



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 7, 2018

Title: Approval to direct staff to proceed with abandonment of all public roads in Tucson Country Club Estates (TCCE). (File # A-0016)

Introduction/Background:

The TCCE Home Owner's Association (the "HOA") requests Board direction to abandon all public roads in TCCE (the "TCCE Roads"). A map of the TCCE Roads is attached.

Discussion:

TCCE includes lots in the Tucson Country Club Estates 1, 2, 3, and Sunset North subdivisions, as well as lots that are not in a subdivision (collectively the "Abutting Properties"). The HOA consists of all of the lot owners in the subdivisions, except that membership in the HOA is voluntary for Tucson Country Club Estates 3. Owners of lots not in a subdivision may join the HOA on a voluntary basis. The HOA has submitted an application to abandon by sale the TCCE Roads. The HOA has obtained consent for the abandonment from a majority of the owners of the real property that abuts the roads to be abandoned, as required by ARS 28-6701(C). The HOA intends to acquire the TCCE Roads, and to provide a limited entry access point manned 24 hours per day at the existing welcome center. If the HOA is the successful bidder, it will assume all obligation for maintenance and repair of the TCCE Roads, and non-members of the HOA will not be subject to assessments for the use or maintenance of the TCCE Roads.

Conclusion:

Staff requests that the Board direct them to proceed with abandoning the roads by sale under A.R.S. 28-7204, but reserving for the Abutting Properties the right to use the TCCE Roads, and subject to the purchaser agreeing to repair and maintain the roads in perpetuity. If so directed staff will hold the sale after providing the notices required by A.R.S. Sections 28-6701(C) and 28-7204(C).

Recommendation:

It is recommended that Board direct staff to proceed with the process to sell the TCCE Roads, and return to the Board for final approval of the sale.

Fiscal Impact:

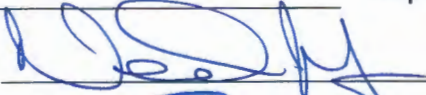
N/A

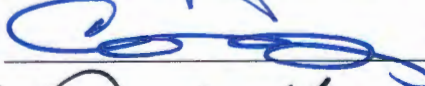
Board of Supervisor District:

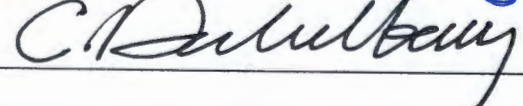
1 2 3 4 5 All

Department: Public Works-Real Property Services Telephone: 724-6309

Contact: Neil Konigsberg Telephone: 724-6582

Department Director Signature/Date:  7/6/2018

Deputy County Administrator Signature/Date:  7/10/18

County Administrator Signature / Date:  7/17/18

RESOLUTION NO. 2018 - _____

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
DIRECTING COUNTY STAFF TO PROCEED WITH ABANDONING
BY SALE ALL PUBLIC ROADS WITHIN TUCSON COUNTRY CLUB
ESTATES NO's. 1, 2 and 3, AND SUNSET NORTH SUBDIVISIONS,
AND A PORTION OF CAMINO PRINCIPAL LOCATED WITHIN EL
PRINCIPAL (THE "SUBDIVISIONS")**

The Board of Supervisors of Pima County, Arizona finds:

- A. An application has been received by Pima County for the abandonment by sale of all public right-of-way in the above-referenced Subdivisions, said roadways being more particularly described and depicted in attached **Exhibit "A"** (the "Roadways").
- B. The County has determined that the Roadways have no public use nor market value pursuant to A.R.S. §§ 28-6701 and 28-7215(B), provided that the right to use the Roadways is reserved for the benefit of all abutting parcels of real property and provisions are made for maintenance and repair.

NOW, THEREFORE, BE IT RESOLVED,

- 1. Real Property Services staff are hereby directed to proceed with the abandonment of the Roadways by sale under A.R.S. §§ 28-7204 and 28-7215(B).
- 2. The Roadways will be conveyed subject to (1) a reserved ingress/egress and utility easement appurtenant to each parcel of real property abutting the Roadways, whether or not the parcel is within one of the Subdivisions, for the benefit of the owners, guests and invitees of the owners, public or emergency vehicles, and any other persons lawfully accessing the parcels; (2) reserved easements for any utilities that have facilities within the Roadways; and (3) a binding agreement by the grantee, as the owner of the servient estate subject to the reserved easements, to maintain and repair the Roadways in perpetuity for the benefit of the dominant estates.

