

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 17, 2018

Title: P18CU00001 - Tellez - S. Wilmot Road - Type II Conditional Use Permit

Introduction/Background:

The applicant's request is to establish a site for an equipment rental, retail, and repair shop. Vail Equipment Rentals has provided small equipment rental and repair to the communities of Vail and Corona de Tucson since 2001. The subject property is located at 16025 S. Wilmot Road, approximately 700 feet north of the Sahuarita Road intersection. The project site consists of one parcel totaling in 4.17 acres and is zoned RH (Rural Homestead).

Discussion:

The proposed retail/commercial steel building will allow customers to view equipment and talk to experienced employees. The storefront space will offer an assortment of rental options and costs. Vail Equipment Rentals will also provide small retail items and re-launch a small engine repair service. Access to the property is off of the newly paved and constructed S. Wilmot Road. Surrounding land use is primarily undeveloped State-owned land, desert, and rural low density residential.

Conclusion:

The Pima County Zoning Code requires a Type II Conditional Use Permit for a retail/repair shop in the RH zone.

Recommendation:

The Pima County Hearing Administrator recommends approval of the conditional use permit.

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Board of S	upervisor District	::				
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Department	t: Development Se	rvices Departmen	it - Planning Te	lephone: 520-724	-9000	
Contact:	Artemio Hoyos		Te	lephone: <u>520-724</u>	-6781	
Department Director Signature/Date:						
Deputy County Administrator Signature/Date: 3/29/18						
County Administrator Signature/Date: C/Talletterry 13/19/18						



TO:

Honorable Ramon Valadez, Supervisor, District #2

Honorable Steve Christy, Supervisor, District #4

FROM:

Chris Poirier, Planning Official

Public Works-Development Services Department-Planning Division

DATE:

March 26, 2018

SUBJECT:

P18CU00001 TELLEZ - S. WILMOT ROAD

(Conditional Use - Type II - Retail/Repair Shop)

The above referenced Conditional Use Permit is within your district and scheduled for the Board of Supervisors' **TUESDAY**, **APRIL 17**, **2018** hearing.

REQUEST:

Conditional Use - Retail/Repair Shop

OWNER:

Vail Equipment Rentals LLC

16700 S. Sahuarita Pl.

Sahuarita, AZ 85629-9245

AGENT:

Juan Tellez

16025 S. Wilmot Rd.

Sahuarita, AZ 85629

DISTRICTS:

2 & 4

STAFF CONTACT:

Artemio Hoyos

<u>PUBLIC COMMENT TO DATE</u>: As of March 26, 2018, staff has received one (1) public comment. The individual did not express opposition to the request.

<u>HEARING ADMINISTRATOR RECOMMENDATION</u>: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS): The subject property is outside of the MMBCLS. Staff finds that: 1) its approval is not expected to affect any resources essential to Pima County's biological conservation priorities; and 2) it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update. The property has already been disturbed under its current residential use; no additional material impacts of significant resources will result from the operation of the equipment rental business.

TD/AH/ar Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P18CU00001 Page 1 of 2

FOR APRIL 17, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Planning Official

Public Works-Development Services Department-Planning Division

racsoux

DATE:

March 26, 2018

ADVERTISED ITEM FOR PUBLIC HEARING

CONDITIONAL USE PERMIT VAIL EQUIPMENT RENTALS LLC

P18CU00001 TELLEZ - S. WILMOT ROAD

Request of Juan Tellez (Vail Equipment Rentals LLC), on property located at 16025 S. Wilmot Road, approximately 700 feet north of the Sahuarita Road intersection, in the RH (Rural Homestead) Zone, for a conditional use permit for a retail/repair shop, in accordance with Section 18.13.030.B.10 of the Pima County Zoning Code as a Type II conditional use permit. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**

(District 2 and 4)

Summary of the Hearing Administrator Meeting (February 14, 2018)

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on February 14, 2018. The applicant presented the case to the hearing administrator and answered his questions.

