



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 17, 2018

**Title:** Request to Release 1.2 acres of County-owned land at N. First Avenue and Tangerine Road from MSCP Master Restrictive Covenant; Acq-0659; Supervisor District 1.

### **Introduction/Background:**

County owns approximately 53.5 acres located in the area of N. First Avenue and Tangerine Road (APN 219-20-9180) (the "County Property"). Capri Co., LLC ("Capri"), wishes to obtain a roadway access across the County Property to gain access from Tangerine Road into their planned development adjacent to the south. The County Property is subject to the MSCP Master Restrictive Covenant ("MRC") established by the Board of Supervisors ("BOS") and the Regional Flood Control Board of Directors ("BOD") in October 2016. The MRC expressly prohibits County from granting access for new roads on a restricted property. The MRC does, however, allow for its terms and restrictions to be amended, modified or released, but only with the approval of the US Fish and Wildlife Service ("USFWS"), Arizona Land & Water Trust ("ALWT"), the BOS, and the BOD.

### **Discussion:**

Capri's request to locate a roadway access from Tangerine crossing through the County Property stems from development requirements imposed by the Town of Oro Valley that roadway access occur in this location to accommodate safe ingress/egress into Capri's planned development. Staff evaluated potential impacts of locating the potential roadway through County Property; impacts are limited to 1.2 acres at the western tip of County Property. Measures to mitigate for this impact are specified in an Exchange Agreement (a separate agenda item). Release of the 1.2 acres to facilitate roadway placement will not result in a net impact to or loss of MSCP mitigation lands or diminish the value of County Conservation Lands when paired with mitigation measures specified in the Exchange Agreement. County staff has fully advised both USFWS and ALWT about the Request to Release the 1.2 acres from MSCP MRC and proposed mitigation measures; both concur and have provided written concurrence.

### **Conclusion:**

Releasing the 1.2 acres from MSCP MRC removes legal prohibitions that prevent establishing a public ingress/egress roadway to an important development in Oro Valley. Potential impacts to MSCP mitigation lands and Conservation Land values will be mitigated through measures specified in a separate Exchange Agreement.

### **Recommendation:**

Staff recommends that the BOS and BOD release the MSCP MRC from the 1.2 acres and requests direction to execute and record a Partial Release of Site-Specific Agreement on the County Property in order to implement the release of the 1.2 acres from the MRC.

### **Fiscal Impact:**

None.

### **Board of Supervisor District:**

1       2       3       4       5       All

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Department: Real Property

Telephone: 520-724-6313

Contact: Michael D. Stofko

Telephone: 520-724-6667

Department Director Signature/Date:



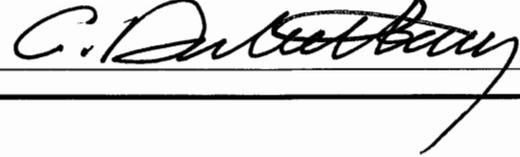
3/23/18

Deputy County Administrator Signature/Date:



3/27/18

County Administrator Signature/Date:



3/27/18



WHEN RECORDED DELIVER TO:

Pima County Real Property Services  
201 N Stone Avenue, 6<sup>th</sup> Floor  
Tucson, AZ 85701-1215

**PARTIAL RELEASE OF CERTAIN REAL PROPERTY FROM THE SITE-SPECIFIC  
AGREEMENT TO MASTER RESTRICTIVE COVENANT**  
**(A Portion of Pima County MSCP Mitigation Land)**

The undersigned hereby release that certain Site-Specific Agreement to Master Restrictive Covenant recorded on August 15, 2017, as Instrument Number 20172270452 in the Pima County Recorder's Office, only as against the following described real property:

See legal descriptions and depiction maps attached hereto, collectively as Exhibit A.

This partial release does not release any other portions of Pima County MSCP Mitigation Lands or Non-MSCP mitigation lands from any restrictive covenants recorded against such properties.

Approved by:

COUNTY: Pima County

COPY

By: \_\_\_\_\_  
Manager, Real Property Services

Date: \_\_\_\_\_

DISTRICT: Pima County Regional Flood Control District

By: \_\_\_\_\_  
Director, Regional Flood Control District

Date: \_\_\_\_\_

BENEFICIARY: Arizona Land and Water Trust, Inc.

