 4 OF 5

EXHIBIT "B"



ADOT Right Of Way Plans Section	PARCEL NO.	11-519	HIGHWAY NAME: MARICOPA ROAD
	DWG NO.	D-11-T-464	PROJECT NO. 347 PN 000 H2778 02R
	DATE	5/16/23	
ROUTE NO.: SR 347	SECTION NAME: Jct. S.R. 84 - Maricopa		FEDERAL AID NO.: RS-347-(10) / SHEET NO. 5 OF 5

RESOLUTION NO. 042424-RD22-114A

EXHIBIT "B"

REVISED ASSIGNMENT AND ASSUMPTION OF RIGHTS-OF-WAY