



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 21, 2017

Title: Resolution No. 2017-____ providing for the vacation and abandonment of a portion of Mesa View Drive and release of a portion of a Roadway Easement. File # A-0020

Introduction/Background:

The abandonment applicants, Bertram S. Falbaum and Margaret M. Houghton Falbaum, as co-Trustees of the Falbaum Family Trust, have requested release of a portion of a roadway easement (the "Easement"), and abandonment of a portion of Mesa View Drive (the "Roadway"), a planned development roadway, as shown on the attached Location Map.

Discussion:

The Roadway and Easement were dedicated to Pima County by plat recorded in 1964. A building was inadvertently constructed in the Easement and Roadway. The actual use of the Easement and Roadway are not impacted by the encroachment.

Conclusion:

The area to be abandoned and released (537 sq. ft.), provides for appropriate setback requirements from the Roadway and has been reviewed and approved by County staff. No property will be left without public or private legal access and existing utility easements will be reserved. The Applicant will not be permitted to construct any additional buildings or structures in the Easement or Roadway. Staff recommends a finding that the subject roadway is not needed for public use.

Recommendation:

Staff recommends approval of Resolution No. 2017-____, providing for vacation and release without compensation. Upon approval, staff will record a Quit Claim Deed and Release of Easement.

Fiscal Impact:

A \$5,000 non-refundable application fee was collected from the applicant. Pima County will be removed from liability and have no maintenance responsibilities for the vacated and released property.

Board of Supervisor District:

1 2 3 4 5 All

Department: Public Works-Real Property Services Telephone: 724-6379

Department Director Signature/Date: [Signature] 3-10-17

Deputy County Administrator Signature/Date: [Signature] 3/13/17

County Administrator Signature/Date: C. Dedrick 3/14/17

LOCATION MAP

SECTION 03
TOWNSHIP 13 SOUTH
RANGE 14 EAST

6696 COCOPAS ROAD



Pima County Public Works Administration
Real Property Services

DRAWING NOT TO SCALE

DATE: March 3, 2017



Area to be vacated- 537 sq. ft.

RESOLUTION NO. 2017 - _____

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
FOR THE VACATION OF A PORTION OF MESA VIEW DRIVE, A
PLANNED DEVELOPMENT ROADWAY AS PIMA COUNTY ROAD
ABANDONMENT NO. A-0020, AND RELEASE OF ROADWAY
EASEMENT, WITHIN SECTION 3, TOWNSHIP 13 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 and release of roadway easement of a portion of Mesa View Drive, a public roadway, in Coronado Foothills Estates, a planned development and subdivision recorded in Book 17, at Page 67, of Maps and Plats, the roadway being more particularly described and depicted in attached **Exhibit "A"** (the "Roadway") and the roadway easement being more particularly described and depicted in attached **Exhibit "B"** (the "Easement").
2. The Roadway and Easement were created by subdivision plat dedication and these excess portions are not needed for public use pursuant to A.R.S. §§ 28-7202, 28-7214, and 28-7215(B).
3. The Roadway and Easement may be disposed of by vacation and release to Bertram S. Falbaum and Margaret M. Houghton Falbaum, as co-trustees under the Falbaum Family Trust dated April 4, 2007, or the successor trustee thereunder ("Grantee") pursuant to A.R.S. § 28-7205, A.R.S. § 28-7214, and A.R.S. § 28-7215(B).
4. Grantee shall not construct any additional building(s) or structure(s) on the property described in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED,

The public roadway and roadway easement described and depicted in **Exhibit "A"** and **Exhibit "B"** will be disposed of by vacation by Quit Claim Deed to Grantee and Release of Easement, without compensation, in accordance with A.R.S. § 28-7205, A.R.S. § 28-7214, and A.R.S. § 28-7215(B), reserving any and all rights-of-way or easements for water, electric, telephone, sewer and similar lines, which shall continue as they existed prior to this conveyance.

Upon recordation of the Quit Claim Deed and Release of Easement, the Roadway shall be deemed to be vacated, title to the Roadway shall vest in the Grantee, and the Easement shall be released.

Passed and adopted, this ____ day of _____, 2017.

