



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 5, 2016

Title: Resolution No. 2016-___ and Quit Claim Deed providing for the vacation and abandonment of a portion of Twin Lakes Drive

Introduction/Background:

The abandonment applicant, Catalina Lutheran Church, an Arizona Non-Profit Corporation, has requested an abandonment of a portion of public road right-of-way known as Twin Lakes Drive lying within Section 9, Township 11 South, Range 14 East, G&SRM, Pima County Arizona. The applicant is the owner of tax parcel 222-21-005C located adjacent to the subject public road right-of-way.

Discussion:

The applicant conveyed the subject public road right-of-way on April 15, 1991, in Docket 9017 at Page 344, at no cost to Pima County (the "County"). County has determined that the subject public road right-of-way is not needed for public use and can be conveyed back to the applicant at no cost, with a waiver of the application fee.

Conclusion:

This abandonment request has been reviewed and approved by appropriate County staff and no properties will be left without public or private legal access. County has determined that the subject road right-of-way is not needed for public use and shall be vacated at no cost to the applicant.

Recommendation:

Staff recommends that the Pima County Board of Supervisors approve and the Chair execute Resolution No. 2016-___ and Quit Claim Deed.

Fiscal Impact:

Pima County will be removed from liability and have no maintenance responsibilities toward this portion of Twin Lakes Drive.

Board of Supervisor District:

1 2 3 4 5 All

Department: Public Works - Real Property Services Telephone: 724-6713

Department Director Signature/Date: [Signature] 12-2-2015

Deputy County Administrator Signature/Date: [Signature] 12/7/15

County Administrator Signature/Date: [Signature] 12/8/15

RESOLUTION NO. 2016 - _____

PIMA COUNTY RESOLUTION FOR THE VACATION OF A PORTION OF TWIN LAKES DRIVE, AS PIMA COUNTY ROAD ABANDONMENT NO. A-0005, LYING WITHIN SECTION 9, TOWNSHIP 11 SOUTH, RANGE 14 EAST, G&SRM, PIMA COUNTY, ARIZONA

The Board of Supervisors of Pima County, Arizona finds:

1. An application has been received by Pima County for the vacation of a portion of public road right-of-way known as Twin Lakes Drive lying within Section 9, Township 11 South, Range 14 East, G&SRM, Pima County, Arizona, more particularly described and depicted in the attached **Exhibit "A"**.
2. Pima County has determined that the subject public road right-of-way is not needed for public use pursuant to A.R.S. §28-7202.
3. The subject public road right-of-way was conveyed on April 15, 1991, in Docket 9017, at Page 344, at no cost to Pima County, by the abutting property owner.
4. Pima County has received an offer to acquire the subject public road right-of-way from the same abutting property owner as defined under A.R.S. §28-7204G.
5. The subject public road right-of-way shall be conveyed back to the abutting property owner at no cost pursuant to A.R.S. §28-7204(D).
6. No land adjoining the subject public road right-of-way will be left without public or private legal access pursuant to A.R.S. §28-7215(A).

NOW, THEREFORE, BE IT RESOLVED,

The subject public road right-of-way described and depicted in **Exhibit "A"** shall be disposed of by vacation to the owner of the abutting land ("Grantee") pursuant to A.R.S. §28-7205, reserving any and all rights-of-way or easements for water, electric, telephone, sewer, gas and similar lines which shall continue as they existed prior to the conveyance and any private rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and persons lawfully conducting business on the land.

That the Chair of the Board of Supervisors is hereby authorized to execute the quit claim deed to the Grantee for the conveyance of the portion of the subject public road right-of-way as described and depicted in **Exhibit "A"**, without compensation, in accordance with A.R.S. §28-7204(D).

That the quit claim deed shall be recorded and that upon recordation of the quit claim deed, subject to the above reservations, the described portion of the subject public road right-of-way shall be deemed to be vacated and title shall vest in the Grantee. Pima County hereby disclaims any right, title, interest or obligation in the described roadway.

