



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 12/20/2022

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

Waiver of Four-year Advance Notice of Abandonment

***Introduction/Background:**

The Arizona Department of Transportation, from time to time, abandons roadways to Pima County. The State is asking for the Board of Supervisors to Waive the Four-Year Advance Notice of Abandonment and Pavement Quality Report for a portion of I-10 frontage road to be abandoned to Pima County.

***Discussion:**

A.R.S. § 28-7209 requires a Waiver of the Four-Year Advance Notice of Abandonment and Pavement Quality Report to be signed prior to scheduling and submitting the abandonment for consideration by the State Transportation Board.

***Conclusion:**

The Board of Supervisors signature on the Waiver of the Four-Year Advance Notice of Abandonment and Pavement Quality Reports is required for the Arizona Department of Transportation to abandon this portion of right-of-way to Pima County.

***Recommendation:**

Staff recommends the Board of Supervisors sign the Waiver of the Four-Year Advance Notice of Abandonment and Pavement Quality Reports for the portion of I-10 frontage road (described in Exhibit A) that adjoins the section of I-10 frontage road already owned and maintained by Pima County (Resolution #63-66). This addition to the Pima County transportation network will provide access for future development in this area.

***Fiscal Impact:**

Roads abandoned by the State of Arizona will be brought into Pima County's roadway network.

***Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

Department: Transportation

Telephone: 520-724-6410

Contact: Robin Freiman, ROW Section Manager

Telephone: 520-724-6655

Department Director Signature: _____

Kathryn Skinner

Digitally signed by Kathryn Skinner
DN: cn=Kathryn Skinner, o=Transportation, ou=Pima
County, email=kathryn.skinner@pima.gov, c=US
Date: 2022.11.23 10:08:19 -07'00'

Date: 11/23/2022

Deputy County Administrator Signature: _____

Date: 12/6/2022

County Administrator Signature: _____

Date: 12/6/2022

DATE: 12/2/2022

TO: Pima County Board of Supervisors

FROM: Robin Freiman

ROW Section Manager
Pima County Department of Transportation

SUBJECT: Resolution to approve waiver for ADOT Abandonment of right-of-way

Pima County Departments of Transportation (DOT) and Development Services (DSD) have been working with Arizona Department of Transportation (ADOT) and the owners/developers of the proposed Vail Crossings development located northwest of Interstate-10 (I-10) and State Route 89. Vail Crossings is a proposed development of 700 single family homes that will require direct access to a portion of the I-10 frontage road currently owned and operated by ADOT. In order to streamline the review process and allow the County to coordinate directly with the developer the access points on the I-10 frontage it is necessary for ADOT to abandon a portion of the I-10 frontage to Pima County. Pima County already owns and maintains a portion of the frontage road just east of E Colossal Cave Rd (see map provided).

The waiver of the four-year advance notice of abandonment and pavement quality report is the first step in the abbreviated ADOT abandonment process.

Please let me know if you have any questions or need more information.

RESOLUTION 2022 - _____

PIMA COUNTY RESOLUTION TO APPROVE WAIVER FOR
ARIZONA DEPARTMENT OF TRANSPORTATION ABANDONMENT
OF RIGHT OF WAY TO PIMA COUNTY PURSUANT TO THE
PROVISIONS OF ARIZONA REVISED STATUTE (A.R.S.) §28-7209

The Board Of Supervisors Of Pima County, Arizona Finds That:

1. Pursuant to A.R.S. § 28-304, The Arizona Department of Transportation (ADOT) has authorized the abandonment to Pima County of a certain portion of I-10 state highway more particularly described in **Exhibit A**, attached hereto.
2. Pursuant to A.R.S. § 28-7209, the Arizona Department of Transportation must provide four years' advance notice of abandonment and a pavement quality report to Pima County, unless the Board of Supervisors and ADOT mutually agree to waive the requirement.
3. The abandonment of this certain portion of the I-10 frontage road described in **Exhibit A** directly joins an existing Pima County owned and maintained section of I-10 frontage road that was acquired by Pima County in 1963 via Resolution #63-66. This addition to the Pima County network will provide access for future development in this area.