Passed and adopted, this ____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM

Clerk of the Board

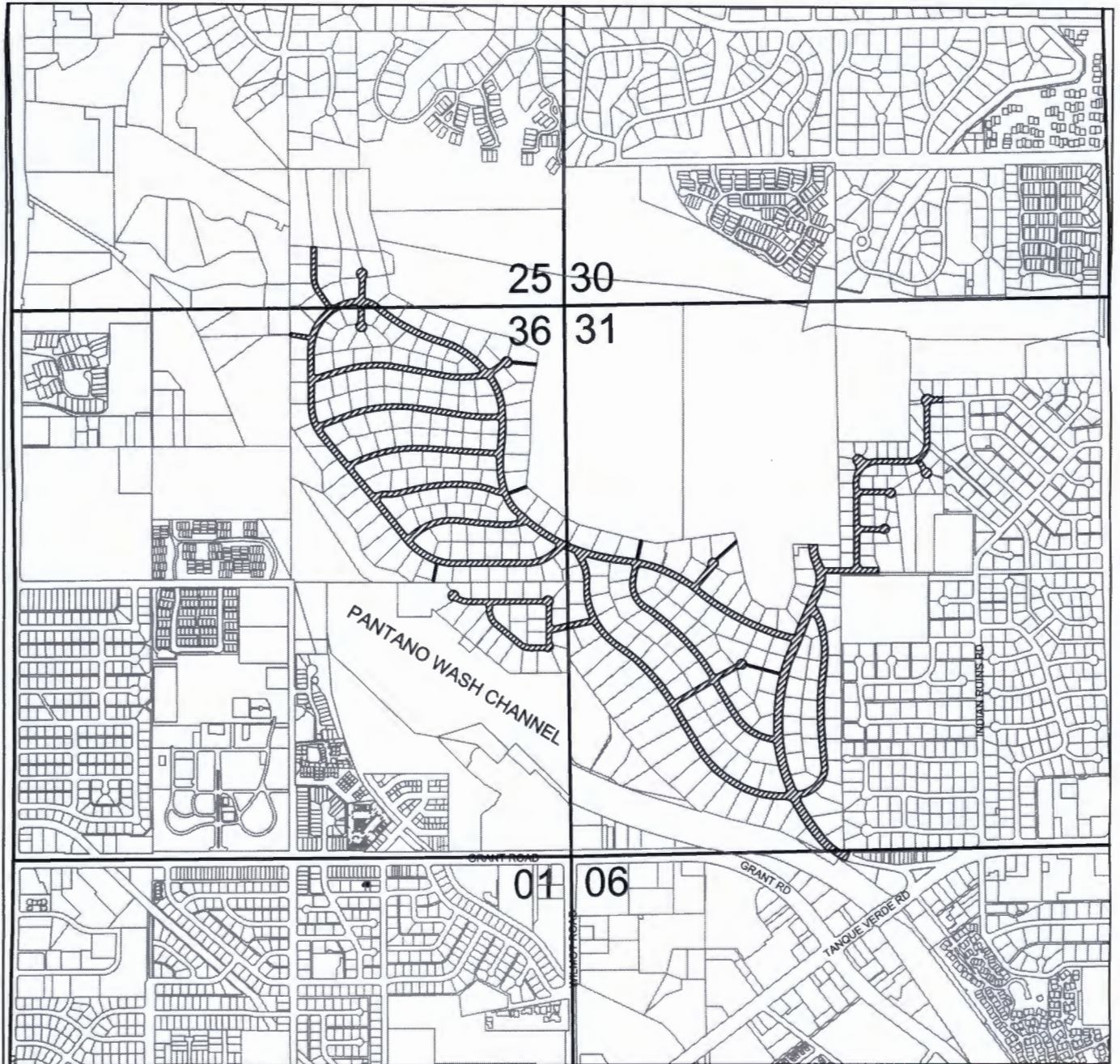
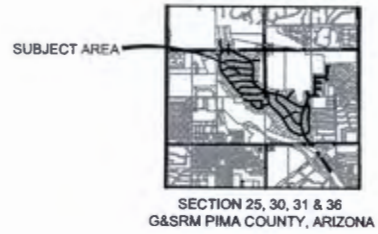




Deputy County Attorney

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| BOS Approval: 08/07/2018 | S/T/R: 06/14/15, 25/13/14, 31/15/13, 36/13/14 | File A-0016 | Agent: TM |
|--------------------------|---|-------------|-----------|

LOCATION MAP

SECTION 31
TOWNSHIP 13 SOUTH
RANGE 15 EAST



-  TUCSON COUNTRY CLUB ESTATES RIGHTS OF WAY
-  WALKWAYS



PIMA COUNTY DEPARTMENT OF TRANSPORTATION
ENGINEERING INFORMATION MANAGEMENT

DRAWING NOT TO SCALE

DRAWN BY: SBUTLER

DATE: MAY 2018