BOS Approval: 1/5/16	T11S/R14E/S9	File A-0005	Agent: DH
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Passed and adopted by the Board of Supervisors this ____ day of _____,
2016.

Sharon Bronson, Chair, Pima County Board
of Supervisors

ATTEST:

APPROVED AS TO FORM

Robin Brigode, Clerk of the Board



Tobin Rosen, Deputy County Attorney

Exhibit "A"

TRIMBLE
ENGINEERING, INC.

JOHN B. TRIMBLE, P.E., R.L.S.
Civil Engineer

THOMAS H. TRIMBLE, P.E., R.L.S.
Civil Engineer



LEGAL DESCRIPTION

TWIN LAKES DRIVE - R.O.W. DEDICATION

AT CATALINA LUTHERAN CHURCH

Co DW-90-10

The east 75.00 feet of the following described parcel;

- Engineering
- Planning
- Hydrology
- Site Development
- Landscape Design
- Surveying
- CADD

That certain portion of the South half of the Northwest quarter of the Northeast quarter of Section 9, Township 11 South, Range 14 East, Gila and Salt River Basin and Meridian, Pima County Arizona being described as follows:

COMMENCING at the North quarter corner of said Section 9;

THENCE South 00 degrees, 45 minutes, 40 seconds West, a distance of 1,326.50 feet to a point;

THENCE North 89 degrees, 57 minutes, 13 seconds East, a distance of 310.52 feet to the TRUE POINT OF BEGINNING;

THENCE North 00 degrees, 45 minutes, 40 seconds East, a distance of 331.56 feet to a point;

THENCE North 89 degrees, 57 minutes, 54 seconds East, a distance of 657.35 feet to a point;

THENCE South 00 degrees, 23 minutes, 42 seconds West, a distance of 331.41 feet to a point;

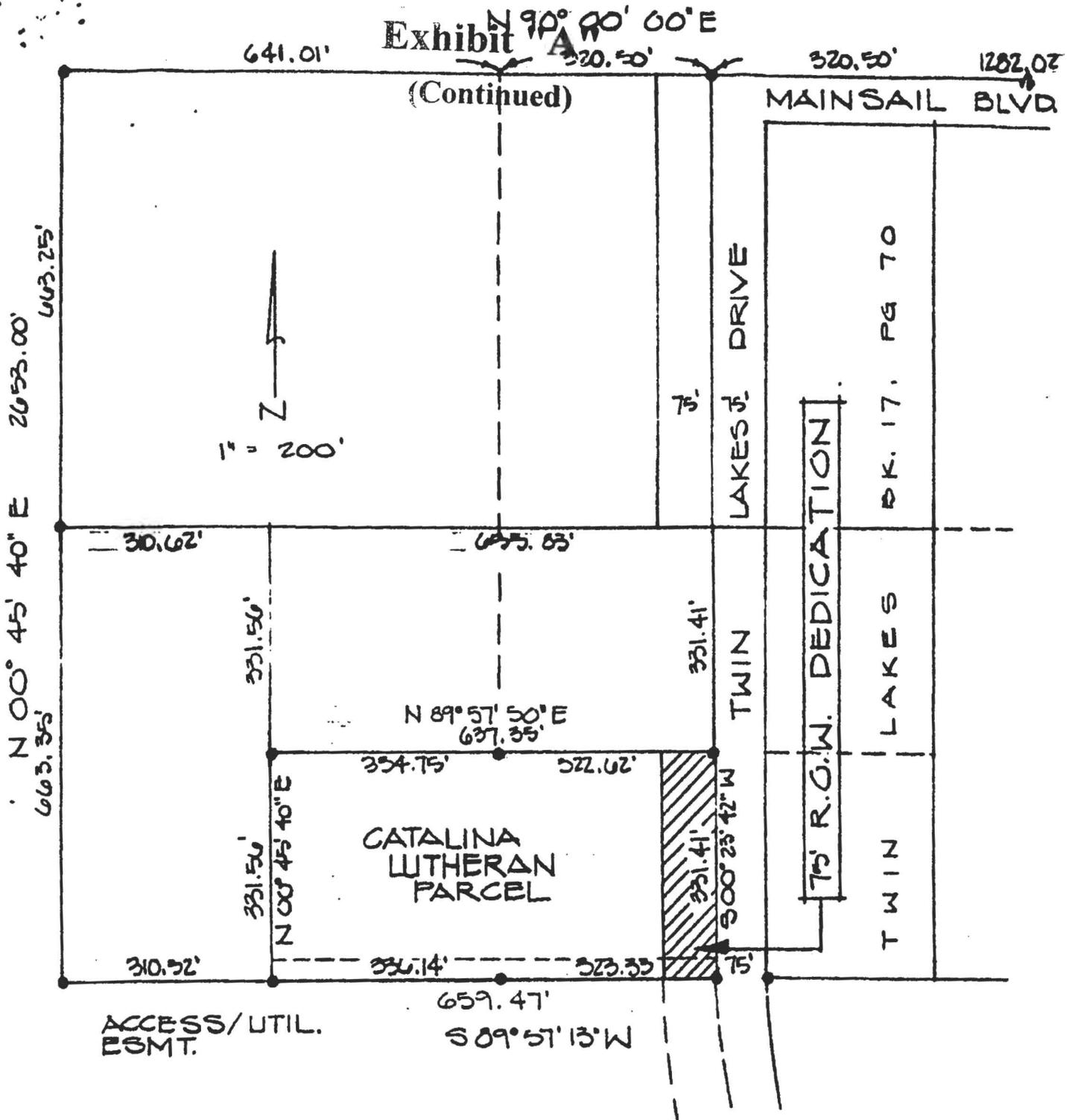
THENCE South 89 degrees, 57 minutes, 13 seconds West, a distance of 659.47 feet to the TRUE POINT OF BEGINNING;

Note: This legal description is based upon boundary survey of 3/19/90, prepared by W. Lynn Hansen Job No. 89-03-68

Ref: TEI Job No. 944-90


1656 North Fifteenth Avenue
Tucson, Arizona 85705
(602) 623-8891

Offices in:
Tucson Phoenix



CATALINA LUTHERAN CHURCH
TWIN LAKES R.G.W. DEDICATION

EXHIBIT "A"
TRIMBLE ENG.
944-90

QUIT CLAIM DEED

For valuable consideration, **Pima County**, a political subdivision of the State of Arizona, Grantor, hereby quit claims to **Catalina Lutheran Church**, an Arizona Non-Profit Corporation, Grantee, all right, title and interest of Grantor in the following described property situate in Pima County, Arizona, together with all rights and privileges appurtenant thereto.

SEE ATTACHED **EXHIBIT "A"** FOR LEGAL DESCRIPTION AND DEPICTION.

RESERVING the rights of all utilities existing at the time of this Abandonment, A-0005, Twin Lakes Drive, and further reserving all rights associated with that Access and Utility Easement recorded in Docket 9017, at Page 341.

Restrictive Covenant:

Restriction. By accepting the Property, the Grantee, for himself, herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the construction, maintenance, or operation of any facilities or structures whatsoever on the Property, the Grantee will not discriminate against any person on the grounds of that person's age, race, creed, color, religion, sex, disability or national origin.

Nature of Restriction. This Restrictive Covenant shall apply in perpetuity and shall run with the Property. The Restriction imposed shall be non-revocable without the written consent of at least 4 of the 5 members of the Pima County Board of Supervisors. The Restriction shall remain in effect notwithstanding any future annexation of any portion of the land by a municipality.

Enforcement of Restriction. Grantor may enforce the terms of this Restrictive Covenant through any available legal or equitable remedy, including but not limited to damages, and injunctive relief requiring the Grantee to cease and desist all activity in violation of this Restrictive Covenant. The failure of Grantor to insist upon the full and complete performance of any of the terms and conditions of this Restrictive Covenant, or to take any action permitted as a result thereof, shall not be construed as a waiver or relinquishment of the right to insist upon full and complete performance of the same, or any other covenant or condition, either in the past or in the future.