By:   
Its, President

Date: 2/15/18

STATE OF ARIZONA )  
 ) ss  
COUNTY OF PIMA )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ of \_\_\_\_\_,  
2017 by Neil J. Konigsberg, on behalf of Pima County.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

STATE OF ARIZONA )  
 ) ss  
COUNTY OF PIMA )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ of \_\_\_\_\_,  
2017 by Suzanne Shields, on behalf of Pima County Regional Flood Control District.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

STATE OF ARIZONA )  
 ) ss  
COUNTY OF PIMA )

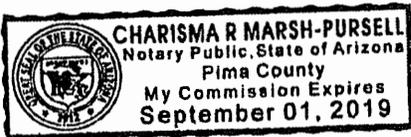
The foregoing instrument was acknowledged before me this 15 of February,  
2017 by Diana Freshwater, on behalf of Arizona Land and Water Trust, Inc.

B

*Charisma R Marsh-Pursell*  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

9-1-2019





**LEGAL DESCRIPTION  
THE VILLAGES AT SILVERHAWKE  
TANGERINE CONNECTION: WESTERN TRIANGLE**

A portion of that certain parcel as described in Docket 11864, Page 756, Pima County records, lying within Section 31, Township 11 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

**COMMENCING** at the South quarter corner of said section 31 from which the Northwest corner of said Section 31 bears N 89°34'05" W (basis of bearings), a distance of 2583.45 feet;

**THENCE** N 89°34'05" W, along the South line of the Southwest quarter of said Section 31; a distance of 1698.04 feet to the **POINT OF BEGINNING**;

**THENCE** continue N 89°34'05" W, continuing along said South line, a distance of 384.71 feet to the Southerly right-of-way line of Tangerine Road;

**THENCE** N 71°57'55" E, along said Southerly right-of-way line, a distance of 405.59 feet;

**THENCE** leaving said Southerly right-way-line, S 00°25'55" W, a distance of 128.47 feet to the **POINT OF BEGINNING**.