Two (2) members of the public attended the hearing, one (1) whom elected to speak on the matter. That individual did not express opposition to the request, but did raise concerns with respect to: 1) noise during early-morning or evening hours from machinery and maintenance activities; and 2) the potential surface run-off of hazardous materials, such as oils and solvents, into the groundwater table that feeds the private wells in the area. Staff indicated that it had received no prior public comment on the case. The Hearing Administrator closed the public hearing.

P18CU00001 Page 2 of 2

After visiting the subject property and after considering the facts and the testimony presented at the public hearing on this request, the Hearing Administrator recommended APPROVAL of this request for a Type II conditional use permit for a retail/repair shop (Vail Equipment Rentals, LLC). It is suggested that this approval be subject to the following special conditions:

- 1. A formal Development Plan and customary attendant analyses (e.g. drainage report) shall be submitted for review and approval prior to final permitting or use of the property for the proposed retail/repair/equipment rental business.
- 2. The new steel building and associated parking area shall be located in substantial conformance with that as shown on the concept plan submitted with this conditional use permit application. Access to the business is allowed only from Wilmot Road.
- 3. Normal hours of operation are limited to 7:00 AM to 5:00 PM, Monday through Friday, and from 7:00 AM to 1:00 PM on Saturdays.
- 4. Summer hours of operation (from June through August inclusive), shall allow for a 6:00 AM opening time, Monday through Saturday.
- 5. All maintenance involving the draining or filling of oils and engine fluids, or the use of cleaning solutions, shall be conducted on a concrete floor and will be properly contained thereon so as to prevent run-off into soil areas.

TD/AH/ar Attachments

cc: Vail Equipment Rentals LLC, 16700 S. Sahuarita Pl., Sahuarita, AZ 85629-9245 Juan Tellez, 16025 S. Wilmot Rd., Sahuarita, AZ 85629 P18CU00001 File



Board of Supervisors Memorandum

P18CU00001

Page 1 of 5

FOR BOARD OF SUPERVISORS APRIL 3, 2018 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: February 19, 2018

DOCUMENT: P18CU00001

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Juan Tellez (Vail Equipment Rentals, LLC), on property located at 16025 S. Wilmot Road, approximately 700 feet north of the Sahuarita Road intersection, in the RH (Rural Homestead) Zone, for a conditional use permit for a retail/repair shop, in accordance with Section 18.13.030.B.10 of the Pima County Zoning Code as a Type II conditional use permit. (Districts 2 and 4)

CASE BACKGROUND AND PARTICULARS

The applicant's request is to establish a permanent location for Vail Equipment Rentals, LLC. The business began as a roadside entity and has grown significantly in recent years, thereby needing a stable location from which it can be operated and serve the surrounding area. The subject property fronts directly on Wilmot Road and lies several hundred feet north of Sahuarita Road. Wilmot was recently paved by the Department of Transportation and now provides a continuous paved link from Sahuarita Road northward to Valencia Road.

SUMMARY OF THE HEARING ADMINISTRATOR MEETING

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on February 14, 2018. The applicant presented the case to the hearing administrator and answered his questions.

Two (2) members of the public attended the hearing, one (1) whom elected to speak on the matter. That individual did not express opposition to the request, but did raise concerns with respect to: 1) noise during early-morning or evening hours from machinery and maintenance activities; and 2) the potential surface run-off of hazardous materials, such as oils and solvents, into the groundwater table that feeds the private wells in the area.

Hearing Administrator's Recommendation to the Board of Supervisors February 19, 2018

With these matters on the record, the applicant responded that the business primarily rents smallengine items, not large construction equipment, with the largest piece of equipment they offer being a standard backhoe. He also mentioned, on the topic of noise, that the speaker currently had a direct neighbor who was currently operating an unauthorized auto repair facility on his residential property. With respect to hazardous run-off, he indicated that power washing was necessary, but primarily to remove dirt from returned equipment.

Staff indicated that it had received no prior public comment on the case.

Upon hearing all of the above, the Hearing Administrator closed the public hearing.

HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property and after considering the facts and the testimony presented at the public hearing on this request, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit for a retail/repair shop (Vail Equipment Rentals, LLC). The applicant is advised that this is a *recommendation* to the Board of Supervisors, who will make the ultimate and final decision on this CUP request.

