



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 8/21/2023

**= Mandatory, information must be provided*

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

Resolution Authorizing the Pima County Board of Supervisors sitting as the Board of Directors for the Pima County Flood Control District ("District") to Condemn; Ruthrauff Gardner Culverts @ UPRR – 5RUPRR

***Introduction/Background:**

District will acquire various real property rights allowing it to construct culverts for the Ruthrauff Gardner Culverts @ UPRR Project.

***Discussion:**

An offer has been presented to L & W Supply for the acquisition of a drainage easement and temporary construction easement at the appraised value. Attempts to come to an agreement with the property owner via telephone, email, in person site visits, and certified mail for the acquisition of the required property and payment of just compensation at the appraised value have been unsuccessful. To keep the project time line the District must proceed with acquiring the needed property by condemnation. / RPS File No. Acq-1017

***Conclusion:**

The Pima County Attorney will be authorized to institute condemnation proceedings to acquire real property interests from L & W Supply for the Project.

***Recommendation:**

Staff recommends approval of the attached Resolution authorizing condemnation.

***Fiscal Impact:**

The real property interests have been appraised at \$128,000.00.

***Board of Supervisor District:**

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Real Property Services

Telephone: 724-6307

Contact: Aaron Mergenthal

Telephone: 724-6307

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____

RESOLUTION NO. 2023- _____

**RESOLUTION OF THE PIMA COUNTY BOARD OF
SUPERVISORS SITTING AS THE BOARD OF DIRECTORS FOR
THE PIMA COUNTY FLOOD CONTROL DISTRICT
AUTHORIZING THE PIMA COUNTY ATTORNEY TO CONDEMN
REAL PROPERTY INTERESTS WHERE NECESSARY FOR THE
RUTHRAUFF GARDNER CULVERTS PROJECT IN SECTION 21
OF TOWNSHIP 13S, RANGE 13E, G&SRM**

The Board of Supervisors, sitting as the Board of Directors for the Pima County Flood Control District, Pima County, Arizona, finds:

1. Pima County Flood Control District ("District") plans to construct Drainage Culverts (the "Project") located in Section 21 OF TOWNSHIP 13 SOUTH, RANGE 13 EAST, G&SRM, for the use and benefit of the public; and
2. The Board of Supervisors of Pima County sitting as the Board of Directors for the District finds it is necessary to exercise its powers of eminent domain, pursuant to A.R.S. § 12-1111 and A.R.S. § 48-3603, to acquire interests in the real property as described in attached **Exhibit A**, and depicted in **Exhibit A-1** and a temporary construction easement depicted by attached **Exhibit B** in order to construct the Project;

NOW, THEREFORE, BE IT RESOLVED that the Pima County Attorney be and is hereby authorized to institute condemnation proceedings to acquire the above described real property interests necessary for the Project, in the event that the property interests cannot otherwise be acquired in a timely manner.

Passed and adopted, this this _____ day of _____, 2023.

Adelita Grijalva, Chair
Pima County Board of Directors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board of Supervisors

 07/19/2023

Rachelle Barr, Deputy County Attorney

Board of Supervisors Approval: 8/21/23		S1/T12S/R12E
Agent: AM	File #: Acq-1017	Project Code #:5RUPRR

22 February 2023

EXHIBIT "A"
LEGAL DESCRIPTION

A portion of that parcel described in Docket 7368 at Page 1094, recorded in the office of the Pima County Recorder, Arizona, being located in the Southeast Quarter of Section 21, Township 13 South, Range 13 East, Gila & Salt River Meridian, more particularly described as follows:

COMMENCING at a found 1-5/8" lead capped pipe at the Southeast corner of Section 21, from which a found 2" brass capped survey monument at the East Quarter corner of Section 21 bears North 01°22'11" West, a distance of 2641.09 feet;

THENCE along the east line of said Section 21, and the centerline of La Cholla Blvd., North 01°22'11" West, a distance of 700.27 feet;

THENCE South 89°07'55" West, a distance of 74.97 feet to a found 1/2" rebar at the intersection of the west right-of-way line of said La Cholla Blvd. and the north right-of-way line of Gardner Lane;

THENCE along said north right-of-way line South 89°07'55" West, a distance of 1412.87 feet to a point on the south line of said parcel described in Docket 7368 at Page 1094, and the **POINT OF BEGINNING**;

THENCE continuing along the south line of said parcel, South 89°07'55" West, a distance of 340.66 feet to east line of the Union Pacific Railroad;

THENCE along the east line of the Union Pacific Railroad, North 35°47'38" West, a distance of 50.35 feet;

THENCE leaving said east line of the Union Pacific Railroad, North 54°19'49" East, a distance of 18.00 feet;

THENCE South 58°10'10" East, a distance of 73.22 feet to a point on a line 12.00 feet north of and parallel with the north right-of-way line of Gardner Lane;

THENCE along said parallel line, North 89°07'55" East, a distance of 293.09 feet;

THENCE South 00°52'05" East, a distance of 12.00 feet to the **POINT OF BEGINNING**;



EXHIBIT A-1

Sheet 3 of 3

22 February 2023

EXHIBIT B

LEGAL DESCRIPTION

A portion of that parcel described in Docket 7368 at Page 1094, recorded in the office of the Pima County Recorder, Arizona, being located in the Southeast Quarter of Section 21, Township 13 South, Range 13 East, Gila & Salt River Meridian, more particularly described as follows:

