



Contract Number: CT-PW-13\*416-01  
Effective Date : 11-19-13  
Term Date : 05-19-2014  
Cost : 0  
Revenue : 0  
Total : 0 NTE: 0  
Action  
Renewal By : 03-01-2014  
Term : 05-19-2014  
Reviewed by: VB

## **BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

*Requested Board Meeting Date: November 19, 2013 Addendum*

### **ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:**

On November 20, 2012, the Pima County Board of Supervisors ("BOS") approved an Exchange Agreement between Pima County ("County") and Oracle Ridge Mining, LLC, an Arizona Limited Liability Company ("ORM") pursuant to which ORM conveyed approximately 476 acres of open space fee land to County, together with all wells and water rights which are appurtenant to the Property, and a 7,800 acre State Grazing Lease (collectively, the "ORM Property"). In exchange, the County conveyed approximately 133 acres of undeveloped land (the "County Property") to ORM.

ORM purchased the ORM Property from Jack and Lois Kelly ("Kelly") for \$1.7 million in a transaction which closed immediately prior to the Closing of the subject exchange transaction. ORM paid Kelly \$1.0 million at Closing, and gave Kelly a Note and Deed of Trust for \$700,000, secured by the ORM Property. ORM also gave County a Performance Deed of Trust on the County Property in order to secure ORM's final payment of the Note and Deed of Trust to Kelly. The subject Note was due one year from Closing. Stewart Title has advised County that ORM has in fact paid the Kelly Note in full, as of November 8, 2013. County is now legally obligated to release ORM from the Performance Deed of Trust, ORM having fully performed its obligations thereunder.

A Deed of Release and Reconveyance of County's beneficial interest in the subject Performance Deed of Trust has been prepared for execution by the Chairman of the Board and is submitted herewith for execution. Once the Deed of Release is executed by the Board, it will be recorded in the office of the Pima County Recorder.

**STAFF RECOMMENDATION(S):** *Staff recommends that the BOS approve and authorize the Chairman to execute the Deed of Release and Reconveyance of the ORM Performance Deed of Trust.*

To CHA 11-13-13  
COB 11-13-13  
Agenda 11-19-13 (1)  
Addendum

PIMA COUNTY COST: \$ -0- and/or REVENUE TO PIMA COUNTY: \$ -0-

FUNDING SOURCE(S): N/A

(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

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YES

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NO

**Board of Supervisors District:**

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All

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**IMPACT:**

**IF APPROVED:** County will execute and record a Deed of Release and Reconveyance of the ORM Performance Deed of Trust, as legally obligated to do, since ORM has fully performed its payment obligations under the Kelly Note and Deed of Trust.

**IF DENIED:** County will not execute and record a Deed of Release and Reconveyance of the ORM Performance Deed of Trust, as legally obligated to do, since ORM has fully performed its payment obligations under the Kelly Note and Deed of Trust.

DEPARTMENT NAME:

Real Property Services

CONTACT PERSON: Michael D. Stofko

TELEPHONE NO.: 520-740-6667



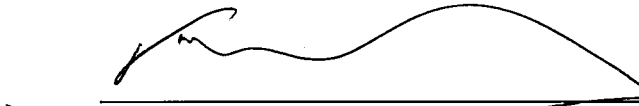
APPROVED AS TO CONTENT:



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Neil J. Konigsberg, Manager, Real Property Services

APPROVED AS TO FORM:



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Tobin Rosen, Deputy County Attorney

**Exhibit A**

**Parcel 1:**

**Roosevelt, Way-Up, Homestake, Lone Pine, Imperial and Hidden Treasure Lode Mining Claims in the Old Hat Mining District, being shown on Mineral Survey No. 2871, on file in the Bureau of Land Management, as granted by Patent recorded in Book 28 of Deeds of Mines, page 64, records of Pima County, Arizona.**

**Parcel 2:**

**Eagle, York, Copper Peak and Golden Peak No. 2 Lode Mining Claims in the Old Hat Mining District, being shown on Mineral Survey No. 3017, on file in the Bureau of Land Management, as granted by Patent recorded in Book 28 of Deeds of Mines, page 471, records of Pima County, Arizona.**

**Parcel 3:**

**Grand Central Lode Mining Claim in the Old Hat Mining District, being shown on Mineral Survey No. 3054, on file in the Bureau of Land Management, as granted by Patent recorded in Book 28 of Deeds of Mines, page 324, records of Pima County, Arizona;**

**Except all that portion embraced in Eagle Lode Claim, Survey No. 3017, and Roosevelt Lode Claim, Survey No. 2871, and also all that portion of the Grand Central Vein or Lode, and of all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded ground, Survey No. 3054, extending 1,237.9 feet in length along said Grand Central Vein or lode, as set forth in said Patent.**