Should the Board of Supervisors agree with the Hearing Administrator's recommendation for approval, it is suggested that this approval be granted subject to the following special conditions:

Special Conditions

- 1. A formal Development Plan and customary attendant analyses (e.g. drainage report) shall be submitted for review and approval prior to final permitting or use of the property for the proposed retail/repair/equipment rental business.
- 2. The new steel building and associated parking area shall be located in substantial conformance with that as shown on the concept plan submitted with this conditional use permit application. Access to the business is allowed only from Wilmot Road.
- 3. Normal hours of operation are limited to 7:00 AM to 5:00 PM, Monday through Friday, and from 7:00 AM to 1:00 PM on Saturdays.
- 4. Summer hours of operation (from June through August inclusive), shall allow for a 6:00 AM opening time, Monday through Saturday.
- 5. All maintenance involving the draining or filling of oils and engine fluids, or the use of cleaning solutions, shall be conducted on a concrete floor and will be properly contained thereon so as to prevent run-off into soil areas.

REQUIRED STANDARDS AND FINDINGS

Following are the Hearing Administrator's findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.

The Pima County Comprehensive Plan designates this site and the surrounding private properties as *Low Intensity Rural (LIR)*, the purpose of which is to provide designated areas for the provision of low-density residential or other compatible uses.

It is the Hearing Administrator's finding that the proposed equipment rental business is an acceptable and compatible use, and one that is appropriate within the recently paved Wilmot Road corridor, if it is operated in accordance with the *Special Conditions* prescribed above. If so, it can be effectuated with minimal impact upon the surrounding property owners and is hereby found to not be in conflict with the *Comprehensive Plan*.

2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.

It is the Hearing Administrator's position that the proposed conditional use, if conducted in conformance with the *Special Conditions* prescribed above, will satisfactorily safeguard the adjacent properties and the permitted uses of same.

3. It has adequate accessibility to the County road network.

The site has direct access to Wilmot Road, which is now a paved public street that has a direct linkage to Sahuarita Road. Both of these arterials are designated "major streets" on the Pima County Major Streets & Routes Plan. Access is found to be adequate.

4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.

Required parking shall be reviewed accordingly during the Development Plan process.

5. It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.

It is the Hearing Administrator's finding that the new use poses no significant public threat in any of the above ways, including noise and dust, as long as the use is conducted in accordance with the *Special Conditions* enumerated above.

6. Hours of operation will not be detrimental to adjoining residents.

Hours of operation are addressed in the proposed Special Conditions.

7. Landscaping will be fully in conformance with zoning code regulations.

Designated landscape buffers shall be delineated on the required Development Plan.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Comprehensive Plan Regional Environmental Policies — Conservation Lands System

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

- 1. Important Riparian Areas 95% undisturbed natural open space
- 2. Biological Core Management Areas 80% undisturbed natural open space
- 3. Special Species Management Areas 80% undisturbed natural open space
- 4. Multiple Use Management Areas 66-2/3% undisturbed natural open space

The subject property is **OUTSIDE OF** the MMB-CLS.

Staff Commentary on Biological Impacts

Staff has reviewed this application and finds that: 1) its approval is not expected to affect any resources essential to Pima County's biological conservation priorities; and 2) it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update. The property has already been disturbed under its current residential use; no additional material impacts of significant resources will result from the operation of the equipment rental business.

Facts Confirmed by the Pima County Geographic Information System (GIS)

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

Cactus Ferruginous Pygmy Owl. The subject property is located within an area that has a high habitat potential. This site is not located within the Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is located within a general area designated as having a medium habitat potential for the Western Burrowing Owl; it is not within the Priority Conservation Area (PCA) for this species.