NOW, THEREFORE, BE IT RESOLVED, that:

- A. The Pima County Board of Supervisors hereby approves the Waiver of the Four-year Advance Notice of Abandonment and Pavement Quality Reports (Waivers) submitted to Pima County by ADOT.
- B. Pima County Department of Transportation and any other required county officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.


Passed and adopted this _____ day of December, 2022.

Sharon Bronson, Chair
Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board



Kyle Johnson, Deputy County Attorney

FROM: Pima County Board of Supervisors
33 N Stone Avenue, Suite 100, Tucson, Arizona 85701

TO: Arizona Department of Transportation Right of Way Group
205 South Seventeenth Avenue, Mail Drop 612E, Phoenix, Arizona 85007-3212
Attn.: Byron Hopkins, R/W Group Titles Liaison, Resolution/Disposal Unit

RE: **WAIVER OF A.R.S. § 28-7209**

LOCATION: A portion of Section 27 and 28, Township 16 South, Range 16 East, Gila & Salt River Meridian, Pima County, Arizona, being an existing 100.00 foot wide Right of Way strip as shown on ADOT Improvement Project I-10-5 (14) 281 (C-10-T-274A) and I-10-5 (19) 273 (D-10-T-297), being more particularly described in EXHIBIT "A" attached hereto.

— — — — **WAIVER** — — — —

By signing below, the Pima County Board of Supervisors, as set forth in Pima County Resolution No. 2022- , dated December __, 2022, hereby waives the Four-Year Advance Notice of Abandonment and Pavement Quality Report, in accordance with the provisions of Arizona Revised Statutes § 28-7209, which will allow the State of Arizona, by and through its Department of Transportation (ADOT) to abandon, according to law, in the near future, all of its interest in and to said right of way to Pima County for a continued public transportation use.

Signature	Sharon Bronson, Chair Pima County Board of Supervisors	Date
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18 October 2022

EXHIBIT "A"
LEGAL DESCRIPTION

A portion of Section 27 and 28, Township 16 South, Range 16 East, Gila & Salt River Meridian, Pima County, Arizona, being an existing 100.00 foot wide Right of Way strip as shown on ADOT Improvement Project I-10-5 (14) 281 (C-10-T-274A) and I-10-5 (19) 273 (D-10-T-297), being more particularly described as follows:

COMMENCING at the northeast corner of said Section 28, a 1 ½" Brass Cap in concrete to which the northwest corner of Section 28, a 1 ½" Brass Cap in concrete, bears South 89°13'23" West a distance of 5285.24 feet;

THENCE along the north line of said Section 28, South 89°13'23" West a distance of 169.80 feet to a point on the centerline of the 100.00 foot wide frontage road right of way of I-10 as shown on the ADOT Improvement Project I-10-5 (14) 281, said point being the **POINT OF BEGINNING**;