COMMENCING at a found 1-5/8" lead capped pipe at the Southeast corner of Section 21, from which a found 2" brass capped survey monument at the East Quarter corner of Section 21 bears North 01°22'11" West, a distance of 2641.09 feet;

THENCE along the east line of said Section 21, and the centerline of La Cholla Blvd., North 01°22'11" West, a distance of 700.27 feet;

THENCE South 89°07'55" West, a distance of 74.97 feet to a found 1/2" rebar at the intersection of the west right-of-way line of said La Cholla Blvd. and the north right-of-way line of Gardner Lane;

THENCE along said north right-of-way line South 89°07'55" West, a distance of 1676.37 feet to a point on the south line of said parcel described in Docket 7368 at Page 1094;

THENCE North 00°36'29" West, a distance of 12.00 feet to a point on a line 12.00 feet north of and parallel with the south line of said parcel;

THENCE along said parallel line, South 89°07'55" West, a distance of 29.65 feet;

THENCE North 58°10'10" West, a distance of 73.22 feet;

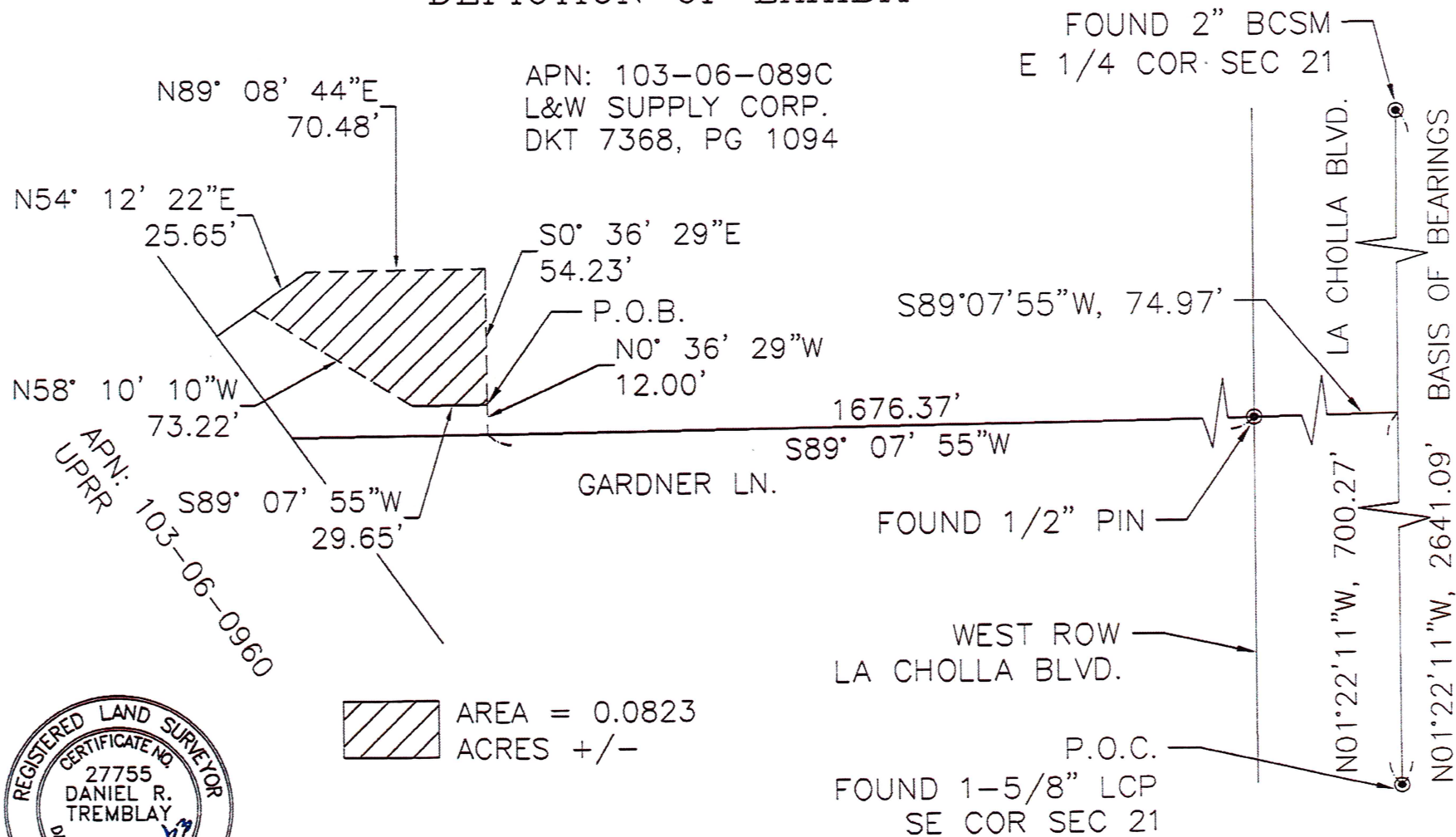
THENCE North 54°12'22" East, a distance of 25.65 feet;

THENCE North 89°08'44" East, a distance of 70.48 feet;

THENCE South 00°36'29" East, a distance of 54.23 feet **POINT OF BEGINNING**;



DEPICTION OF EXHIBIT



PIMA COUNTY SURVEY

A PORTION OF PARCEL RECORDED IN DOCKET 7368 PAGE 1094
LOCATED IN SECTION 21, TOWNSHIP 13 SOUTH, RANGE 13 EAST,
GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA