



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: August 15, 2016

**Title:** Consent to Easement Encroachment-E0039

**Introduction/Background:**

Thomas D'Amore and Jodi D'Amore, as Trustees of the D'Amore Family Revocable Trust (Owner) own the property located at 6236 N. Zorrela Segundo, Lot 70 Catalina Foothills Estates No 8, a subdivision of Pima County according to map of record in Book 26 of Maps and Plats at page 26 (the "Property"). Owner dedicated an exclusive easement (the "Easement") to Pima County (County) and the Regional Flood Control District (District) across the Property.

**Discussion:**

Owner is encroaching on the Easement and is requesting that County and District consent to the encroachments. The District is requiring the consent before Owner may proceed with improvements on the Property which do not encroach on the Easement.

**Conclusion:**

The Consent of Easement Encroachment has been reviewed and approved by appropriate County and District staff.

**Recommendation:**

Staff recommends that the Pima County Board of Supervisors and the District's Board of Directors execute the Consent to Easement Encroachment.

**Fiscal Impact:**

Owner will maintain the encroachments in a good and safe condition but may not, without written consent of County and District, expand the encroachments.

**Board of Supervisor District:**

1       2       3       4       5       All

Department: Real Property Services

Telephone: 724-6462

Department Director Signature/Date:

*[Signature]* 7-29-16

Deputy County Administrator Signature/Date:

*[Signature]* 8/3/16

County Administrator Signature/Date:

*[Signature]* 8/4/16

WHEN RECORDED RETURN TO:  
PIMA COUNTY REAL PROPERTY SERVICES  
201 N. STONE, 6<sup>TH</sup> FLOOR  
TUCSON, AZ 85701

**DOCUMENT TITLE: Consent to Easement Encroachment**



REAL PROPERTY SERVICES  
201 N. Stone Avenue, Sixth Floor, Tucson, Arizona 85701-1215  
(520) 724-6313 FAX (520) 724-6763

## CONSENT TO EASEMENT ENCROACHMENT

### 1. Background and Purpose.

1.1. Thomas and Jodi D'Amore, as Trustees of the D'Amore Family Revocable Trust ("Owner"), own the property located at 6236 N. Zorrela Segundo, Tucson, AZ (the "Property"), parcel no. 108-09-0990, lot 70 of Catalina Foothills Estates No. 8, subdivision of Pima County, Arizona according to the map of record in Book 26 of Maps and Plats at page 26.

1.2. A portion of the Property (the "Easement Area") is subject to an exclusive easement (the "Easement") in favor of the Pima County ("County") and the Regional Flood Control District (the "District"), recorded in Book 26 of Maps and Plats at page 26 in the records of the Pima County Recorder, and depicted on Exhibit A.

1.3. Owner is encroaching in the Easement Area, and requests that County and District give their consent to the encroachments.

2. Consent to Encroachments. County and District hereby consent to the following encroachments in the Easement Area: a portion of a fence, wall, driveway, and landscaped area, as depicted on Exhibit A (the "Encroachments"). Owner is not required to remove the Encroachments. This consent is limited solely to the existing Encroachments as depicted on Exhibit A.

3. **Maintenance of Encroachments.** Owner shall maintain the Encroachments in a good and safe condition, but may not, without the express, written consent of County and District, expand or improve the encroachments.

4. **Indemnity.** Owner shall indemnify, defend, and hold harmless County and District from any and all present or future claims, demands, causes of action in law or equity caused by the negligent or intentionally wrongful acts of Owner, its officers, agents and/or employees in connection with the construction, maintenance, or use of the Encroachments.

5. **Consent to Run with Land.** This Consent is a covenant that runs with the land.

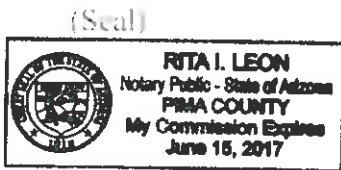
OWNER: Thomas and Jodi D'Amore, as Trustees of the D'Amore Family Revocable Trust

By: Thomas D'Amore Date July 26<sup>th</sup>, 2016  
Thomas D'Amore, Trustee

By: Jodi D'Amore Date July 26, 2016  
Jodi D'Amore, Trustee

STATE OF ARIZONA )  
 ) ss  
COUNTY OF PIMA )

The foregoing instrument was acknowledged before me this 26 day of July, 2016, by James D. Amore and Jodi D'Amore as Trustees of the D'Amore Family Revocable Trust.



Rita I Leon  
Notary Public

**Pima County Regional Flood Control District,**  
a political taxing authority of the State of Arizona:

\_\_\_\_\_  
Chair, Board of Directors  
of the Regional Flood Control District

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Robin Brigode Clerk of the Board of Directors  
of the Regional Flood Control District

Date: \_\_\_\_\_

**PIMA COUNTY**, a body politic and corporate of the State of Arizona:

\_\_\_\_\_  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

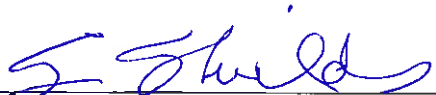
ATTEST:

\_\_\_\_\_  
Robin Brigode, Clerk of Board

\_\_\_\_\_  
Date

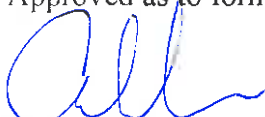
**RECOMMENDED FOR APPROVAL**

By \_\_\_\_\_  
John Bernal  
Deputy County Administrator-Public Works

By:   
Suzanne Shields, Director,  
Pima County Regional flood Control District

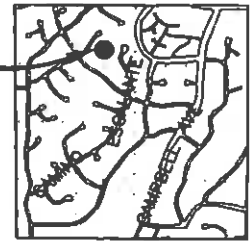
By: \_\_\_\_\_  
Neil Konigsberg, Manager,  
Real Property Services for Pima County

Approved as to form:

  
\_\_\_\_\_  
Andrew L. Flagg  
Deputy County Attorney

SECTION 08  
TOWNSHIP 13 SOUTH  
RANGE 14 EAST

SUBJECT AREA



SECTION 08  
G&SRM  
PIMA COUNTY, ARIZONA

# EXHIBIT 'A'



 PROPERTY ADDRESS  
6236 N ZORRELA SEGUNDO

 EXCLUSIVE EASEMENT  
FOR COUNTY USE



PIMA COUNTY DEPARTMENT OF TRANSPORTATION  
ENGINEERING INFORMATION MANAGEMENT

DRAWING NOT TO SCALE      DRAWN BY: CPEREZ      DATE: 07/20/2016