Pima Pineapple Cactus. The subject property is located within a general area that is within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is located within a general area that is outside of the known range for the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION & FLOOD CONTROL RECOMMENDATION:

The Department of Transportation and the Regional Flood Control District will further review the project as needed during the final permitting process.

attachments

cc: Carla Blackwell, Director, Development Services Yves Khawam, Chief Building Official Chris Poirier, Planning Official Tom Drzazgowski, Chief Zoning Inspector Juan Tellez, Owner and Applicant



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

PUBLIC HEARING – February 14, 2018

DATE:

February 7, 2018

TO:

Jim Portner, AICP, Hearing Administrator

FROM:

Artemio Hoyos, Senior Planner

SUBJECT:

P18CU00001 TELLEZ - S. WILMOT ROAD

(Juan Tellez – Applicant)

Type II Conditional Use – Retail/Repair Shop

LOCATION:

The subject property is located at 16025 S. Wilmot Road, approximately 700 feet north of the Sahuarita Road intersection. The project site consists of one parcel (305-22-153E) totaling in 4.17 acres.

SURROUNDING LAND USE OR CONTEXT:

The project site is zoned RH (Rural Homestead). Adjacent properties are also zoned RH. Surrounding land use is primarily undeveloped State-owned land, desert, and rural low density residential.

PUBLIC COMMENT:

Staff has received no public comment on this case.

PREVIOUS CASES ON PROPERTY:

There are no previous cases on this property.

BACKGROUND INFORMATION

Vail Equipment Rentals has provided small equipment rental and repair to the communities of Vail and Corona de Tucson since 2001. When the company first began, delivery and pick-up were included in the standard rental transaction. Under new management since 2015, Mr. Tellez stated that the clientele base has grown almost 200%. Inventory has also grown and diversified to meet current consumer demand. The growth in business was accomplished with no actual storefront site.

The proposed retail/commercial steel building will allow customers to view equipment and talk to experienced employees. The storefront space will offer an assortment of rental options

and costs. Vail Equipment Rentals will also provide small retail items to assist in most "doit-yourself" projects and re-launch a small engine repair service. The proposed building will include office and retail space.

Store hours are proposed to be Monday through Friday, 7am to 5pm; and Saturday/Sunday, 7am to 1pm. Summer hours will open an hour earlier.

DEVELOPMENT SERVICES COMMENTS:

This is a Type II conditional use permit (CUP) for an equipment rental, retail, and repair shop. These are allowable conditional uses for the RH zone. There is an existing single-family residence and carport on the site. The two structures will remain. Access to the proposed steel building is off of Wilmot Road from the west side of the site. Preliminary drawings show a 20' X 110' driveway to the retail and repair shop. The proposed parking lot appears to meet the minimum requirements of off-street parking spaces.

Activities that may be in the viewshed of adjacent residential property owners to the north, east, and south occur in the center of the project site and are shielded by 40' natural bufferyards. The steel building is setback over 110' from the north and east property lines; and over 260' from the south property line. Wilmot Road was paved within the last 2 years. Pima County designates that section of Wilmot Road as a "Medium Volume Arterial" in the Major Streets Plan. Future residential and commercial development and growth is expected along this corridor.

The proposed site plan submitted with the CUP application was very preliminary, but was adequate for our review. Staff recommends a more complete site plan submittal with the Development Plan package at the time of permitting and development.

DEPARTMENT OF TRANSPORTATION (DOT) AND FLOOD CONTROL

DOT and Flood Control have no objections to this CUP request. The owner/developer will need to complete a Development Plan for the site. Turn lane warrants will be analyzed at that time. The driveway locations does not appear to be an issue at this time. Floodplain Use Permits are required for any development on the site as it is located entirely within regulatory floodplains, including the Lee Moore Wash Special Study floodplain.

CULTURAL RESOURCES

Please be aware that Pima County cultural resources requirements could apply to Pima County Conditional Use Permits. If cultural or historic sites will be impacted by the proposed use, mitigation of impacts on sites eligible to the National Register of Historic Places could be required before the County issues the building permit. A first step in identifying the cultural resources status of your property is to request an archaeological records review from the Arizona State Museum (ASM), at 621-2096, and submit it with the permit application. The County Office of Cultural Resources and Historic Preservation will review the ASM report and determine whether additional cultural resources actions are necessary.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the conditional use request with the following

conditions:

- 1. The owner/applicant adhere to the uses and days/hours of operation as presented in the Conditional Use Permit application.
- 2. A complete Development Plan be submitted at the time of permitting and development.

