



BOARD OF SUPERVISORS AGENDA ITEM SUMMARY

Requested Board Meeting Date: October 8, 2013

ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:

1) Partial Modification of Deed Restrictions

This Partial Modification of Deed Restrictions amends those certain restrictions set forth in the Quit Claim dated June 6, 2006, recorded in Docket 12834, page 1823, re-recorded in Docket 12845 at page 1754 and re-recorded in Docket 13653 at page 40. The affected property is located north of the intersection of Ina Road and Pima Canyon Drive, in Section 6, Township 13 South, Range 14 East, Pima County Assessor Tax Parcel 108-02-050E.

The current property owner is requesting this modification to facilitate the development of his property under the Pima County Development Plan for Skyline Esplanade II, Plan No. P1207-042. This Partial Modification will allow for the construction of additional parking spaces and permit the existing locations of buildings 2 and 3 to remain as shown on the approved Development Plan.

This request has been reviewed and approved by appropriate County Staff

Cost/Revenue: \$0.00

STAFF RECOMMENDATION(S):

It is recommended that the Board of Supervisors approve and authorize the Chairman to execute the Partial Modification of Deed Restrictions.

PIMA COUNTY COST: \$ 00.00 and/or REVENUE TO PIMA COUNTY: \$ 00.00

FUNDING SOURCE(S): N/A
(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

Advertised Public Hearing:

☐ YES ☒ NO

Board of Supervisors District:

1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All ☐

IMPACT:

IF APPROVED:

The Deed Restrictions recorded in Quit Claim dated June 6, 2006, recorded in Docket 12834, page 1823, re-recorded in Docket 12845 at page 1754 and re-recorded in Docket 13653 at page 40 shall be modified which will allow the property to be developed as approved under Development Plan No. P1207-42.

IF DENIED:

The Deed Restrictions recorded in Quit Claim dated June 6, 2006, recorded in Docket 12834, page 1823, re-recorded in Docket 12845 at page 1754 and re-recorded in Docket 13653 at page 40 will not be modified which means that the property cannot be developed as approved under Development Plan No. P1207-42.

DEPARTMENT NAME: Public Works Real Property Services

CONTACT PERSON: Marty Stickford TELEPHONE NO.: 724-6379

PARTIAL MODIFICATION OF DEED RESTRICTION

PIMA COUNTY, a political subdivision of the State of Arizona ("Grantor") and DAZ6-SKYLINE 2, L.L.C., a Missouri limited liability company (Owner), hereby agree to amend the restriction in paragraph no. 1 contained in that certain Quit Claim Deed dated June 6th, 2006 and recorded in Docket 12834, page 1823, re-recorded in Docket 12845 at page 1754 and re-recorded in Docket 13653 at page 40, in the Office of the Pima County, Arizona, Recorder. Said restriction shall be amended as follows:

Paragraph No. 1 is amended to read as follows:

1. The property described in Exhibit "A" shall be used for landscaping, parking facilities and the construction of single story buildings. No multi-story buildings of any kind shall be constructed on the property.

All restrictions contained in the above-referenced Quit Claim Deed not modified hereby remain in full force and effect.

ATTEST:

GRANTOR: Pima County, a political subdivision
of the State of Arizona

Robin Brigode,
Clerk of the Board

By: _____
Ramon Valadez, Chairman, Pima County
Board of Supervisors

APPROVED AS TO FORM:

Tobin Rosen
Deputy County Attorney

STATE OF ARIZONA)
) ss
COUNTY OF PIMA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by Ramon Valadez as Chairman of the Pima County Board of Supervisors for Pima County, a political subdivision of the State of Arizona.

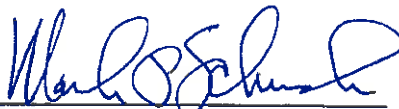
(Seal)

Notary Public

		<u>S 06/T 13S/R 14E</u>	
Agent: MLS	File #:A-05-11		Release & amend of CCR's

OWNER: DAZ6-SKYLINE 2, L.L.C.,
a Missouri limited liability company

By: The DESCO Group, Inc., a Missouri corporation,
its Manager

By: 
Name: Mark J. Schnuck
Title: President

STATE OF Missouri)
)ss
COUNTY OF St. Louis)

This instrument was acknowledged before me this 22nd day of August, 2013, by
MARK J. SCHNUCK as MANAGER of DAZ6-SKYLINE 2,
L.L.C., a Missouri limited liability company.