**Parcel 4:**

**Tunnel Site, Major McKinley, Marble Peak, Wedge, Giant, Copper Head, Centennial, General R. E. Lee and Blizzard Lode Mining Claims in the Old Hat Mining District, being shown on Mineral Survey Nos. 3056 A & B, on file in the Bureau of Land Management, as granted by Patent recorded in Book 28 of Deeds of Mines, page 76, records of Pima County, Arizona.**

**Parcel 5:**

**Oversight Lode Mining Claim in the Old Hat Mining District, being shown on Mineral Survey No. 3461, on file in the Bureau of Land Management, as granted by Patent recorded in Book 30 of Deeds of Mines, page 106, records of Pima County, Arizona;**

**Except all that portion embraced in Survey No. 3056, and also that portion of the Oversight Vein or Lode, and also all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded portion, as set forth in said Patent.**

**Parcel 6:**

**Daily No. 3, Daily No. 5, Sphinx, Roskrug, Calumet, Edith, Daily Extension, Cave, Wedge No. 3, Wedge No. 2 and Katherine Lode Mining Claim in the Old Hat Mining District, being shown on Mineral Survey No. 3499, on file in the Bureau of Land Management, as granted by Patent recorded in Book 34 of Deeds of Mines, page 28, records of Pima County, Arizona;**

**Except all that portion embraced in Survey No. 3461, in Major McKinley, Wedge and Marble Peak Lode Claims, in Survey No. 3056; in Hidden Treasure and Imperial Lode Claims, Survey No. 2871; and in Epidote**

Lode Claim, and also all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded portion, as set forth in said Patent.

**Parcel 7:**

Copper Princess, Apache Central and Daily Tunnel Site Patented Lode Mining Claims in the Old Hat Mining District, being shown on Mineral Survey No. 3500, on file in the Bureau of Land Management, as granted by Patent recorded in Book 34 of Deeds of Mines, page 25, records of Pima County, Arizona;

Except all that portion embraced in Golden Peak No. 2 Lode Claim Survey No. 3017, and also all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded portion, as set forth in said Patent.

**Parcel 8:**

Oversight Lode Mining Claim in the Old Hat Mining District, being shown on Mineral Survey No. 3504, on file in the Bureau of Land Management, as granted by Patent recorded in Book 30 of Deeds of Mines, page 335, records of Pima County, Arizona;

Except all that portion embraced in Survey No. 2871, and also that portion of the Oversight Vein or Lode, and also all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded portion, as set forth in said Patent.

**Parcel 9:**

Apex, Alabama, Bornite, Contact, Cuprite, Epidote, Embersite, Garnet, Over the Top, Yellow Copper, Valley, Apex No. 2, Keeney and Wilson Lode Mining Claims in the Old Hat Mining District, being shown on Mineral Survey No. 3679, on file in the Bureau of Land Management, as granted by Patent recorded in Book 30 of Deeds of Mines, page 253, records of Pima County, Arizona;

Except all that portion embraced in Giant, Copper Head and Centennial (sic) Lode Claims, Survey No. 3056, and all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded portion, as set forth in said Patent.

**Parcel 10:**

Chalcopyrite and Peacock Lode Mining Claims in the Old Hat Mining District, being shown on Mineral Survey No. 3874, on file in the Bureau of Land Management, as granted by Patent recorded in Book 34 of Deeds of Mines, page 35, records of Pima County, Arizona;

Except all that portion embraced in Survey No. 3017, and in Major McKinley and Tunnel Site Lode Claims, Survey No. 3056, and all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded portion, as set forth in said Patent.

**Parcel 11:**

Daily Extension No. 2, Daily Extension No. 3 and Daily Extension No. 4 Lode Mining Claims in the Old Hat Mining District, being shown on Mineral Survey No. 4768, on file in the Bureau of Land Management, as granted by Patent recorded in Docket 5589, Page 610, records of Pima County, Arizona;

Except all that portion embraced in Imperial, Lone Pine and Homestake Lode Claims, Survey No. 2871, and in Daily Extension and Cave Lode Claims, Survey No. 3499, and also all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded portion, as set forth in said Patent.

**Parcel 12:**

H T Fraction Lode Mining Claim in the Old Hat Mining District, being shown on Mineral Survey No. 4769, on file in the Bureau of Land Management, as granted by Patent recorded in Docket 5589, Page 630, records of Pima County, Arizona;

Except all that portion embraced in Hidden Treasure Lode Claim, Survey No. 2871, and in Daily No. 3 and Daily Extension Lode Claims, Survey No. 3499, and also all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded portion, as set forth in said Patent.