Cc: Carla Blackwell, Development Services Director Juan Tellez, Applicant



ZONING ENFORCEMENT DIVISION 201 N. Stone Avenue, 1st Floor Tucson, Arizona 85701-1207 (520) 724-6675

APPLICATION FOR CONDITIONAL USE PERMIT PHONE: SLO -1 CITY: s wilmot TYPE OF USE PROPOSED FOR PROPERTY (BE SPECIFIC): STATE THE REASONS WHY THE USE IS PROPOSED AND WHY YOU THINK IT WOULD BE COMPATIBLE WITH THE SURROUNDING AREA: THIS ANEA _ ESTIMATED COMPLETION DATE:

Revised 08-25-14

THE FOLLOWING DOCUMENTS ARE REQUIRED:

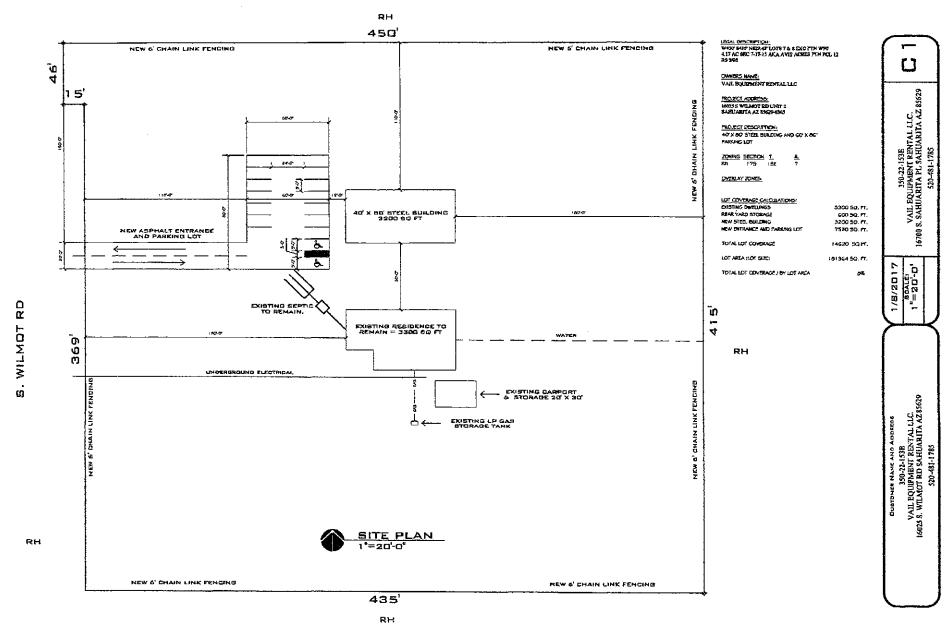
1.	Preliminary Developin	ient Plan			
	a. 5 copies are	e needed for Type I (In accord	ance with Pima County Fee Schedule)		
	b. 10 copies ar	e needed for Type II (In accord	lance with Pima County Fee Schedule)		
	c. 10 copies an	needed for Type III (In accord	lance with Pima County Fee Schedule)		
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2.	Assessor's Map showi	ng location and boundaries of the	e property.		
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A request for continuance of an advertised application or a change in original request by applicant, must be accompanied by an additional fee.

** Applicant should consult with Pima County Planning staff to determine the extent to which this requirement applies to the subject property. The Biological Impact Report pertains to expected impacts on endangered and threatened species as identified in the Sonoran Desert Conservation Plan.