Chair, Pima County Board of Supervisors

BOS Approval: 03/21/2017	S3/T13S/R14E	File A-0020	Agent: TM
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ATTEST:

Clerk of the Board

APPROVED AS TO FORM



Deputy County Attorney

ANDREW FLAGG

EXHIBIT A
LEGAL DESCRIPTION

A portion of the southwest one-quarter of Section 3, Township 13 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follow:

A portion of the Mesa View Drive public right of way as dedicated by the Coronado Foothills Estates subdivision plat, on file in Book 17 page 67 of Maps and Plats, records of the Pima County Recorder, said portion is adjacent to Lot 318 of said subdivision plat and more particularly described as follows:

COMMENCING at one-half inch diameter rebar affixed with a tag marked LS 36715 and demarcating the northwest corner of said Lot 318, from which a one-half inch diameter rebar affixed with a tag marked LS 36715 and demarcating the southwest corner thereof bears S 10°03'31" E, a distance of 252.00 feet, said northwest corner is on the arc of a curve, the radius point thereof bears N 10°04'41" W;

THENCE upon the north line of said lot, upon the arc of said curve, to the left, an arc length of 84.19 feet, a radius of 330.00 feet, a central angle of 14°37'01" to a point on a non-tangent reverse curve, said point is demarcated with a one-half inch diameter rebar affixed with a tag marked LS 36715, the radius point of said reverse curve bears S 24°50'34" E;

THENCE continuing upon said north line, upon the arc of said reverse curve, to the right, an arc length of 35.38 feet, a radius of 25.00 feet, a central angle of 81°05'14" to a point on a non-tangent compound curve, said point is on the east line of said lot, said east line is coincident with the west line of the aforesaid public right of way, said point is demarcated with a one-half inch diameter rebar affixed with a an aluminum cap, the radius point of said compound curve bears S 56°25'34" W;

THENCE southerly upon said coincident line, upon the arc of said compound curve, to the right, an arc length of 29.54 feet, a radius of 970.00 feet, a central angle of 01°44'42" to the **POINT OF BEGINNING**;

THENCE leaving said coincident line, upon a line that is 10 feet northwest of and parallel with the northwest face of a building on the aforesaid Lot 318 , N 41°41'33" E, a distance of 4.48 feet;

THENCE upon a line that is 10 feet northeast of and parallel with the northeast face of said building, S 48°18'27" E, a distance of 34.14 feet to a point on a line that is 9 feet southwest of and parallel with the southwest edge of the asphalt pavement of Mesa View Drive, said edge of asphalt pavement is per Book 59 page 53 of surveys, records of the Pima County Recorder;

THENCE upon said parallel line, S 30°51'08" E, a distance of 13.82 feet to a point on a line that is 10 feet southeast of and parallel with the southeast face of said building;

THENCE upon said parallel line, S 41°41'33" W, a distance of 15.67 feet to a point on the aforesaid line coincident with Lot 318 and Mesa View Drive, said point is on the arc of a curve, the radius point thereof bears S 61°06'35" W;

THENCE northerly upon said coincident line, upon the arc of said curve, to the left, an arc length of 49.75 feet, a radius of 970.00 feet, a central angle of 02°56'19" to the **POINT OF BEGINNING**.

SEE THE ATTACHED GRAPHICAL EXHIBIT AND MADE A PART HEREIN



EXPIRES: 03/31/2017



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MESA VIEW DRIVE

COCOPAS ROAD

COMMENCING POINT
 N.W. CORNER OF LOT 318

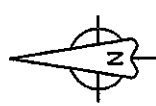
POINT OF BEGINNING

LOT 318

GRAPHICAL EXHIBIT
 PORTION OF MESA VIEW DRIVE
 ADJACENT TO LOT 318
 CORONADO FOOTHILLS ESTATES
 BOOK 17 PAGE 67 MAPS & PLATS

LINE BEARING	DISTANCE
L1 N 41°41'33" E	4.48'
L2 S 48°18'27" E	34.14'
L3 S 30°51'08" E	13.82'
L4 S 41°41'33" W	15.67'

