



Board of Supervisors Memorandum

February 18, 2014

Purchase of Right of Way Across State Trust Land for Base of Wildlife Bridge to Cross Oracle Road

Background

Pima County, along with many other federal, state and local agencies and organizations, has been working toward the protection and restoration of an important wildlife linkage between the Catalina and Tortolita Mountains, across State Highway 77/Oracle Road. The table below lists the many actions that have been taken with regard to the conservation of this wildlife linkage.

History of Actions to Conserve and Enhance Catalina to Tortolita Mountains Wildlife Linkage

2001	Pima County adopts the Conservation Land System that includes 6 Critical Landscape Connections, including the area between, the Catalina and Tortolita Mountains.
2004	Voters approve \$174.3 million in County bond funds for the purchase of important natural areas, including the area between the Catalina and Tortolita Mountains.
2006	Voters approve Regional Transportation Authority (RTA) plan that includes \$45 million for wildlife linkages.
2006	Arizona Department of Transportation (ADOT) and partners publish Arizona Wildlife Linkages Assessment identifying important wildlife linkages statewide and identify the Catalina-Tortolita linkage as one of 16 high priority linkages statewide.
2008	Arizona Game and Fish Department (AGFD) and Northern Arizona University (NAU) produce a detailed assessment and design for the linkages between the Tucson, Tortolita and Catalina Mountains.
2009	Town of Oro Valley adopts General Plan Amendment that includes an undeveloped natural open space area of 5,000 acres within the Catalina-Tortolita Mountain wildlife linkage.
2009	RTA approves initial funding of \$8.2 million for ADOT to construct a wildlife bridge and underpasses along Oracle Road as part of road widening project.
2010	Pima County purchases 13 acres along Oracle Road for \$920,000 to conserve a portion of the Catalina-Tortolita wildlife linkage.
2012	RTA approves revised funding of \$11 million for ADOT to incorporate a wildlife bridge, one underpass and directional wildlife fencing along Oracle Road.

The Honorable Chairman and Members, Pima County Board of Supervisors

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2012	County purchases 1,416 acres of State Trust land for \$3.78 million to expand Tortolita Mountain Park and conserve a portion of the Catalina-Tortolita wildlife linkage.
2013	County purchases 818 acres of State Trust land for \$2.45 million to expand Tortolita Mountain Park and conserve a portion of the Catalina-Tortolita wildlife linkage.

ADOT is scheduled to begin construction as early as April 2014 on the widening of Oracle Road between Tangerine Road and the Pima/Pinal County line (see ADOT fact sheet Attachment 1). As part of this project, ADOT will construct two wildlife crossing structures (one overpass and one underpass) and erect fencing along the Oracle Road right of way. The fencing is designed to keep wildlife off of Oracle Road and to direct animals to the crossing structures. These wildlife improvements are being funded by an \$11 million allocation from RTA's \$45 million wildlife linkages earmark.

Much of the land on either side of Oracle Road within this road widening project area is State Trust Land. In 2011, during discussions between ADOT and the Arizona State Land Department (ASLD) regarding right of way acquisition, it became evident that the bases of the wildlife overpass would extend beyond the limits of the current and future Oracle Road right of way. ADOT and ASLD approached the County for assistance, and I directed staff to submit an application to ASLD to purchase the necessary 13-acre perpetual right of way for the bases of the wildlife bridge (see Attachment 2).

ASLD recently notified the County that an auction date for the 13 acres has been set for March 11, 2014. This notification is Attachment 3. The purchase price is \$175,317. I recommend this purchase be funded from the General Fund, as no other sources of funding are currently available. Staff is presently working toward the sale of surplus County property lying just south of this wildlife bridge. The appraised value of this surplus property is approximately \$367,000, and a portion of the revenue from this sale will be directed to refund the General Fund at time of sale. An adjacent church has indicated an interest in purchasing this surplus property. The sale would be for appraised value based on restrictions that limit 40 percent of the property to natural open space. The sale would also be a 5 year term sale at an interest rate of 5 percent. Such a sale will fully repay the County for our purchase of the property.

Recommendation

I recommend the Board of Supervisors approve a General Fund allocation in the amount of \$175,317 for the purchase of 13 acres for a perpetual right of way across State Trust Land at auction on March 11, 2014 to facilitate the construction of the Oracle Road wildlife bridge.

The Honorable Chairman and Members, Pima County Board of Supervisors
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Oracle Road**

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "C.H. Huckelberry", with a long, sweeping underline that extends to the right.

