



BOARD OF SUPERVISORS AGENDA ITEM SUMMARY

Requested Board Meeting Date: 08/19/2013

ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:

1. RESOLUTION AND ORDER 2013-_____
2. QUIT CLAIM DEED TO: Pima County Flood Control District, a political taxing subdivision of the State of Arizona

This Resolution provides for the vacation and abandonment of all public rights-of-way, drainageways and alleys, except Vahalla Road which were previously dedicated to Pima County, a political subdivision of the State of Arizona, by the subdivision plats of Diablo Village, recorded in Book 29 of Maps and Plats at Page 74 and recorded in Book 28 of Maps and Plats at Page 33, Pima County records in Section 16, Township 15 South, Range 12 East.

The subject public rights-of-way have never been constructed and are not needed by Pima County as platted. Access to adjacent properties would not be affected by this abandonment. The Pima County Flood Control District plans to construct a regional stormwater detention basin and associated infrastructure on the property which will enhance flood control efforts in the area.

This proposed abandonment has been reviewed and approved by appropriate County staff.

Revenue/Cost: \$00.00

STAFF RECOMMENDATION(S):

It is recommended that the Board of Supervisors approve this abandonment request and request that the Chairman execute the Resolution and Order for the abandonment of these public rights-of-way and the Quit Claim Deed to the Pima County Flood Control District.

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:

Unimproved and unneeded portions of public rights-of-way will be vacated to the Pima County Flood Control District so that stormwater infrastructure can be constructed which will enhance flood control efforts and reduce the impact of flooding events for area residents.

IF DENIED:

Unimproved and unneeded portions of public rights-of-way will not be vacated to the Pima County Flood Control District. The planned construction of stormwater infrastructure to control and reduce area flooding will not be completed and the existing area drainage shall remain unchanged.

DEPARTMENT NAME: Public Works Administration, Real Property Services

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

RESOLUTION AND ORDER NO. 2013-_____
OF THE PIMA COUNTY BOARD OF SUPERVISORS
VACATING PORTIONS OF PUBLIC RIGHTS-OF-WAY
CONSISTING OF ROADS, ALLEYS AND
DRAINAGEWAYS DEDICATED BY THE SUBDIVISION
PLATS OF DIABLO VILLAGE ESTATES, AS PIMA
COUNTY ROAD ABANDONMENT NO. A-13-04 WITHIN
SECTION 16, TOWNSHIP 15 SOUTH, RANGE 12 EAST,
G&SRM, PIMA COUNTY, ARIZONA

RECITALS

Pima County has received an application for the vacation of portions of certain public rights-of-way consisting of roads, alleys and drainageways within Section 16, Township 15 South, Range 12 East, G&SRM, as dedicated by the subdivision plat of Diablo Village Estates recorded in Book 29 at page 74 of Maps and Plats in the Office of the Pima County Recorder, and the subdivision plat of Diablo Village Estates recorded in Book 28 at page 33 of Maps and Plats in the Office of the Pima County Recorder, said portions of public rights-of-way to be vacated being more particularly described in the attached Exhibits "A", "B" and "C"; and

Pima County has determined that the subject public rights-of-way are not needed for public use pursuant to Arizona Revised Statutes (A.R.S.) Section 28-7202; and

The Pima County Flood Control District owns the real property adjoining said public rights-of-way to be vacated and no land adjoining said public rights-of-way would be left without public or private legal access as a result of the vacation.

NOW THEREFORE, the Board of Supervisors of Pima County resolves as follows:

Section 1. That those portions of public rights-of-way described in the attached Exhibits "A", "B" and "C" are hereby vacated pursuant to A.R.S. §28-7202 and §28-7213.

Section 2. That the vacated portions of public rights-of-way as described in the attached Exhibits "A", "B" and "C" shall be disposed of pursuant to A.R.S. §28-7205 with title to the vacated rights-of-way vesting in the Pima County Flood Control District, a political taxing subdivision of the State of Arizona, as the owner of the adjacent real property.

Section 3. That upon recordation of the quit claim deed to the Pima County Flood Control District, a political taxing subdivision of the State of Arizona, the portions of the subject public rights-of-way described herein shall be deemed to be vacated, and title shall vest in the Grantee.

		S16/T15/R12	
Agent:MLS	File #:A-13-04		Change of public use

PASSED, ADOPTED AND APPROVED BY THE BOARD OF SUPERVISORS THIS
____ DAY OF _____, 2013.

ATTEST:

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

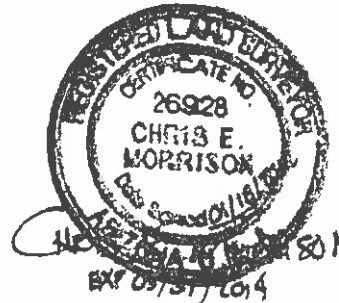


EXHIBIT "A"

LEGAL DESCRIPTION
OPW JOB NO. 2011014
DIABLO VILLAGE ESTATES
LOTS 521 - 888 ABANDONMENT

ALL OF THAT PORTION OF THE FINAL PLAT OF "DIABLO VILLAGE ESTATES, LOTS 512 THRU 888 & BLOCK A", A SUBDIVISION RECORDED IN BOOK 29 OF MAPS AND PLATS AT PAGE 74 IN THE PIMA COUNTY RECORDER'S OFFICE, BEING IN THE WEST HALF OF SECTION 16, TOWNSHIP 15 SOUTH, RANGE 12 EAST, G&SRBM, PIMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL PUBLIC RIGHTS OF WAY, DRAINAGEWAYS AND ALLEYS AS SHOWN ON SAID FINAL PLAT OF "DIABLO VILLAGE ESTATES", EXCEPT VAHALLA ROAD, BEING THE WEST 75.00 FEET OF SAID FINAL PLAT.