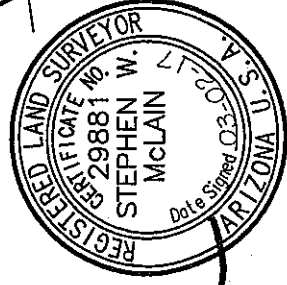
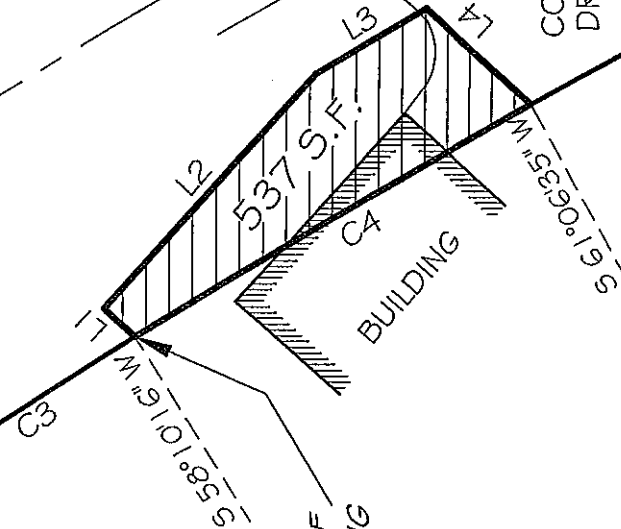
CURVE RADIUS	ARC LENGTH	DELTA ANGLE
C1 330.00'	84.19'	14°37'01"
C2 25.00'	35.38'	81°05'14"
C3 970.00'	29.54'	1°44'42"
C4 970.00'	49.75'	2°56'19"



N 10°04'41" W

S 10°03'31" E
 252.00'

S.W. CORNER
 OF LOT 318



[Handwritten Signature]

EXPIRES 03/31/2017

EXHIBIT "B"
LEGAL DESCRIPTION

A portion of the southwest one-quarter of Section 3, Township 13 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follow:

A portion of the 15 foot wide Roadway Easement as dedicated by the Coronado Foothills Estates subdivision plat, on file in Book 17 page 67 of Maps and Plats, records of the Pima County Recorder, said portion is within Lot 318 of said subdivision plat and more particularly described as follows:

COMMENCING at one-half inch diameter rebar affixed with a tag marked LS 36715 and demarcating the northwest corner of said Lot 318, from which a one-half inch diameter rebar affixed with a tag marked LS 36715 and demarcating the southwest corner thereof bears S 10°03'31" E, a distance of 252.00 feet, said northwest corner is on the arc of a curve, the radius point thereof bears N 10°04'41" W;

THENCE upon the north line of said lot, upon the arc of said curve, to the left, an arc length of 84.19 feet, a radius of 330.00 feet, a central angle of 14°37'01" to a point on a non-tangent reverse curve, said point is demarcated with a one-half inch diameter rebar affixed with a tag marked LS 36715, the radius point of said reverse curve bears S 24°50'34" E;

THENCE continuing upon said north line, upon the arc of said reverse curve, to the right, an arc length of 35.38 feet, a radius of 25.00 feet, a central angle of 81°05'14" to a point on a non-tangent compound curve, said point is on the east line of said lot, said east line is coincident with the west line of the aforesaid public right of way, said point is demarcated with a one-half inch diameter rebar affixed with an aluminum cap, the radius point of said compound curve bears S 56°25'34" W;

THENCE southerly upon said coincident line, upon the arc of said compound curve, to the right, an arc length of 29.54 feet, a radius of 970.00 feet, a central angle of 01°44'42" to the **POINT OF BEGINNING**;

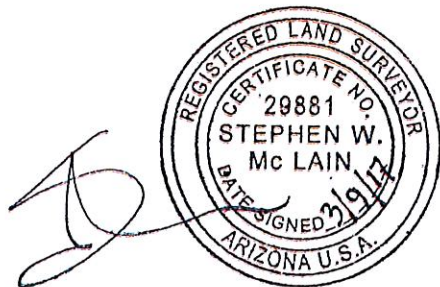
THENCE leaving said coincident line, on a radial line, S 58°10'16" W, a distance of 15.00 feet to a point on the southwestern edge of the aforesaid 15 foot wide Roadway Easement, said point is on the arc of a curve, the radius point of said curve bears S 58°10'16" W;

THENCE southerly upon the arc of said curve, to the right, an arc length of 48.98 feet, a radius of 955.00 feet, a central angle of 02°56'19" ;

THENCE leaving said arc, on a radial line, N 61°06'35" E, a distance of 15.00 feet to a point on the aforesaid coincident line, said point on the arc of a curve, the radius point of said curve bears S 61°06'35" W;

THENCE northerly upon the arc of said curve, to the left, an arc length of 49.75 feet, a radius of 970.00 feet, a central angle of 02°56'19" to the **POINT OF BEGINNING**.