C.H. Huckelberry
County Administrator

CHH/dr – February 11, 2014

Attachments

ATTACHMENT 1

Oracle Road (State Route 77)

TANGERINE ROAD TO PINAL COUNTY LINE

The Arizona Department of Transportation, the Federal Highway Administration and the Regional Transportation Authority are working together to improve traffic flow and enhance safety on Oracle Road (SR 77) for the community and traveling public.

PROJECT DESCRIPTION

The purpose of this project is to widen the roadway to improve traffic flow and enhance safety on the heavily traveled segment of Oracle Road from Tangerine Road to the Pinal County Line. The widening of Oracle Road from two lanes to three lanes in each direction will tie into the recently widened section of the highway from Calle Concordia to Tangerine Road.

PROJECT BACKGROUND

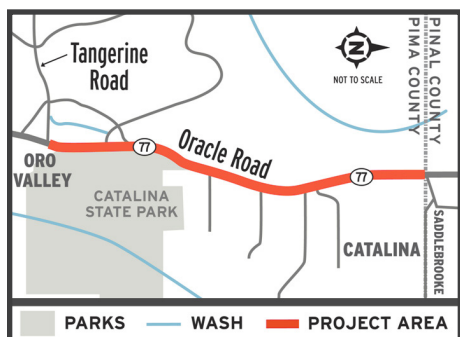
The study phase for this project began in 2004, and public meetings were held June 2005, January 2009, May 2011 and April 2012. Additional public outreach included small group meetings and business outreach.

CURRENT AND FUTURE STATUS

Design and plans are complete and construction is anticipated to begin winter 2013-14.

PROPOSED IMPROVEMENTS

- ▶ An additional 12-foot wide travel lane in each direction for a total of six travel lanes throughout the project area
- ▶ 10-foot wide shoulders (7-foot wide with curb in Catalina) allowing cyclists to use widened shoulders
- ▶ Raised-center medians and left-turn lanes in the Catalina area
- ▶ Retaining walls
- ▶ Sound barriers
- ▶ Traffic signal improvements
- ▶ Drainage improvements
- ▶ Shared-use path on the east side of Oracle Road from Wilds Road to Eagle Crest Ranch Boulevard
- ▶ Two wildlife crossing structures to allow wildlife to migrate safely between the Santa Catalina and Tortolita mountains, without crossing the roadway at street level. The crossing structures are made possible through the RTA and are planned to coincide with the ADOT widening project for Oracle Road.



FOR MORE INFORMATION:

Online: azdot.gov/OracleRoadtoPinal

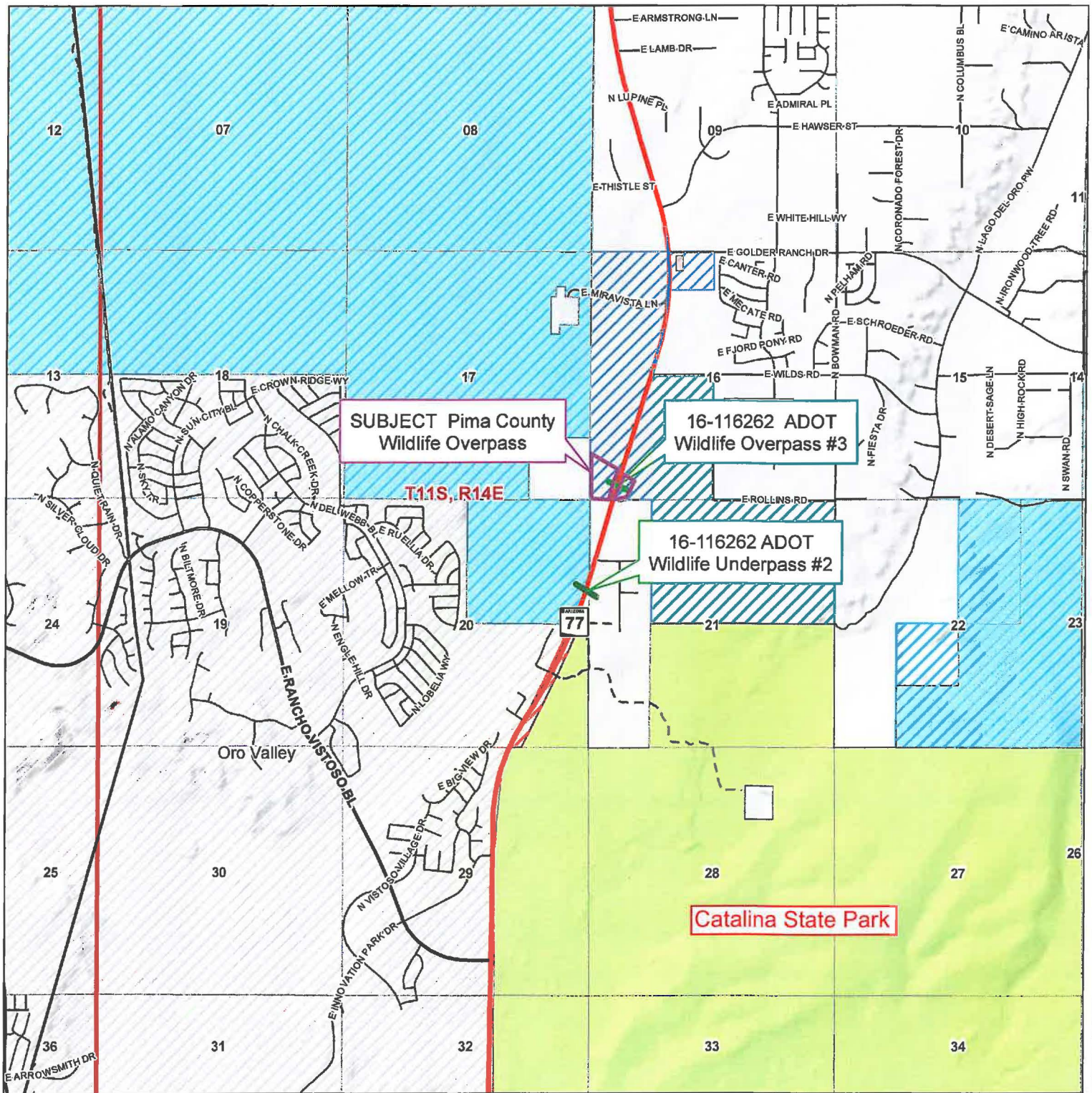
Email: Projects@azdot.gov

Phone: 855.712.8530

Public comments are an important part of the project and are welcome at any time for review and consideration.

ATTACHMENT 2

16-116386 Pima County Township 11 South, Range 14 East, Sec. 16

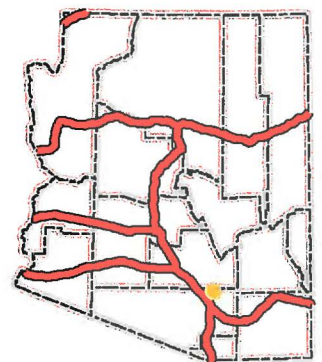
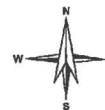


Legend

Interstates	Arterial	Public Land Ownership	Cities
US Highways	Street	CATEGORY	
Highways Loop	Primitive Road	Private	
Highway	Alley / Trail	State Trust	
Access Ramp	3 - Commercial	Forest Service	
	5 - Grazing		



The Arizona State Land Department makes no warranties, implied or expressed, with respect to the information shown on this map.
Map produced by the Arizona State Land Department
2011



ATTACHMENT 3

Janice K. Brewer
Governor

Vanessa P. Hickman
State Land
Commissioner

NOTIFICATION OF PENDING SALE

December 13, 2013

Certified No. 91 7199 9991 7030 9265 8035

Pima County
C/O Real Property Services
201 N. Stone Avenue, 6th Floor
Tucson, AZ 85701-1215
Attn: Mike Stofko

RE: Public Auction Sale No. 16-116386

Dear Mr. Stofko:

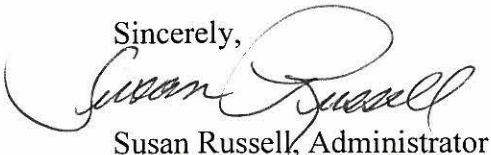
Enclosed is a copy of the Sales Notice, which will be advertised for ten consecutive weeks in both the Arizona Capitol Times and the Daily Territorial. Please see the enclosed Sales Notice for full particulars regarding the auction.

You or an authorized representative must be present to bid. If you choose to send an authorized representative, he/she must present a notarized statement to the auctioneer authorizing him/her to bid in your absence.

If there are no bidders in attendance at the time of the auction, or if you do not have the required documents and/or certified funds, as outlined in the auction notice, the auction may be cancelled.

Please note that the certified funds, due on the day of auction, must be in the form of a cashier's check, no other form of payment can be accepted.