Exhibit "A"

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ENGINEERING, INC.

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Civil Engineer

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LEGAL DESCRIPTION

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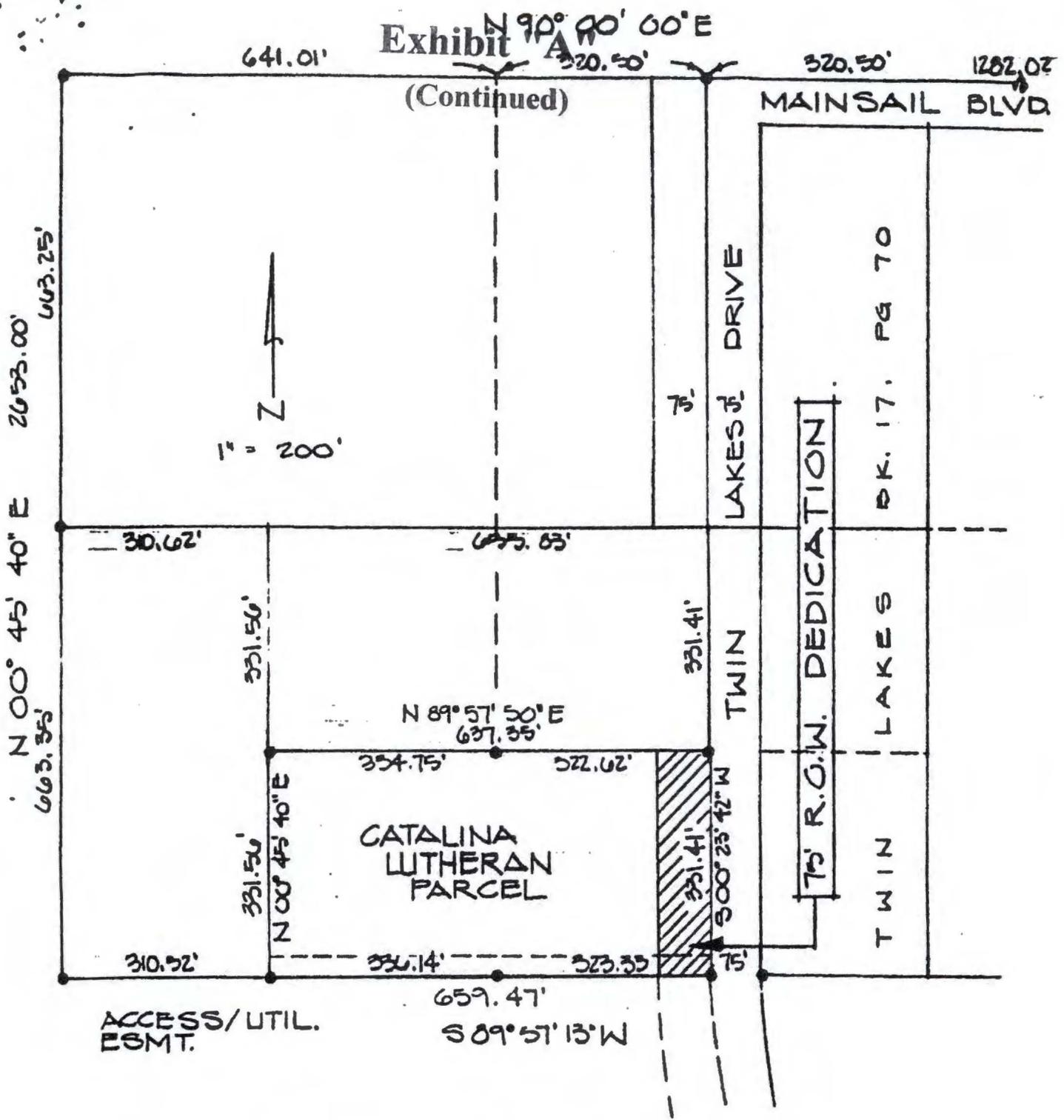
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