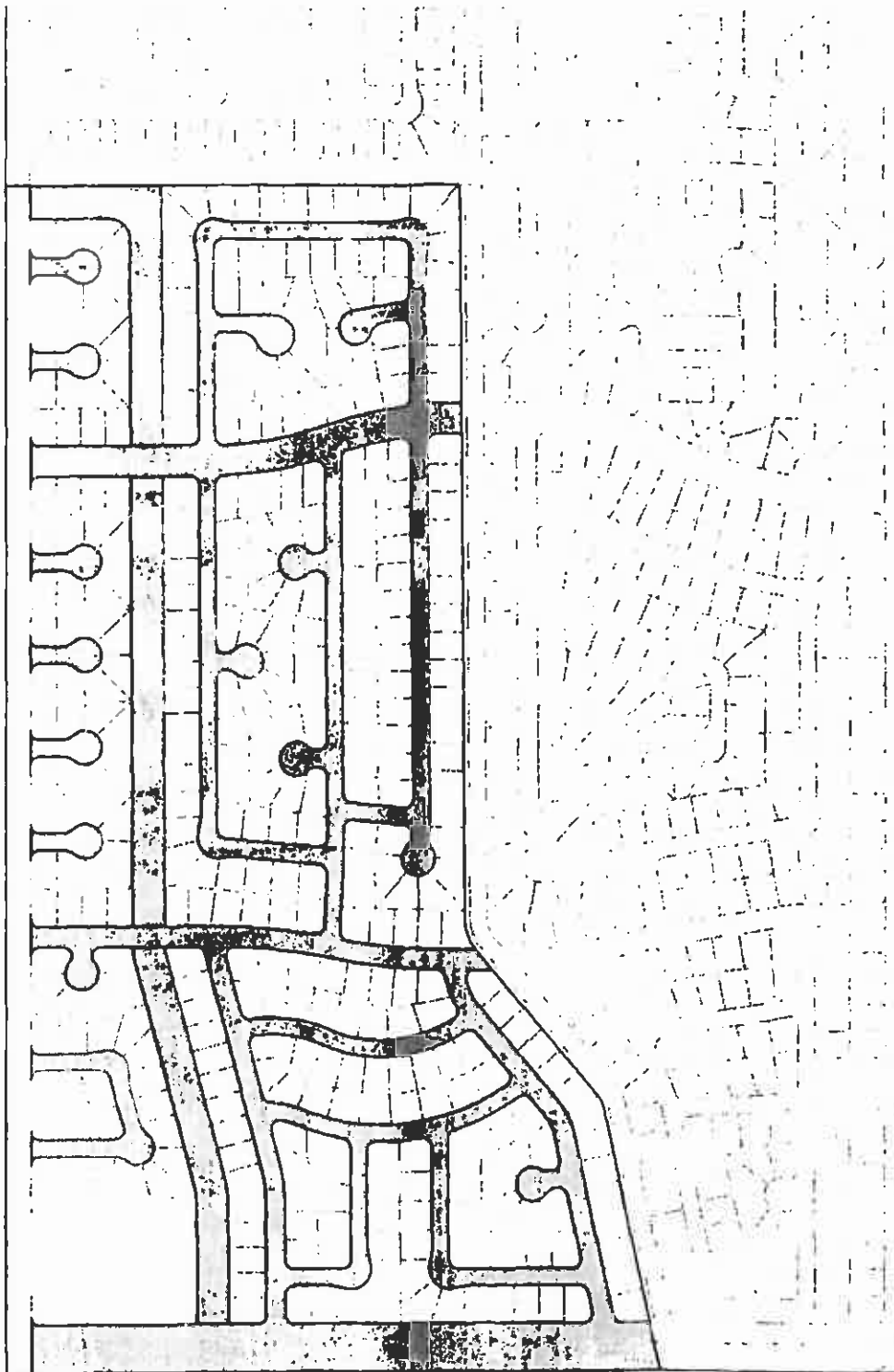


CM:cm
January 18, 2012
G:\OPW Surveying jobs\2011\014\29-74 abandonment.wpd

EXHIBIT "A"
(DEPICTED)



1" = 500'



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Phone (520) 990-1565

EXHIBIT OF ABANDONMENT IN
DIABLO VILLAGE ESTATES BOOK 29, PAGE 74
OPW JOB NO. 2011014



EXHIBIT "B"

LEGAL DESCRIPTION
OPW JOB NO. 2011014
DIABLO VILLAGE ESTATES
LOTS 1 -511 ABANDONMENT

ALL OF THAT PORTION OF THE FINAL PLAT OF "DIABLO VILLAGE ESTATES, LOTS 1 THRU 511", A SUBDIVISION RECORDED IN BOOK 28 OF MAPS AND PLATS AT PAGE 33 IN THE PIMA COUNTY RECORDER'S OFFICE, BEING IN THE WEST HALF OF SECTION 16, TOWNSHIP 15 SOUTH, RANGE 12 EAST, G&SRBM, PIMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE FINAL PLAT OF SAID "DIABLO VILLAGE ESTATES", AT THE SOUTHWEST CORNER OF AN 80.00 FOOT DRAINAGEWAY AS SHOWN ON SAID FINAL PLAT, FROM WHICH THE SOUTHWEST CORNER OF SECTION 16, BEING AN UNTAGGED 5/8" REBAR, SUBSEQUENTLY TAGGED "RLS 26928", BEARS S 89° 28' 33" W, AT A DISTANCE OF 1930.88 FEET, THENCE N 12° 26' 30" W, ALONG THE WEST LINE OF AN 80.00 FOOT DRAINAGEWAY, LOS REALES ROAD, AND A 16.00 FOOT ALLEY, A DISTANCE OF 786.31 FEET TO A POINT OF CURVATURE;

THENCE NORTHWESTERLY ALONG THE WEST LINE OF SAID 16.00 FOOT ALLEY, ALONG A CURVE TO THE LEFT, WHICH HAS A RADIUS OF 59.00 FEET AND A CENTRAL ANGLE OF 28°00'00", AN ARC LENGTH OF 28.83 FEET TO A POINT OF TANGENCY;

THENCE N 40° 26' 30" W, ALONG THE WEST LINE OF SAID SAID 16.00 FOOT ALLEY AND TETON ROAD, A DISTANCE OF 561.83 FEET TO A POINT OF CURVATURE;