Sincerely,



Susan Russell, Administrator
Rights of Way Section
Real Estate Division
(602) 542-3115
(602) 542-2720 facsimile
srussell@azland.gov

Enclosures

**ARIZONA STATE LAND DEPARTMENT
1616 WEST ADAMS STREET
PHOENIX, ARIZONA 85007**

**PUBLIC AUCTION SALE NO. 16-116386
PERPETUAL RIGHT OF WAY EASEMENT**

Pursuant to A.R.S. Title 37, notice is hereby given that the state of Arizona through its Arizona State Land Department (herein called ASLD), will sell at Public Auction to the highest and best bidder at 9:30 a.m. on Tuesday, March 11, 2014, at 177 North Church Avenue, Suite 200, Tucson, Arizona, a perpetual right of way easement for the purpose of One (1) Wildlife Overpass Crossing situated in Pima County to wit:

TOWNSHIP 11 SOUTH, RANGE 14 EAST, G&SRB&M, PIMA COUNTY, ARIZONA

PARCEL: M&B IN W2SWSW LYING W. OF HWY 77 W. ROW LINE. M&B IN SWSW LYING E. OF HWY 77 E. ROW LINE, SECTION 16. CONTAINING 13.16 ACRES, MORE OR LESS.

BENEFICIARY: PERMANENT COMMON SCHOOLS

For a complete legal description of the land, prospective bidders are advised to examine the right of way application file as well as all pertinent files of ASLD.

Said right of way easement has been valued at \$170,211.00 and consists of 13.16 acres, more or less.

Additional requirements and conditions of this right of way are available and may be viewed at the Arizona State Land Department, 1616 West Adams Street, Phoenix, Arizona.

The complete file associated with the described land is open to public inspection at the ASLD, 1616 West Adams Street, Phoenix, Arizona, from 8:00 a.m. to 4:30 p.m., exclusive of holidays and weekends. Please direct any questions regarding this Public Auction to the Rights of Way Section of the Real Estate Division of ASLD at (602) 542-4098. This auction notice is available on the ASLD's web site at www.azland.gov.

Each potential bidder must show ASLD's representative a cashier's check made payable to the Arizona State Land Department in the amount specified under Terms of Sale Paragraph (A) below.

TERMS OF SALE:

(A) *At the time of sale* the successful bidder must pay the following by a cashier's check: (1) The value of the right of way, which is \$170,211.00; (2) A Selling and Administrative Fee of 3% of the value of the right of way, which is \$5,106.00; (3) Reimbursable Estimated Advertising Fee, which is \$2,500.00; (4) Reimbursable Appraisal Fee, which is \$4,000.00. The total amount due at the time of sale is \$181,817.00 (less \$6,500.00 if the successful bidder is the applicant for a total amount due of \$175,317.00).

(B) Within 30 days after the auction date the successful bidder must pay the full balance of the amount bid for the right of way and pay a Selling and Administrative Fee of 3% of the purchase price for the right of way less the amount paid under (A) (2) above.

(C) No Selling and Administrative Fee shall be collected by ASLD if the successful bidder at auction is the beneficiary of the land trust.

(D) Within 30 days after the auction date the successful bidder shall be required to pay the actual legal advertising cost, less the amount paid under (A)(3) above.

BIDDING INFORMATION:

(A) The time of sale shall be deemed to be the time of declaration of the highest and best bidder. The bidding will begin at the total value of the right of way. A bid for less than the value of the right of way easement or by a party who has not inspected the right of way and/or the associated files and records of ASLD will not be considered.

(B) All bidders must sign an affidavit stating that they have undertaken due diligence in preparation for the auction and that their representative is authorized to bid and bind the bidder. It is the bidder's responsibility to research the records of local jurisdictions and public agencies regarding this property.

(C) Pursuant to A.R.S. §37-240.B, the successful bidder must be authorized to transact business in the state of Arizona no later than three (3) business days after the auction. The successful bidder must sign an affidavit stating it is the successful bidder and sign a Certification Statement pursuant to A.R.S. Title 37 and the Rules of ASLD.

(D) If the successful bidder fails to complete the payment as stated in the auction notice together with the additional required fees within 30 days from the auction date, all amounts paid at the time of auction by the successful bidder will be forfeited.

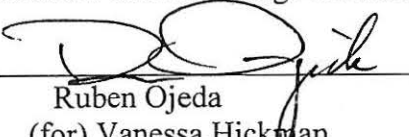
(E) In the event of forfeiture, the ASLD Commissioner may declare that the bid placed before the final bid accepted is the highest bid, and that the bidder has five (5) days after notification by ASLD to pay by cashier's check all amounts due.

GENERAL INFORMATION:

The ASLD may cancel this auction in whole or in part at any time prior to the acceptance of a final bid.

A protest to this sale must be filed within 30 days after the first day of publication of this announcement and in accordance with A.R.S. §37-301.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the ADA Coordinator, at (602) 364-0875. Requests should be made as early as possible to allow time to arrange the accommodation.


Ruben Ojeda
(for) Vanessa Hickman
State Land Commissioner

 12/5/13
Date