**Parcel 13:**

Turkey Lode Mining Claim in the Old Hat Mining District, being shown on Mineral Survey No. 4770, on file in the Bureau of Land Management, as granted by Patent recorded in Docket 5589, Page 644, records of Pima County, Arizona;

Except all that portion embraced in Hidden Treasure and Roosevelt Lode Claims, Survey No. 2871; Grand Central Lode Claim, Survey No. 3054; Daily No. 3 Lode Claim, Survey No. 3499; Oversight Lode Claim, Survey No. 3504 and in the H T Fraction Lode Claim, Survey No. 4769, and also all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded portion, as set forth in said Patent.

**Parcel 14:**

A non-exclusive easement for roadway, water pipeline (including booster stations), gas pipeline and power and transmission lines, as created in instrument recorded in Docket 5193, Page 745, records of Pima County, Arizona, over a strip of land, not to exceed 200 feet in width, in Section 13, Township 11 South, Range 16 East, Gila and Salt River Meridian, as said strip is shown in Appendix A to said instrument.

**Parcel 15:**

**INTENTIONALLY DELETED**

**Parcel 16:**

The Southeast quarter of the Southeast quarter of the Southwest quarter And the South half of the Southwest quarter of the Southeast quarter of the Southwest quarter of Section 11, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona. Together With the North half of the Northwest quarter And the North half of the South half of the Northwest quarter of Section 14, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona.

EXCEPTING therefrom the South 4.00 feet of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 14, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona.

(jv arbs: Sect 11 Arbs 4 & 5; Sect. 14 Port. Arb 2)

**Parcel 17:**

The Southeast quarter of the Southeast quarter of the Northwest quarter of Section 14, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona.

Together with the South 4.00 feet of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 14, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona.

(jv arb: Port Arb 2)

**Parcel 18:**

The West half of the Northeast quarter of Section 14, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona.

(jv arb: Port Arb: 2)

**Parcel 19:**

The East half of the Northeast quarter of Section 14, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona.

(jv arb: Port Arb: 2)

**Parcel 20:**

The Southwest quarter of the Southwest quarter of Section 12, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona, Together with the following described Parcel:

That portion of Lot 4, Section 13 Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona described as follows:

**BEGINNING** at a point which is the Northwest corner of said Section;

**THENCE** Easterly along the North line of said Section, a distance of 656.7 feet to a point;

**THENCE** Southerly along a line parallel to and 656.7 feet East of the West line of said Section, a distance of 636.57 feet to a point;

**THENCE** Westerly along a line parallel to and 636.57 feet South of the North line of said Section to a point on the West line of said Section;

**THENCE** Northerly along the West line of said Section to the **POINT OF BEGINNING**.

(jv arb: Sect 12 Arb: 2 & Section 13 Arb: 3)

**Parcel 21:**

A non-exclusive easement for roadway, as created in instrument recorded in Docket 5193, Page 748, records of Pima County, Arizona, over a strip of land, not to exceed 200 feet in width, in the South half of the South half of Section 2, and the North half of the Northwest quarter of Section 12, and the West half of Section 11, Township 11 South, Range 16 East, Gila and Salt River Base and Meridian, Pima County, Arizona, as said strip is shown on Appendix A attached to said instrument.

**Parcel 22:**

All of Cochise Patented Mining Claim, Mineral Survey No. 4274, being a portion of Section 15, Township 11 South, Range 16 East, of the Gila and Salt River Meridian, Pima County, Arizona.

**EXCEPT** any interest in and to all mineral rights whatsoever kind and nature contained therein.

**Parcel 23:**

Surface rights to the Apache Central and Copper Princess Claims, as the surface is described in U.S. Patent No. 813339;



Golden Peak No. 2 Claim, as the surface is described in U.S. Patent No. 601986; Oversight Claim, as the surface is described in U.S. Patent No. 942531; portions of Copper Peak and York Claims, as the surface is described in U.S. Patent No. 601986; and portions of the Sphinx and Daily No. 5 Claims, as the surface is described in U.S. Patent No. 921658, excluding those certain surface rights contained in instrument recorded in Docket 12499, page 2321, records of Pima County, Arizona.

**All that portion of Parcels 24 and 25 lying within the following mining claims:**

Apache Patented Lode Mining Claim, in Old Hat Mining District, being shown on U.S. Minerals Survey No. 4274, on file in the Arizona State Office of the Bureau of Land Management, as granted by Patent recorded in Book 34 of Deeds of Mines, at page 391, Pima County Recorder's Office.

Maricopa Patented Lode Mining Claim, in Old Hat Mining District, being shown on U.S. Minerals Survey No. 4274, on file in the Arizona State Office of the Bureau of Land Management, as granted by Patent recorded in Book 34 of Deeds of Mines, at page 391, Pima County Recorder's Office.

Yavapai Patented Lode Mining Claim, in Old Hat Mining District, being shown on U.S. Minerals Survey No. 4274, on file in the Arizona State Office of the Bureau of Land Management, as granted by Patent recorded in Book 34 of Deeds of Mines, at page 391, Pima County Recorder's Office.