THENCE NORTHWESTERLY ALONG THE WEST LINE OF SAID 16.00 FOOT ALLEY, ALONG A CURVE TO THE RIGHT, WHICH HAS A RADIUS OF 141.00 FEET AND A CENTRAL ANGLE OF 40° 00' 00", AN ARC LENGTH OF 98.44 FEET TO A POINT OF TANGENCY;

THENCE N 00°26'30" W, ALONG THE WEST LINE OF SAID 16.00 FOOT ALLEY AND JEFFREY ROAD, A DISTANCE OF 2126.91 FEET TO A POINT;

THENCE N 89°33'48" E, ACROSS SAID 16.00 FOOT ALLEY AND THE 50.00 FOOT DRAINAGEWAY, A DISTANCE OF 66.00 FEET TO A POINT;

THENCE S 00°26'30" E, ALONG THE EAST LINE OF SAID 50.00 FOOT DRAINAGEWAY, ACROSS JEFFREY ROAD, A DISTANCE OF 2126.91 FEET TO A POINT OF CURVATURE;

THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID 50.00 FOOT DRAINAGEWAY, ALONG A CURVE TO THE LEFT, WHICH HAS A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 40°00'00", AN ARC LENGTH OF 52.36 FEET TO A POINT OF TANGENCY;

EXHIBIT "B"
(CONTINUED)

THENCE S 40°26'30" E, ALONG THE EAST LINE OF SAID 50.00 FOOT DRAINAGEWAY, ACROSS TETON ROAD, A DISTANCE OF 561.83 FEET TO A POINT OF CURVATURE;

THENCE SOUTHEASTERLY, ALONG THE EAST LINE OF SAID 50.00 FOOT DRAINAGEWAY, ALONG A CURVE TO THE RIGHT, WHICH HAS A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 28°00'00", AN ARC LENGTH OF 61.09 FEET TO A POINT OF TANGENCY;

THENCE S 12°26'30" E, ALONG THE EAST LINE OF SAID 50.00 FOOT DRAINAGEWAY AND ACROSS LOS REALES ROAD, A DISTANCE OF 718.47 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAID 80 FOOT DRAINAGEWAY;

THENCE N 89°28'33" E, ALONG THE NORTH RIGHT-OF-WAY OF SAID DRAINAGEWAY, A DISTANCE OF 597.19 FEET TO A POINT OF CURVATURE;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, WHICH HAS A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°05'15", AN ARC LENGTH OF 39.31 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF VICTOR DRIVE AS SHOWN ON SAID "DIABLO VILLAGE ESTATES";

THENCE S 00°26'12" E, PARALLEL TO AND 45.00 FEET WEST OF THE EAST LINE OF THE WEST HALF OF SAID SECTION 16, A DISTANCE OF 30.00 FEET TO A POINT OF CURVATURE;

THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, WHICH HAS A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 89°54'45", AN ARC LENGTH OF 39.23 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID "DIABLO VILLAGE ESTATES" FROM WHICH THE SOUTH QUARTER CORNER OF SECTION 16, BEING AN UNTAGGED 1/2" REBAR, SUBSEQUENTLY TAGGED "RLS 26928" BEARS N 89° 28' 33" E, AT A DISTANCE OF 69.96 FEET;

THENCE S 89°28'33" W, ALONG THE SOUTH LINE OF SAID DRAINAGEWAY, ALONG THE SOUTH BOUNDARY OF SAID "DIABLO VILLAGE ESTATES", A DISTANCE OF 647.72 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID PARCEL CONTAINING 6.579 ACRES.

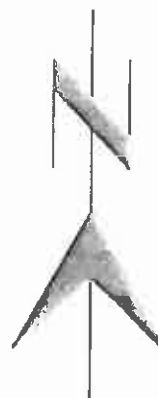
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February 11, 2013
G: OPW Surveying jobs\2011\014 28-33 abandonment 2.wpd



EXHIBIT "B"
(DEPICTED)

VAHALLA ROAD

VICTOR DRIVE



1" = 500'

LOS REALES ROAD

T.P.O.B.