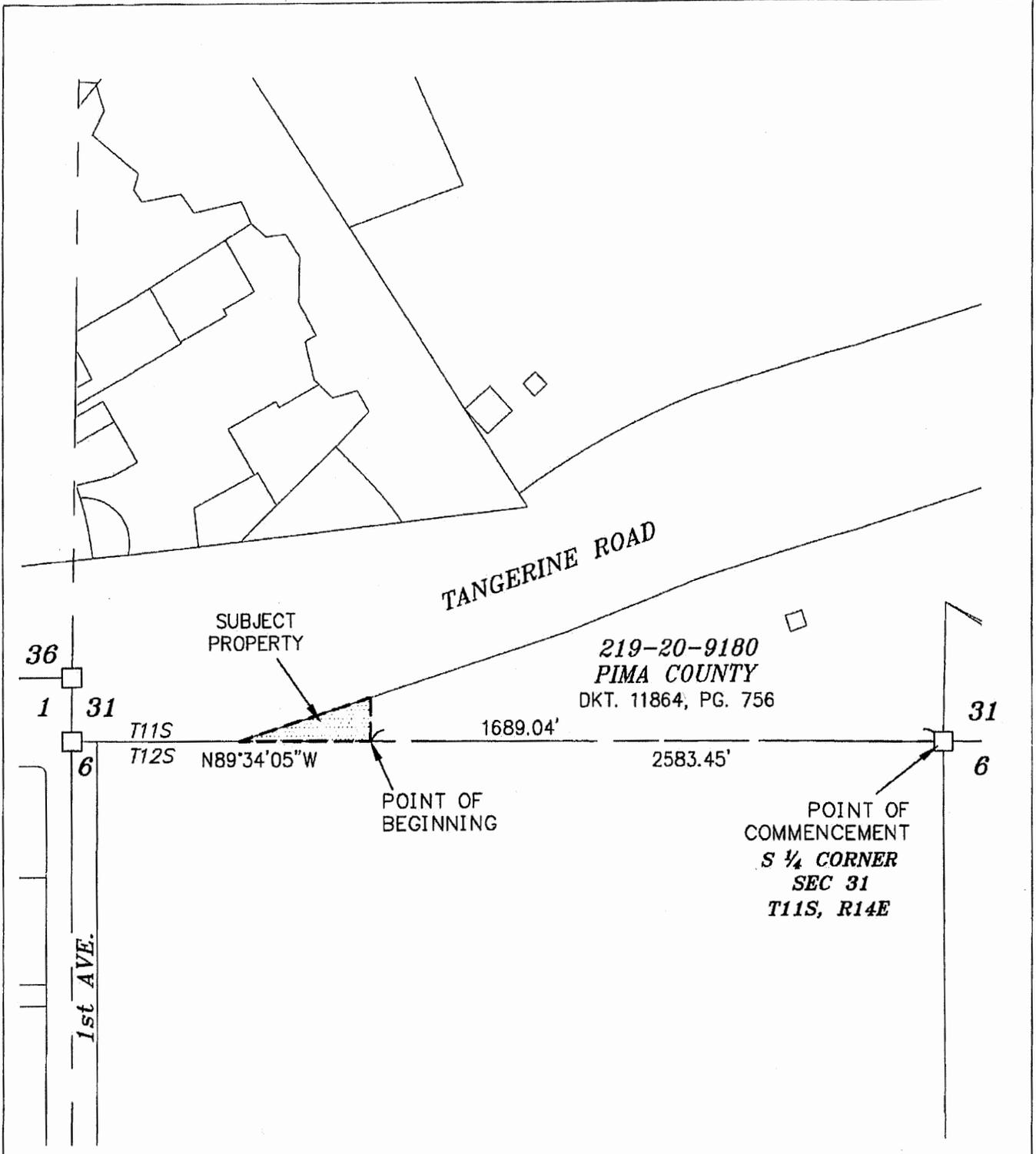
**CONTAINING:** 24,712 square feet or 0.5673 acres of land, more or less.

Prepared by:  
THE WLB GROUP, INC

Peter D. Cote, RLS 44121



EXPIRES 3-31-2018



**EXHIBIT TO ACCOMPANY DESCRIPTION OF  
TANGERINE CONNECTION  
WESTERN TRIANGLE  
SECTION 31, T-11S, R-14E, G.S.R.M.,  
PIMA COUNTY, ARIZONA**

1"=400'

The  
WLB  
Group, Inc.

WLB

October 5, 2017

WLB No. 1820523-G-003

W:\LEGALS\182053\Villages at Silver Hawk Access Parcel.doc



**LEGAL DESCRIPTION  
THE VILLAGES AT SILVERHAWKE  
TANGERINE CONNECTION: ACCESS PARCEL**

A portion of that certain parcel as described in Docket 11864, Page 756, Pima County records, lying within Section 31, Township 11 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

**COMMENCING** at the South quarter corner of said section 31 from which the Northwest corner of said Section 31 bears N 89°34'05" W (basis of bearings), a distance of 2583.45 feet;

**THENCE** N 89°34'05" W, along the South line of the Southwest quarter of said Section 31; a distance of 1522.14 feet to the **POINT OF BEGINNING**;

**THENCE** continue N 89°34'05" W, continuing along said South line, a distance of 175.90 feet to the Southerly right-of-way line of Tangerine Road;

**THENCE** N 00°25'55" E, a distance of 128.47 feet to the Southerly right-of-way line of Tangerine Road;

**THENCE** N 71°57'55" E, along said Southerly right-of-way line, a distance of 185.45 feet;

**THENCE** leaving said Southerly right-way-line, S 00°25'55" W, a distance of 187.21 feet to the **POINT OF BEGINNING**.