(Seal)


Notary Public

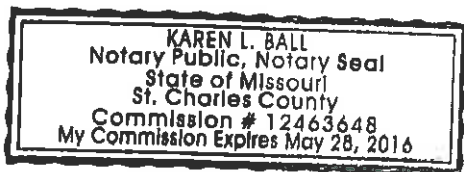




EXHIBIT "A"

LEGAL DESCRIPTION RIGHT OF WAY ABANDONMENT

A PORTION OF THE RIGHT OF WAY OF INA ROAD AS RECORDED IN BOOK 9 OF ROAD MAPS AT PAGE 34 THEREIN AND A PORTION OF THE RIGHT OF WAY OF SKYLINE DRIVE AS RECORDED IN BOOK 8 OF ROAD MAPS AT PAGE 84 THEREIN, ALSO A PORTION OF LOT 52 OF SKYLINE FOOTHILLS ESTATES, A SUBDIVISION OF PIMA COUNTY, ARIZONA AND RECORDED IN BOOK 13 OF MAPS AND PLATS AT PAGE 94 THEREIN, ALL SAID MAPS ON FILE IN THE RECORDS OF PIMA COUNTY, ARIZONA, AT THE OFFICE OF THE PIMA COUNTY RECORDER, TUCSON, ARIZONA, SAID PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SAID INA ROAD AND THE NORTHERLY PROLONGATION OF THE CENTERLINE OF PIMA CANYON DRIVE AS DESCRIBED IN DOCKET 9237 AT PAGE 508 THEREIN, RECORDS OF PIMA COUNTY, ARIZONA, SAID INTERSECTION BEING A BRASS DISK IN CONCRETE AND MARKED PCDOT 1992;

THENCE UPON THE CENTERLINE OF SAID INA ROAD, SOUTH $88^{\circ}52'35''$ WEST A DISTANCE OF 1102.98 FEET TO THE INTERSECTION OF SAID CENTERLINE AND THE CENTERLINE OF SKYWAY DRIVE AS RECORDED IN THE AFORESAID SKYLINE FOOTHILLS ESTATES, SAID INTERSECTION BEING A BRASS DISK IN CONCRETE AND MARKED PCDOT 1992;

THENCE UPON THE CENTERLINE OF SAID INA ROAD, NORTH $88^{\circ}52'35''$ EAST A DISTANCE OF 460.33 FEET TO THE INTERSECTION OF SAID CENTERLINE AND THE CENTERLINE OF NORTHBOUND SKYLINE DRIVE AS RECORDED IN BOOK 41 OF RECORDS OF SURVEY AT PAGE 44 THEREIN, RECORDS OF PIMA COUNTY, ARIZONA;

THENCE LEAVING SAID CENTERLINES, SOUTH $59^{\circ}29'03''$ EAST A DISTANCE OF 142.97 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID INA ROAD, SAID POINT BEING THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE AND THE EASTERLY RIGHT OF WAY LINE OF THE AFORESAID SKYLINE DRIVE AS RECORDED IN BOOK 8 OF ROAD MAPS AT PAGE 84 THEREIN AND THE **POINT OF BEGINNING**;

THENCE UPON THE EASTERLY RIGHT OF WAY LINE OF SAID SKYLINE DRIVE, SOUTH $30^{\circ}23'28''$ EAST A DISTANCE OF 358.32 FEET TO A POINT ON THE ARC OF A TANGENT CURVE CONCAVE NORTHEASTERLY;

THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, UPON THE NORTHERLY RIGHT OF WAY LINE OF THE AFORESAID PIMA CANYON DRIVE, SOUTHERLY AND

EXHIBIT "A"

CONTINUED

EASTERLY UPON THE ARC OF SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF $92^{\circ}42'15''$, FOR AN ARC LENGTH OF 40.45 FEET TO A POINT OF CUSP WITH A TANGENT LINE;

THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH $56^{\circ}54'12''$ WEST A DISTANCE OF 6.70 FEET TO A POINT ON THE ARC OF A TANGENT CURVE CONCAVE NORTHERLY;