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EXHIBIT OF ABANDONMENT IN
DIABLO VILLAGE ESTATES BOOK 28, PAGE 33
OPW JOB NO. 2011014

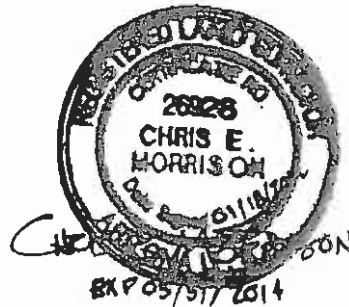


EXHIBIT "C"

LEGAL DESCRIPTION
OPW JOB NO. 2011014
LOS REALES RIGHT-OF-WAY

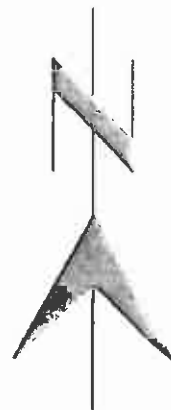
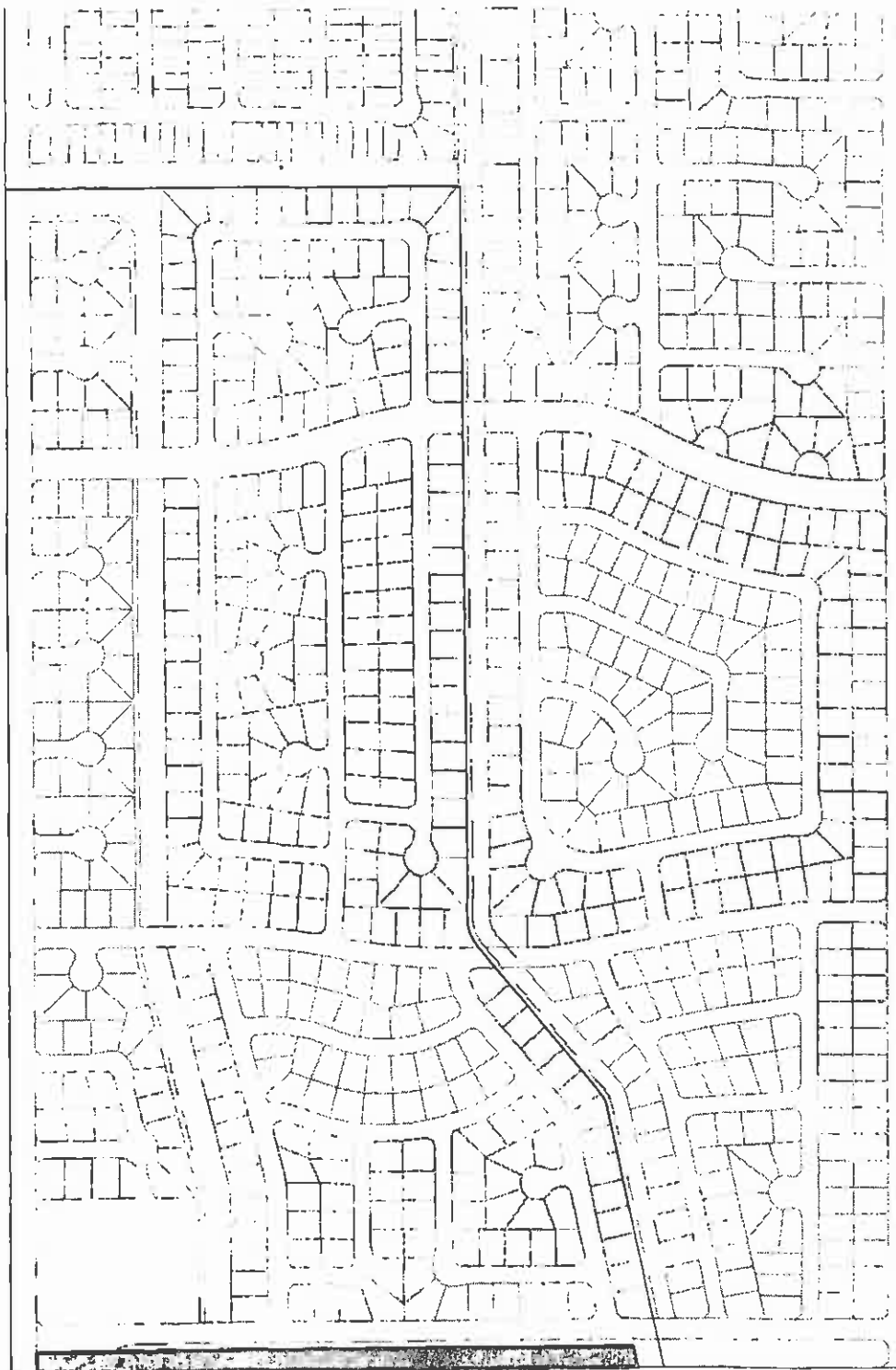
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THE SOUTH 60.00 FEET OF SAID "DIABLO VILLAGE ESTATES", EXCEPTING THE WEST 75.00 FEET THEREOF AND FURTHER EXCEPTING THE EAST 75.00 FEET THEREOF, AS MEASURED PARALLEL AND PERPENDICULAR TO THE EAST BOUNDARY OF SAID FINAL PLAT.