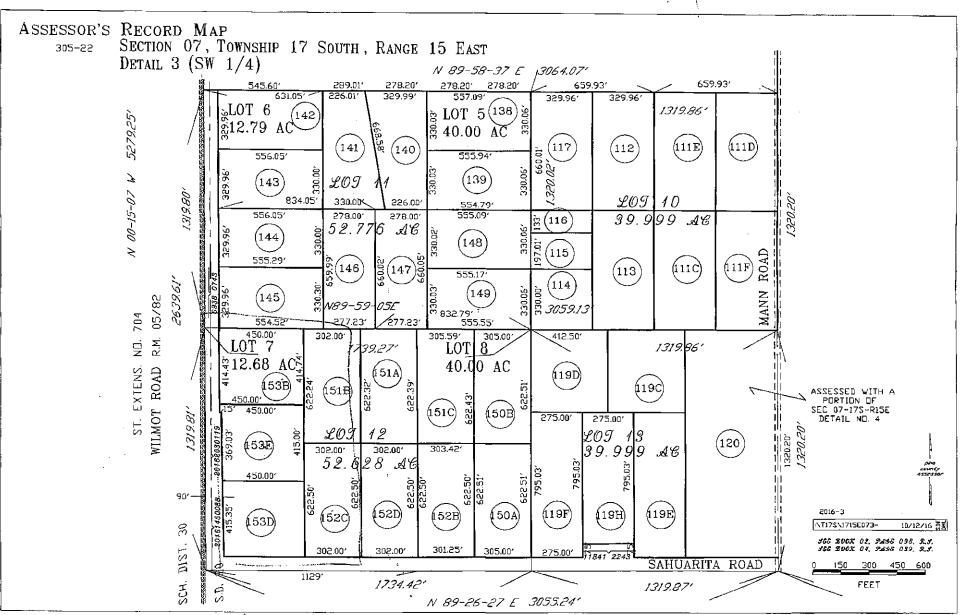
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RECORDING REQUESTED BY: Title Security Agency, LLC AND WHEN RECORDED MAIL TO: Melissa F. Wright 16025 S. Wilmot Rd., Unit 2 Sahuarita, AZ 85629 * E RECORDING * Page 1 of 4

SEQUENCE: No. Pages: 7/21/2016

4 10:14 AM

F. ANN RODRIGUEZ, RECORDER Recorded By: JAL (e-recording)

ESCROW NO.: 600-36669-RDH

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AFFIDAVIT TERMINATING RIGHT OF SURVIVORSHIP WITH CERTIFIED COPY OF DEATH CERTIFICATE

1.

Melissa F. Wright, fka Melissa F. Demers, Affiant(s) being first duly sworn according to law, deposes and says:

That we/he/she are/is the surviving spouse/surviving tenant(s) of John B. Wright (decedent) who died on 10-20-2014, that at the time of his/her death the said decedent was a resident of Pima County, Arizona.

11.

That afflant(s) and the decedent is/are the same persons named as grantees in a deed wherein the interest was held as joint tenants with right of survivorship in the following described property:

See Exhibit "A" attached hereto and made a part hereof.

Said Deed having been recorded May 15, 1995, in Docket 10043, Page 521, in the office of the County Recorder of Pima County, Arizona.

Ш.

That upon the death of said decedent all his/her interest in said real property under the provisions of joint tenants with right of survivorship terminated and vested in the surviving joint tenants.

iV.

That there is attached hereto a certified copy of the Death Certificate of said decedent, issued by the State of Arizona containing the date and cause of death of said decedent and by reference thereto made a part hereof as though fully incorporated herein.

That the value of the estate of said deceased is less than an amount taxable by the Federal and State Estate Tax Commission, and that all funeral bills, expenses of last illness, etc., have been paid in full.

Melissa F. Wright, fka Melissa F. Demers

State of Arizona)ss: County of Pima	
On this day of, 2016, before me, The Undersigned a Notary Public in and for said County and State, personally appeared Melissa F. Wright personally known to me (or proved to me on the basis of satisfactory to be the person whose name is subscribed to the within instrument a acknowledged to me that she executed the same in her authorized ca and that by hwe signature on the instrument the person, or the entity under the same in the same in the entity under the same in the person.	evidence) nd pacity,
behalf of which the person(s) acted, executed the instrument WITNESS my hand and official seal. Notary Public: WILLIAM My Commission Expires: WILLAM	NOTARY PUBLIC STATE OF ARIZONA Pima County RHONDA HERRERA My Commission Expires June 01, 2020