THENCE WESTERLY UPON THE ARC OF SAID CURVE, TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF $86^{\circ}28'57''$, FOR AN ARC LENGTH OF 37.74 FEET TO A POINT OF REVERSE CURVATURE ON THE ARC OF A TANGENT CURVE CONCAVE SOUTHWESTERLY;

THENCE NORTHWESTERLY UPON THE ARC OF SAID REVERSE CURVE, SAID REVERSE CURVE LYING 75 FEET NORTHEASTERLY AND CONCENTRIC WITH THE CONSTRUCTION CENTERLINE OF INA ROAD AS SHOWN ON PIMA COUNTY DEPARTMENT OF TRANSPORTATION LANDSCAPE AND IRRIGATION PLAN 4BINOS ON SHEETS W16 THRU W20 OF SHEETS W26 THEREIN, FILED IN PIMA COUNTY DEPARTMENT OF TRANSPORTATION RECORDS, TUCSON, ARIZONA, TO THE LEFT, HAVING A RADIUS OF 1116.74 FEET, A CENTRAL ANGLE OF $33^{\circ}23'41''$, FOR AN ARC LENGTH OF 650.89 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE LEAVING SAID CONCENTRIC ARC, NORTH $01^{\circ}07'25''$ WEST A DISTANCE OF 75.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE AFORESAID INA ROAD AS RECORDED IN BOOK 9 OF ROAD MAPS AT PAGE 34 THEREIN;

THENCE UPON SAID RIGHT OF WAY LINE, SAID RIGHT OF WAY LINE COINCIDENT WITH THE SOUTH LINE OF LOT 112 OF SHADOW ROCK SUBDIVISION, BEING A SUBDIVISION OF PIMA COUNTY, ARIZONA AND RECORDED IN BOOK 19 OF MAPS AND PLATS AT PAGE 34 THEREIN, RECORDS OF PIMA COUNTY, ARIZONA, NORTH $88^{\circ}52'35''$ EAST A DISTANCE OF 144.29 FEET TO A POINT OF CURVE ON THE SOUTH LINE OF SAID LOT 112;

THENCE CONTINUE UPON SAID RIGHT OF WAY LINE, NORTH $88^{\circ}53'54''$ EAST A DISTANCE OF 70.00 FEET TO THE INTERSECTION OF SAID RIGHT OF WAY LINE AND THE CENTERLINE OF THE AFORESAID NORTHBOUND SKYLINE DRIVE;

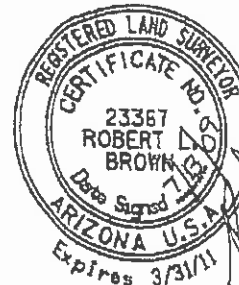
THENCE CONTINUE UPON SAID RIGHT OF WAY LINE, NORTH $88^{\circ}53'54''$ EAST A DISTANCE OF 59.49 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE, THE RADIUS POINT OF SAID ARC BEARS NORTH $46^{\circ}22'11''$ EAST;

THENCE UPON THE ARC OF SAID CURVE, SAID CURVE LYING 90 FEET SOUTHWESTERLY AND CONCENTRIC WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE AS SHOWN AS CURVE NUMBER 2 IN THE SUBDIVISION PLAT OF PIMA CANYON ESTATES LOTS 309-323, RECORDED IN BOOK 55 OF MAPS AND PLATS AT PAGE 59 THEREIN, RECORDS OF PIMA COUNTY, ARIZONA, TO THE LEFT, HAVING A RADIUS OF 370.00 FEET, A CENTRAL ANGLE OF $47^{\circ}29'36''$, FOR AN ARC LENGTH OF 306.70 FEET TO A TANGENT LINE;

THENCE CONTINUE UPON SAID RIGHT OF WAY LINE, NORTH $88^{\circ}53'54''$ EAST A DISTANCE OF 59.49 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE, THE RADIUS POINT OF SAID ARC BEARS NORTH $46^{\circ}22'11''$ EAST;

CONTINUED

THENCE UPON SAID SOUTH RIGHT OF WAY LINE, SOUTH 88°52'35" WEST A DISTANCE OF 449.49 FEET TO THE **POINT OF BEGINNING.**



UNIVERSITY OF CALIFORNIA

EXHIBIT "A"

DEPICTED



3945 EAST FORT LOWELL ROAD - SUITE 111
TUCSON, AZ 85712
520.795.1000
(FAX) 520.322.6956

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