CM:cm
January 18, 2012
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EXHIBIT "C"
(DEPICTED)



1" = 500'

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EXHIBIT OF NEW LOS REALES ROAD LYING WITHIN
DIABLO VILLAGE ESTATES IN BOOK 29, PAGE 74
OPW JOB NO. 2011014



QUIT CLAIM DEED

For valuable consideration, Pima County, a political subdivision of the State of Arizona, Grantor, hereby quit claims to the Pima County Flood Control District, a political taxing subdivision of the State of Arizona, Grantee, all right, title and interest of Grantor in the property described in the attached **Exhibits "A", "B" and "C"**.

Dated this ____ day of _____, 2013.

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

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

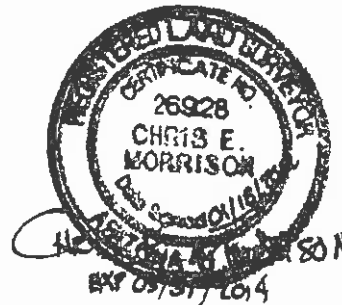
EXEMPTION: A.R.S. §11-1134.A.3.		Board of Supervisors Approval: <u>8-19-2013</u>	
Agent: MLS	File #: A-13-04		Vacation to other use

EXHIBIT "A"

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OPW JOB NO. 2011014
DIABLO VILLAGE ESTATES
LOTS 521 - 888 ABANDONMENT

