ARIZONA STATE LAND DEPARTMENT
1616 WEST ADAMS STREET
PHOENIX, ARIZONA 85007

PUBLIC AUCTION SALE NO. 16-112195
PERPETUAL RIGHT OF WAY EASEMENT

Pursuant to A.R.S. Title 37, notice is hereby given that the state of Arizona through its Arizona State Land Department (herein called ASLD), will sell at Public Auction to the highest and best bidder at 11:30 a.m. on Thursday, May 20, 2021, at the 1891 Historic Courthouse, 135 N. Pinal Street, Ceremonial Courtroom, Florence, Arizona, a perpetual right of way easement for the purpose of amending an access road situated in Pinal County to wit:

TOWNSHIP 10 SOUTH, RANGE 13 EAST, G&SRB&M, PINAL COUNTY, ARIZONA

PARCEL: M&B THRU S2SENE E2SE, SECTION 36. CONTAINING 2.26 ACRES, MORE OR LESS.

BENEFICIARY: PERMANENT COMMON SCHOOLS

For a complete legal description of the land, prospective bidders are advised to examine the right of way application file as well as all pertinent files of ASLD.

Said right of way easement has been valued at $15,662.00 and consists of 2.26 acres, more or less.

Additional requirements and conditions of this right of way are available and may be viewed at the Arizona State Land Department, 1616 West Adams Street, Phoenix, Arizona.

The complete file associated with the described land is open to public inspection at the ASLD, 1616 West Adams Street, Phoenix, Arizona, from 8:00 a.m. to 4:30 p.m., exclusive of holidays and weekends. Please direct any questions regarding this Public Auction to the Rights of Way Section of the Real Estate Division of ASLD at (602) 542-4098. This auction notice is available on the ASLD's web site at ***www.azland.gov.***

Each potential bidder must show ASLD's representative a cashier's check made payable to the Arizona State Land Department in the amount specified under Terms of Sale Paragraph (A) below.

TERMS OF SALE:
(A) *At the time of sale* the successful bidder must pay the following by a cashier's check: **(1)** The value of the right of way, which is $15,662.00; **(2)** A Selling and Administrative Fee of 3% of the value of the right of way, which is $469.86; **(3)** Reimbursable Estimated Advertising Fee, which is $2,500.00; **(4)** A Temporary Construction Easement Fee, which is $703.00; and **(5)** A Native Plant Removal Fee, which is $11,253.25. The total amount due at the time of sale is $30,588.11 (less $2,500.00 if the successful bidder is the applicant for a total amount due of $28,088.11).

(B) Within 30 days after the auction date the successful bidder must pay the full balance of the amount bid for the right of way and pay a Selling and Administrative Fee of 3% of the purchase price for the right of way less the amount paid under (A)(2) above.

(C) Within 30 days after the auction date the successful bidder shall be required to pay the actual legal advertising cost, less the amount paid under (A)(3) above.

(D) On the Auction Date, the Successful Bidder shall execute the Rights of Way and complete the ASLD Assignment Application to assign Right of Way No. 16-112195 to Rail X ROW, LLC.

(E) Pursuant to A.R.S. § 37-132(A)(7), this sale is subject to approval by the Board of Appeals.

BIDDING INFORMATION:

(A) The time of sale shall be deemed to be the time of declaration of the highest and best bidder. The bidding will begin at the total value of the right of way. A bid for less than the value of the right of way easement or by a party who has not inspected the right of way and/or the associated files and records of ASLD will not be considered.

(B) All bidders must sign an affidavit stating that they have undertaken due diligence in preparation for the auction and that their representative is authorized to bid and bind the bidder. It is the bidder's responsibility to research the records of local jurisdictions and public agencies regarding this property.

(C) Pursuant to A.R.S. §37-240(B), the successful bidder must be authorized to transact business in the state of Arizona no later than ten (10) business days after the auction. The successful bidder must sign an affidavit stating it is the successful bidder and sign a Certification Statement pursuant to A.R.S. Title 37 and the Rules of ASLD.

(D) If the successful bidder fails to complete the payment as stated in the auction notice together with the additional required fees within 30 days from the auction date, all amounts paid at the time of auction by the successful bidder will be forfeited.

(E) In the event of forfeiture, the ASLD Commissioner may declare that the bid placed before the final bid accepted is the highest bid, and that the bidder has five (5) days after notification by ASLD to pay by cashier's check all amounts due.

GENERAL INFORMATION:
The ASLD may cancel this auction in whole or in part at any time prior to the acceptance of a final bid.

A protest to this sale must be filed within 30 days after the first day of publication of this announcement and in accordance with A.R.S. §37-301.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the ADA Coordinator, at (602) 542-2629. Requests should be made as early as possible to allow time to arrange the accommodation.

James W. Perry
(for) Lisa A. Atkins
Commissioner

3/4/2021
Date