



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 6, 2018

Title: Abandonment of all public roads in Tucson Country Club Estates (TCCE). (File # A-0016)

Introduction/Background:

The TCCE Home Owner's Association (the "HOA") requests Board approval to abandon all public roads in TCCE (the "TCCE Roads"). A map of the TCCE Roads is attached. The Board of Supervisors directed staff to proceed with the abandonment by sale pursuant to Resolution No. 2018-46 on August 7, 2018.

Discussion:

TCCE includes lots in the Tucson Country Club Estates 1, 2, 3, and Sunset North subdivisions, as well as lots that are not in a subdivision, but utilize the roadways for access (collectively the "Abutting Properties"). The HOA consists of all of the lot owners in the subdivisions, except that membership in the HOA is voluntary for Tucson Country Club Estates 3. Owners of lots not in a subdivision may join the HOA on a voluntary basis. The HOA has submitted an application to abandon by sale the TCCE Roads. The HOA has obtained consent for the abandonment from a majority of the owners of the real property that abuts the roads to be abandoned, as required by ARS 28-6701(C). The HOA intends to acquire the TCCE Roads, and to provide a limited entry access point manned 24 hours per day at the existing welcome center. The HOA will assume all obligation for maintenance and repair of the TCCE Roads, and non-members of the HOA will not be subject to assessments for the use or maintenance of the TCCE Roads.

Notice was provided under ARS 28-6701 and 28-7204, and no offer to purchase was submitted by a party other than Tucson Country Club Estates Home Owners Association.

Conclusion:

This abandonment request has been reviewed and approved by appropriate County staff and applicable utility companies and no properties will be left without public or private legal access and existing utility easements will be reserved. County has determined that the subject roadway is not needed for public use and shall be vacated upon conveyance to the applicant.

Recommendation:

Staff recommends that the Pima County Board of Directors approve Resolution No. 2018-_____.

Fiscal Impact:

None

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

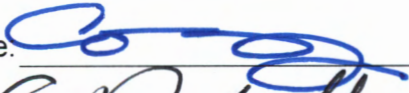
Department: Public Works-Real Property Services Telephone: 724-6309

Contact: Neil Konigsberg Telephone: 724-6582

Department Director Signature/Date:

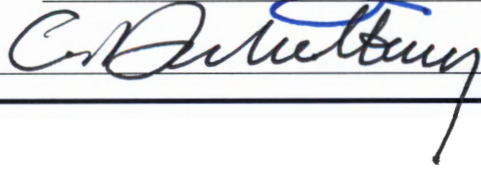
 10-11-2018

Deputy County Administrator Signature/Date:



10/15/18

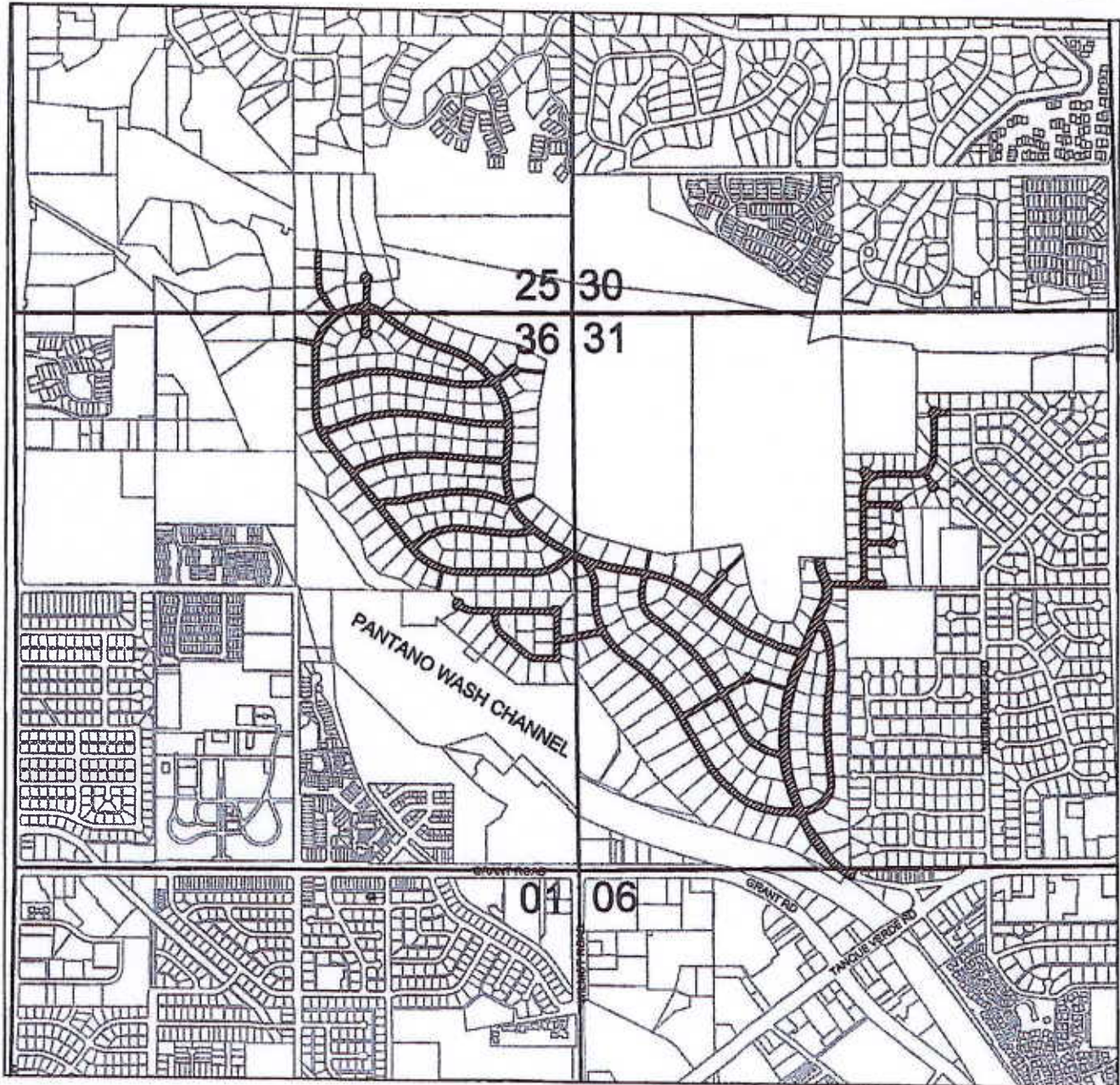
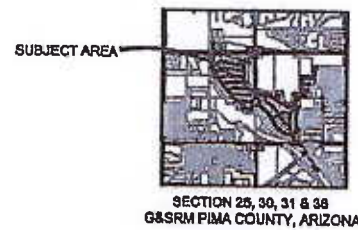
County Administrator Signature/Date:



10/15/18

LOCATION MAP

SECTION 31
TOWNSHIP 13 SOUTH
RANGE 15 EAST



- TUCSON COUNTRY CLUB ESTATES RIGHTS OF WAY
- WALKWAYS



PIMA COUNTY DEPARTMENT OF TRANSPORTATION
ENGINEERING INFORMATION MANAGEMENT

DRAWING NOT TO SCALE

DRAWN BY: SBUTLER

DATE: MAY 2018

RESOLUTION NO. 2018 - _____

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
FOR THE ABANDONMENT BY SALE OF ALL PUBLIC ROADS
WITHIN COUNTRY CLUB ESTATES NO. 1, COUNTRY CLUB
ESTATES NO. 2, COUNTRY CLUB ESTATES NO. 3, SUNSET NORTH
(THE "SUBDIVISIONS") AND A PORTION OF CAMINO PRINCIPAL
AS PIMA COUNTY ROAD ABANDONMENT NO. A-0016.**

The Board of Supervisors of Pima County, Arizona finds:

1. County staff was directed pursuant to Resolution No. 2018-46 to proceed with abandonment by sale all public right-of-way in the above-referenced Subdivisions, said roadways being more particularly described and depicted in attached **Exhibit "A"** (the "Roadway").
2. The County has determined that the portion of public right-of-way is not needed for public use pursuant to A.R.S. §§ 28-6701 and 28-7215(A).
3. Notice was provided under A.R.S. §§ 28-6701 and 28-7204, and no offer to purchase was submitted by a party other than Tucson Country Club Estates Home Owners Association.
4. The Roadway may be disposed of by sale to Tucson Country Club Estates Home Owners Association, an Arizona non-profit corporation ("Grantee") pursuant to A.R.S. § 28-6701 and A.R.S. § 28-7215(B).
5. Grantee shall be responsible for all maintenance and repair of the Roadway in perpetuity.