Buster Patented Lode Mining Claim, in Old Hat Mining District, being shown on U.S. Minerals Survey No. 4274, on file in the Arizona State Office of the Bureau of Land Management, as granted by Patent recorded in Book 34 of Deeds of Mines, at page 391, Pima County Recorder's Office.

Major Patented Lode Mining Claim, in Old Hat Mining District, being shown on U.S. Minerals Survey No. 4364, on file in the Arizona State Office of the Bureau of Land Management, as granted by Patent recorded in Docket 620, page 352, Pima County Recorder's Office.

Greenlee Patented Lode Mining Claim, in Old Hat Mining District, being shown on U.S. Minerals Survey No. 4364, on file in the Arizona State Office of the Bureau of Land Management, as granted by Patent recorded in Docket 620, page 338, Pima County Recorder's Office.

**ALL LOCATED WITHIN SECTION 15, TOWNSHIP 11 SOUTH, RANGE 16 EAST, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:**

**Parcel 24:**

Beginning at the most northerly corner of Yavapai claim, a 3 ¼ " aluminum capped pipe stamped "US Dept of Agriculture" with associated identifying claim markings, to which the most easterly corner of said Yavapai claim, a 12" by 12" limestone with "X" marked bears South 58 degrees 26 minutes 20 seconds East, a distance of 1507.63 feet, said line being the Basis of Bearing as established from the Arizona coordinate System, 1983 (HARN92), Central Zone 0202;

Thence along said northeast line of Yavapai claim South 58 degrees 26 minutes 20 seconds East, a distance of 1507.63 feet to said easterly corner;

Thence South 82 degrees 48 minutes 28 seconds West, a distance of 1927.36 feet to the most westerly corner of Buster mining claim, a 3 ¼" aluminum capped pipe stamped "US Dept of Agriculture" with associated identifying claim markings;

Thence along the westerly line of Buster claim North 31 degrees 18 minutes 50 seconds East a distance of 599.63 feet to the westerly corner common to Buster claim and Yavapai claim, a granite stone with a chiseled "X" and identifying claim markings;

Thence along the westerly line of said Yavapai claim North 31 degrees 22 minutes 24 seconds East a distance of 606.85 feet to the POINT OF BEGINNING .

**Parcel 25:**

Beginning at the most easterly corner of Greenlee mining claim, a 2 ¼" Brass capped pipe stamped "lg.4364, to which the

most northerly corner of said Greenlee claim, a 2 ½" Brass capped pipe stamped "4-G 4364" bears North 58 degrees 54 minutes 25 seconds West a distance of 1495.81 feet;

Thence South 76 degrees 09 minutes 53 seconds West a distance of 2121.85 feet to the midpoint of the westerly line of the Maricopa mining claim, a ½" rebar tagged "RLS 29873";

Thence along the line common to said Maricopa claim and the Cochise claim, North 31 degrees 08 minutes 15 seconds East, a distance of 301.06 feet to the corner common to Maricopa, Apache, Major and Cochise claims, a 27" by 14" by 9" stone with a chiseled "X" and identifying claim markings;

Thence along the line common to said Major and Cochise claims North 58 degrees 41 minutes 04 seconds West, a distance of 752.49 feet;

Thence North 82 degrees 47 minutes 41 seconds East, a distance of 961.34 feet to the corner common to said Major, Apache and Greenlee claims, a 10" by 6" stone with a chiseled "X" and identifying claim markings;

Thence North 82 degrees 34 minutes 23 seconds East a distance of 961.35 feet to a point on the northerly line of said Greenlee claim;

Thence along said northerly line South 58 degrees 54 minutes 25 seconds East a distance of 747.90 feet to the POINT OF BEGINNING .

**Parcel 26:**

All that portion of Lots 3 and 4 of Section 1, Township 11 South, Range 17 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

All of Lot 4 of said Section 1, and

The West 200.00 feet of Lot 3 of said Section 1.

**Parcel 27:**

Holly Terror Patented Lode Mining Claim, in Old Hat Mining District, being shown on U.S. Mineral Survey No. 3501 on file in the Arizona State Office of the Bureau of Land Management, as granted by Patent recorded in Docket 1137, at page 150, Pima County Recorder's Office, located within Section 16, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona .

**Parcel 28:**

Precious Metals Patented Lode Mining Claim, in Old Hat Mining District, being shown on U.S. Mineral Survey No. 3501 on file in the Arizona State Office of the Bureau of Land Management, as granted by Patent recorded in Docket 1137, at page 150, Pima County Recorder's Office, located within Sections 15 and 16, Township 11 South, Range 16 East, Gila and Salt River Meridian, Pima County, Arizona .