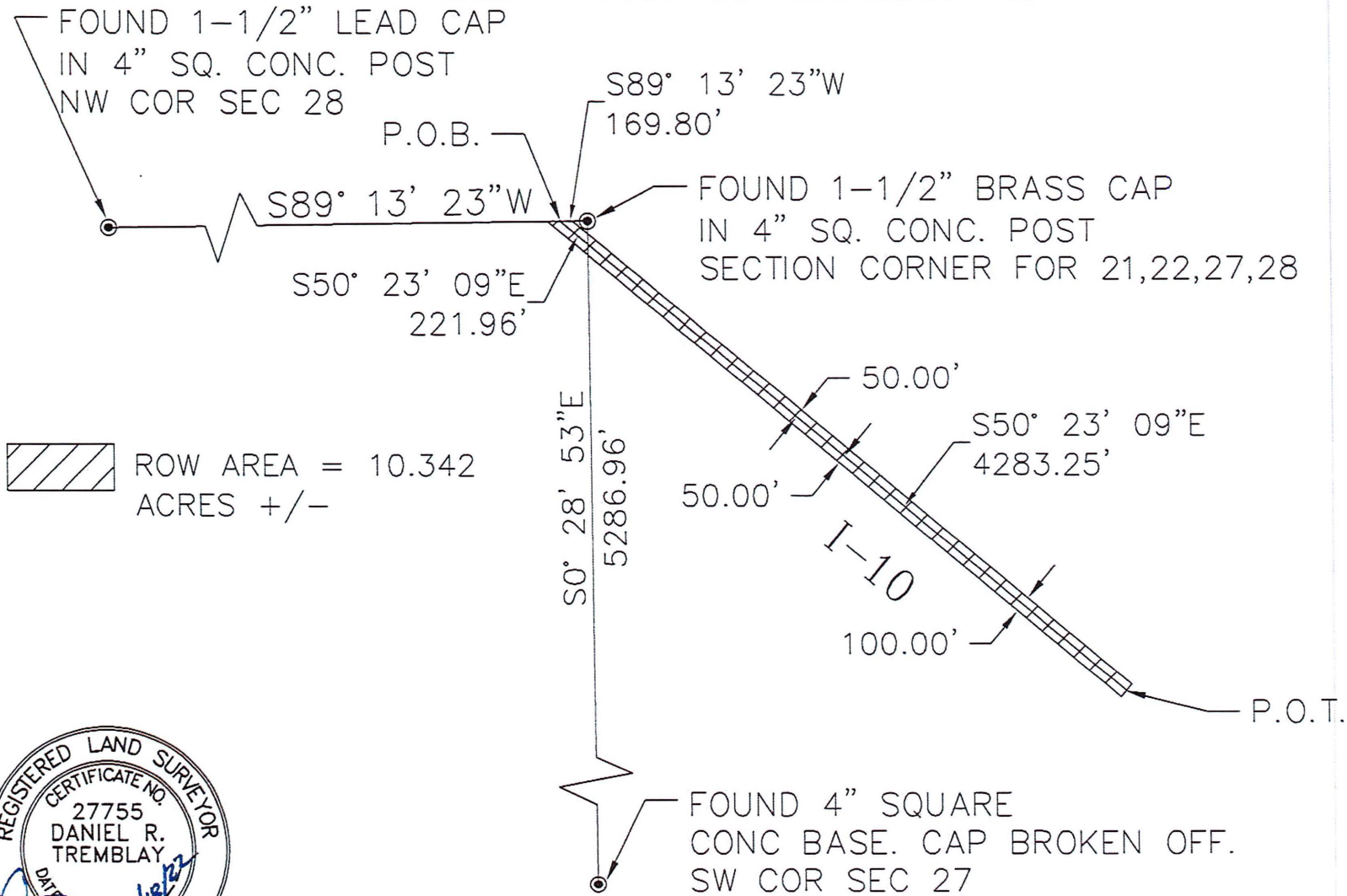
THENCE along said centerline South 50°23'09" East a distance of 221.96 feet to a point on the common line to said Sections 27 and 28;

THENCE continuing along said centerline South 50°23'09" East a distance of 4283.25 feet to a **POINT OF TERMINUS** of said centerline being noted as the "F.R. P.O.T 0+00" as shown on said ADOT Improvement Project C-10-T-274A.

The said lines of said 100.00 foot wide strip to be lengthened or shortened to intersect at the north line of said Section 28 on the west (Point of Beginning) and to be perpendicular to the centerline on the east (Point of Terminus).