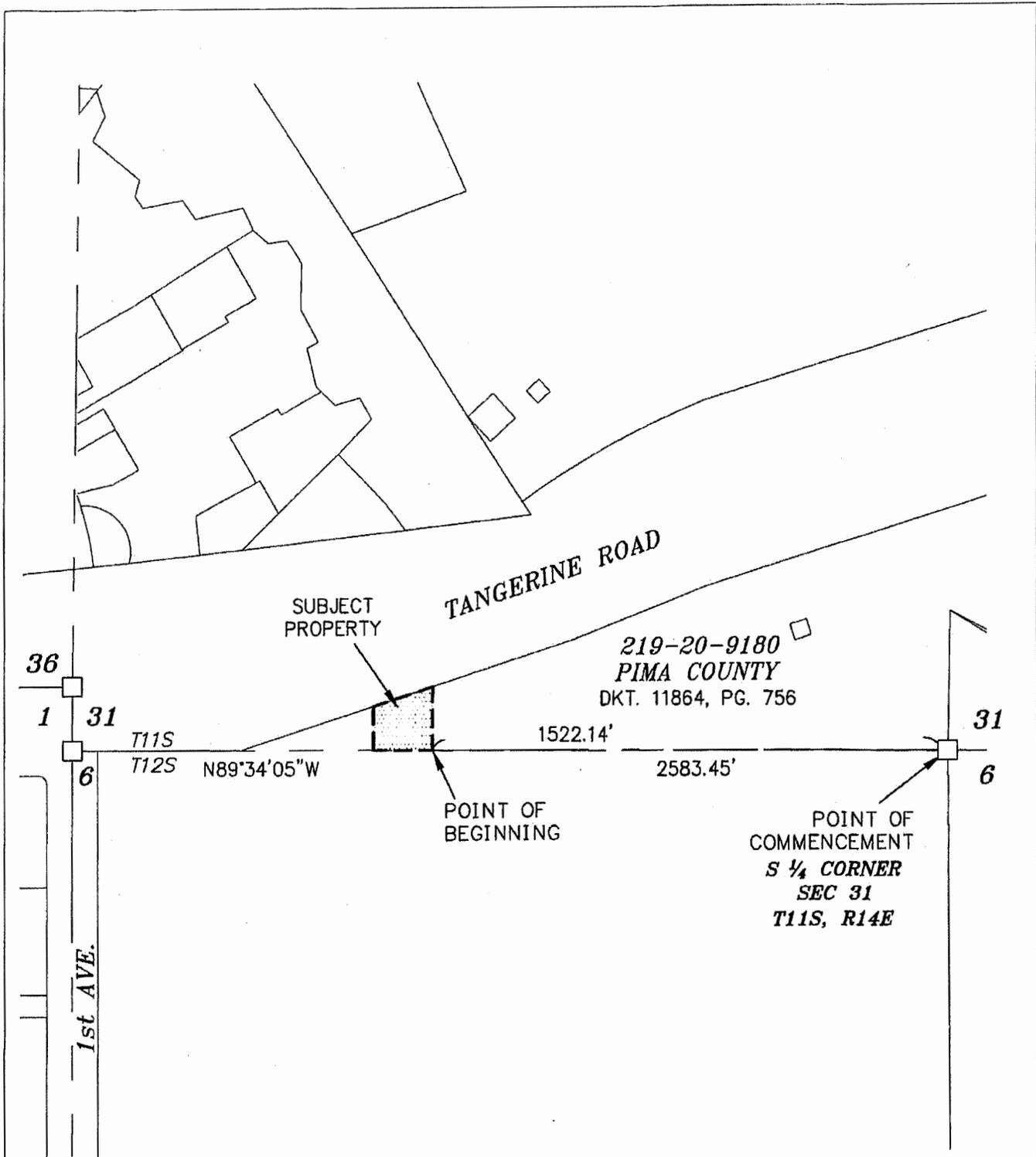
**CONTAINING:** 27,765 square feet or 0.6374 acres of land, more or less.

Prepared by:  
THE WLB GROUP, INC

Peter D. Cote, RLS 44121



EXPIRES 3-31-2018



**EXHIBIT TO ACCOMPANY DESCRIPTION OF  
TANGERINE CONNECTION  
ACCESS PARCEL  
SECTION 31, T-11S, R-14E, G.S.R.M.,  
PIMA COUNTY, ARIZONA**



1"=400'