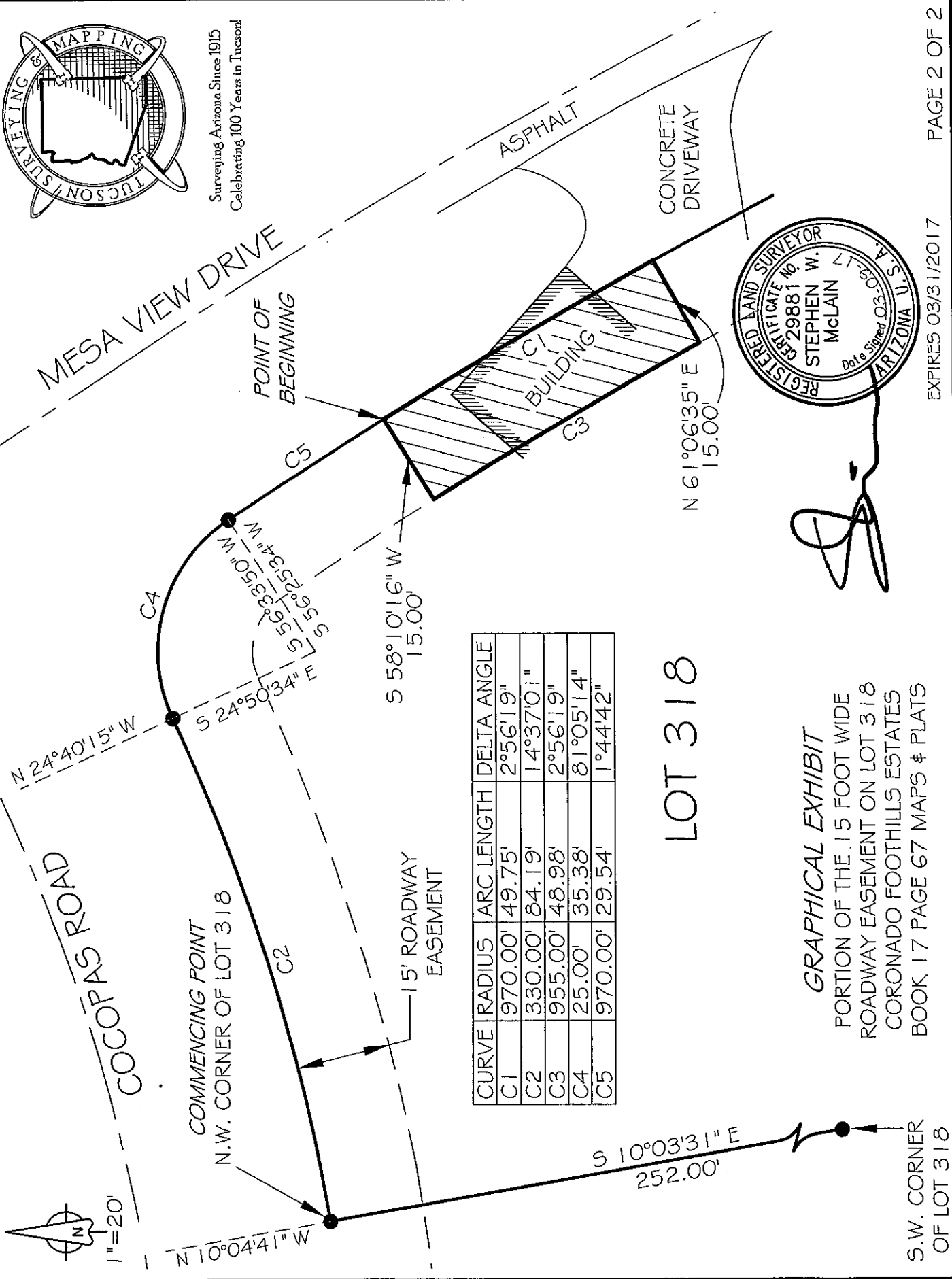
SEE THE ATTACHED GRAPHICAL EXHIBIT AND MADE A PART HEREIN



EXPIRES: 03/31/2017



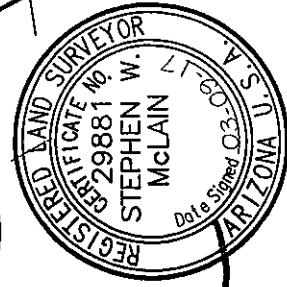
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CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	970.00'	49.75'	2°56'19"
C2	330.00'	84.19'	14°37'01"
C3	955.00'	48.98'	2°56'19"
C4	25.00'	35.38'	81°05'14"
C5	970.00'	29.54'	1°44'42"

LOT 318

GRAPHICAL EXHIBIT
 PORTION OF THE 15 FOOT WIDE
 ROADWAY EASEMENT ON LOT 318
 CORONADO FOOTHILLS ESTATES
 BOOK 17 PAGE 67 MAPS & PLATS



[Handwritten Signature]