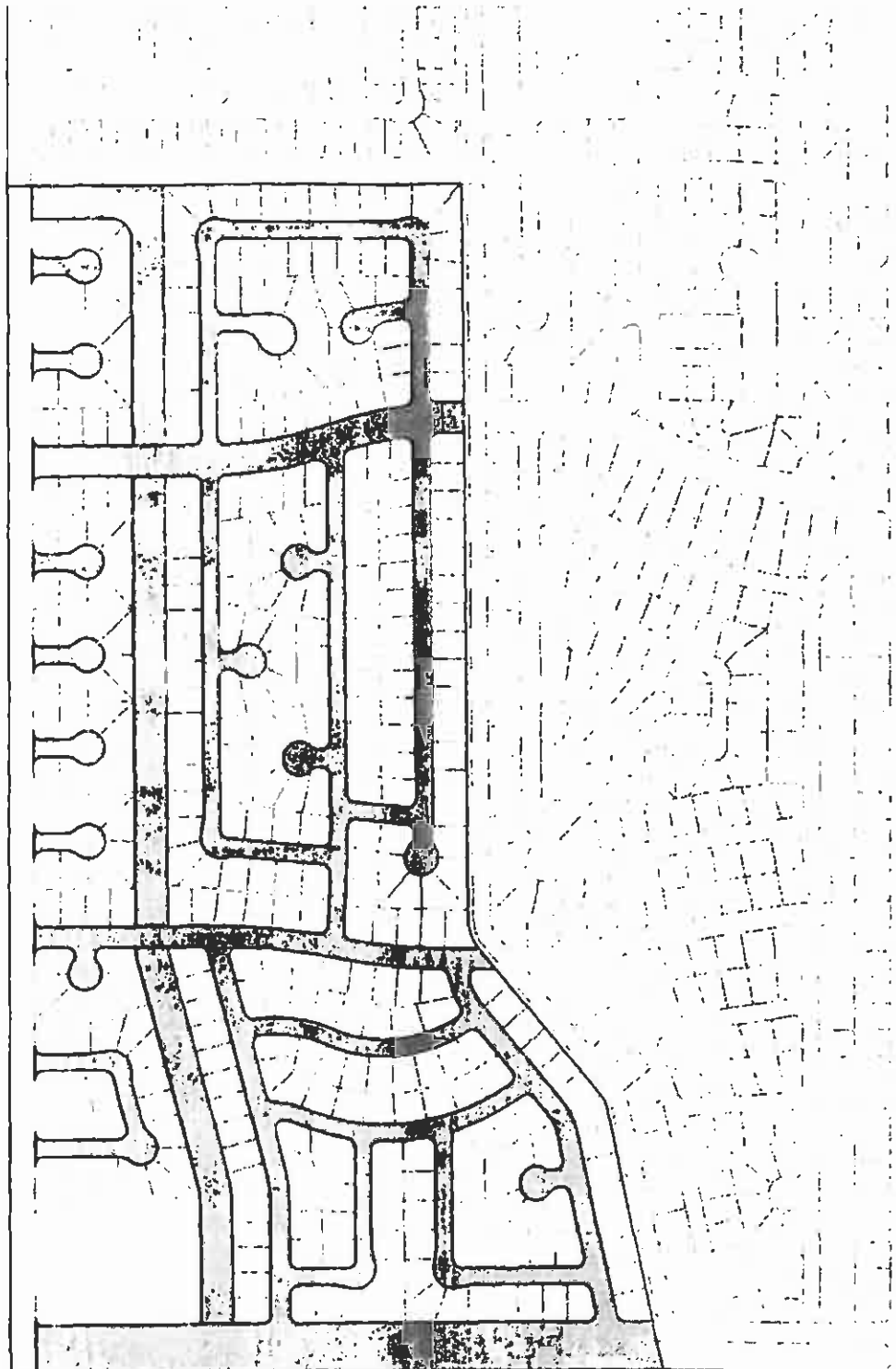
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January 18, 2012
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(DEPICTED)



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EXHIBIT OF ABANDONMENT IN
DIABLO VILLAGE ESTATES BOOK 29, PAGE 74
OPW JOB NO. 2011014



EXHIBIT "B"

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LOTS 1 -511 ABANDONMENT

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C:M:cm
February 11, 2013
G: OPW Surveying jobs\2011\014 28-33 abandonment 2.wpd



EXHIBIT "B"
(DEPICTED)

VAHALLA ROAD



VICTOR DRIVE

LOS REALES ROAD

T.P.O.B.

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EXHIBIT OF ABANDONMENT IN
DIABLO VILLAGE ESTATES BOOK 28, PAGE 33
OPW JOB NO. 2011014



EXHIBIT "C"