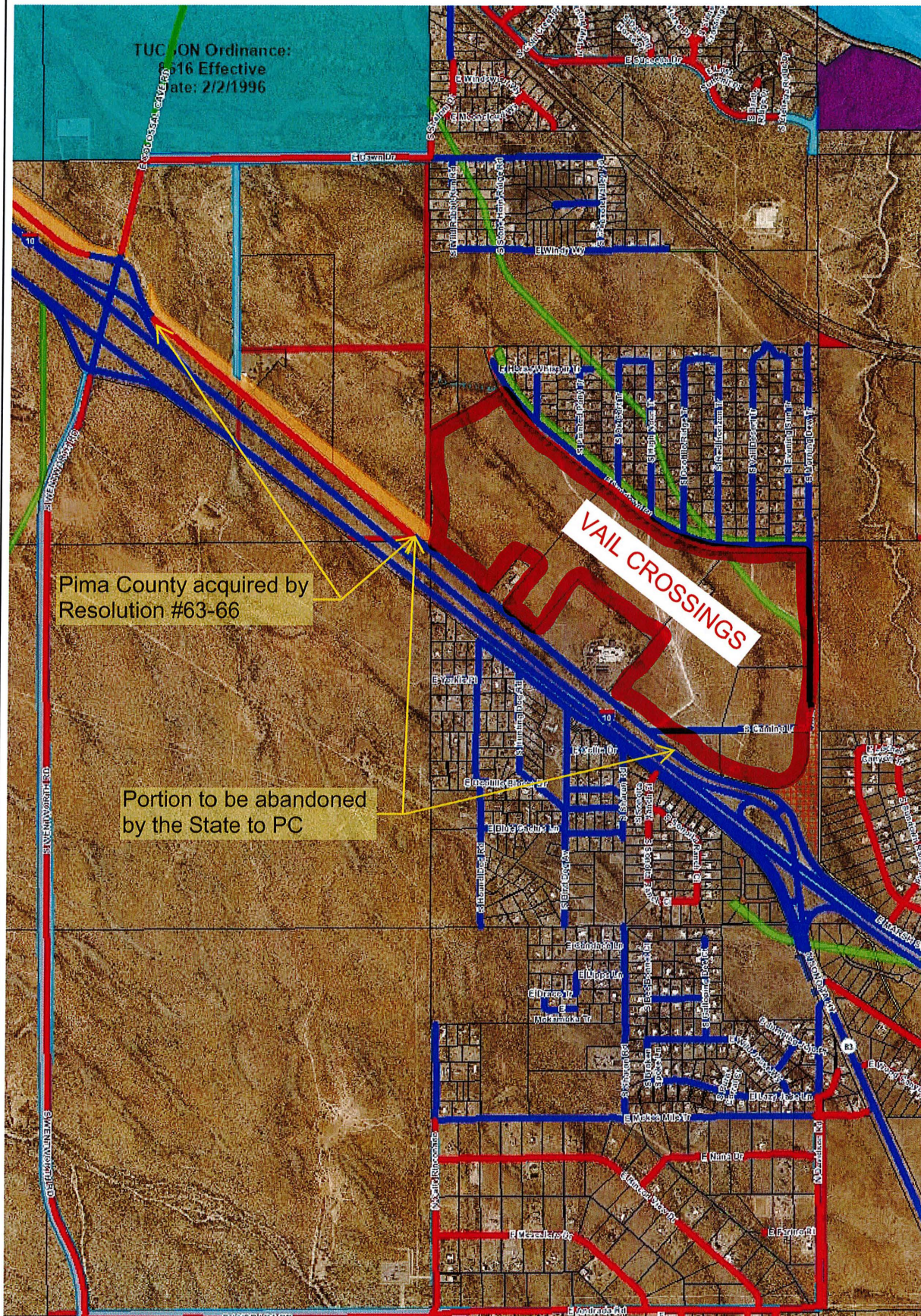
DEPICTION OF EXHIBIT "A"



PIMA COUNTY SURVEY

A PORTION OF A 100' WIDE I-10 FRONTAGE ROAD RIGHT-OF-WAY
LOCATED IN SECTIONS 27 & 28,
TOWNSHIP 16 SOUTH, RANGE 16 EAST,
GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA

PimaMaps Print



Legend

PC Road Maintenance
determine ownership)

- Not maintained by Pima (Blue line)
- Paved road - County mai (Red line)
- Dirt road - County mainta (Yellow line)
- Paved road - County mai (Green line)
- Dirt road - County mainta (Brown line)
- Road - maintained by oth (Pink line)

- Pima County Abandonr Proceedings (Green square)
- Pima County Establishr Proceedings (Blue square)
- Pima County IGA Aban Proceedings (Light Green square)
- Pima County IGA Estat Proceedings (Light Blue square)
- State Abandonments - (Orange square)
- State Establishments - (Pink square)
- Parcels (Black outline)

Annexations

- Marana (Brown square)
- Oro Valley (Light Brown square)
- Sahuarita (Olive square)
- South Tucson (Dark Green square)
- Tucson (Teal square)
- De-annexations (Pink square with diagonal lines)

PCGPR Relinquishmer

PCGPR Subdivisions

- Drainage Rights (Blue grid pattern)
- Misc Easement (Yellow grid pattern)
- Other (Pink grid pattern)



Notes:

11/22/2022

4,000.0 0 2,000.00

Feet



This map is static output from an internet mapping site and no warranty is expressed or implied as to the accuracy, reliability, currency or completeness of the data, and is for reference only