NOW, THEREFORE, BE IT RESOLVED,

The public roadway described and depicted in **Exhibit "A"** will be conveyed by Quit Claim Deed to Grantee, without compensation, in accordance with A.R.S. § 28-6701, A.R.S. § 28-7204 and A.R.S. § 28-7215(B) subject to (1) a reserved ingress/egress and utility easement appurtenant to each parcel of real property abutting the Roadways, whether or not the parcel is within one of the Subdivisions, for the benefit of the owners, guests and invitees of the owners, public or emergency vehicles, and any other persons lawfully accessing the parcels; (2) reserved easements for any utilities that have facilities within the Roadways; and (3) agreement by the grantee, as the owner of the servient estate subject to the reserved easements, to maintain and repair the Roadways in perpetuity for the benefit of the dominant estates.

Upon recordation of the Quit Claim Deed, the subject roadway shall be deemed to be vacated and title shall vest in the Grantee.

BOS Approval: 11/06/2018	S/T/R: 06/14/15, 25/13/14, 31/15/13, 36/13/14	File A-0016	Agent: TM
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Passed and adopted, this _____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM

Clerk of the Board



Deputy County Attorney

KELL OLSON

EXHIBIT "A"

July 26, 2018

All of the thoroughfares shown on the plat of COUNTRY CLUB ESTATES, Book 8 of Maps and Plats at Page 75, Pima County Recorder's Office, together with the walkway shown between Lots 9 and 10 of Block 9, the walkway shown between Lots 24 and 25 of Block 9, the walkway shown between Lot 5 and 6 of Block 8, the walkway shown between Lot 9 of Block 3 and Lot 1 of Block 8, the walkway shown between Lots 12 and 13 of Block 8, the walkway shown between Lot 20 of Block 8 and Lot 15 of Block 16, the walkway shown between Lots 10 and 11 of Block 4, and the walkway shown between Lots 16 and 17 of Block 4.

All of the thoroughfare shown on the plat of COUNTRY CLUB ESTATES NO. 2, Book 15 of Maps and Plats at Page 35, Pima County Recorder's Office.

All of the rights-of-way dedicated by the plat of COUNTRY CLUB ESTATES NO. 3, Book 18 of Maps and Plats at Page 73, Pima County Recorder's Office.

All of the rights-of-way dedicated by the plat of SUNSET NORTH RESUBDIVISION, Book 28 of Maps and Plats at Page 14, Pima County Recorder's Office.

All of that portion of Camino Principal and an alley in EL PRINCIPAL, Book 16 of Maps and Plats at Page 33, and as recorded in Docket 9373 at Page 238, Pima County Recorder's Office, described as follows:

BEGINNING at the South one-quarter corner of Section 31, Township 13 South, Range 15 East, Gila and Salt River Meridian, Pima County, Arizona, said South one-quarter corner being the Southeast corner of Lot 1, Block 1, of COUNTRY CLUB ESTATES, Book 8 of Maps and Plats at Page 75, Pima County Recorder's Office;

THENCE S 89°23'08" W along the South line of said Section 31 and COUNTRY CLUB ESTATES a distance of 165.97 feet to a point on the Southwesterly right-of-way line of Camino Principal, said point being on the arc of a non-tangent curve concave to the Northeast, a radial line of said curve through said point having a bearing of S 41°38'36" W;

THENCE Southeasterly along the Southwesterly right-of-way line of Camino Principal, along the arc of said curve, to the left, having a radius of 644.76 feet, with a chord of S 51°49'37" E 78.06 feet, and a central angle of 06°56'26" for an arc distance of 78.10 feet to a point of compound curvature of a tangent curve concave to the Northeast;

THENCE Southeasterly along the Southwesterly right-of-way line of Camino Principal, along the arc of said curve, to the left, having a radius of 401.40 feet, with a chord of S 63°00'20" E 107.68 feet, and a central angle of 15°25'00" for an arc distance of 108.01 feet to a non-tangent line;

THENCE N 24°15'52" E along a line that extends through the most Westerly corner of Lot 15 of said EL PRINCIPAL subdivision a distance of 108.70 feet to the North line of said EL PRINCIPAL subdivision;

THENCE S 89°40'55" W along the North line of EL PRINCIPAL subdivision a distance of 36.02 feet to the POINT OF BEGINNING.

Prepared by:

Bruce Small



Expires 06/30/2019