LEGAL DESCRIPTION
OPW JOB NO. 2011014
LOS REALES RIGHT-OF-WAY

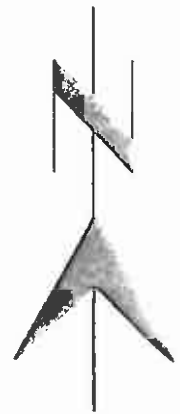
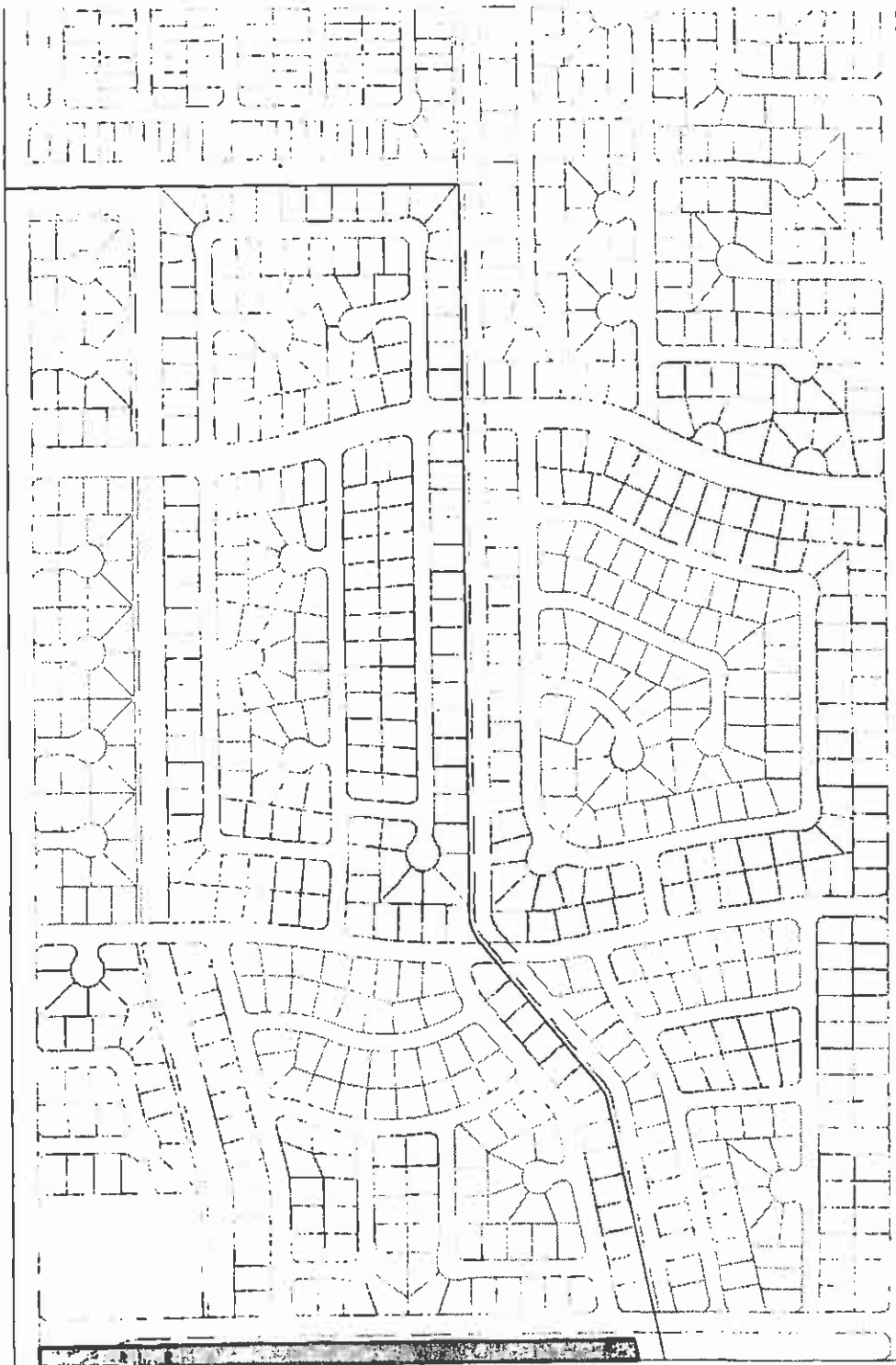
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January 18, 2012
G:\OPW Surveying jobs\2011\014\los reales.wpd

EXHIBIT "C"
(DEPICTED)



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EXHIBIT OF NEW LOS REALES ROAD LYING WITHIN
DIABLO VILLAGE ESTATES IN BOOK 29, PAGE 74
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