




MEMORANDUM

Date: March 25, 2019

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Agenda Item Number 23 on the April 2, 2019 Board of Supervisors Meeting Agenda – Real Property Roadway Abandonment by Sale Resolution No. 2019-23**

In September 2018, property owners along Coyote Crossing Trail contacted my office to request the abandonment of this County right of way. After meeting with owners, we found that due to their years of assumed roadway maintenance and the lack of need for public use, abandonment of this right of way was appropriate. A request by staff for authorization to proceed with abandonment of Coyote Crossing Trail by sale was approved by the Board on January 8, 2019. The attached resolution scheduled for the April 2, 2019 Board meeting authorizes the conveyance of Coyote Crossing Trail to the Coyote Estates, LLC for \$6,000. The County determined this roadway is not needed for public use, and no properties will be left without public or private legal access through this sale. The sale cost takes into account the many years of roadway maintenance paid by residents.

In the early 1990s, the residents in this area (located on Section 33 on map) requested that the public rights of way and easements be abandoned to the adjacent property owners. It was assumed that Coyote Crossing Trail was also part of the original request, and under this assumption, property owners along this segment of Coyote Crossing Trail assumed maintenance and repair. Since 2000, almost 20 years, residents have graded, added culverts, paved, sealed and maintained the roadway at their own expense. It was not until 2017 that we became aware that the right of way on this small segment of the roadway was still held by the County.

With the proposed annexation and rezoning of adjacent State Trust land by the Town of Oro Valley, the residents along Coyote Crossing Trail do not want this segment of right of way conveyed to Oro Valley; hence their request for abandonment. This segment of roadway is currently not a through street and primarily serves neighborhood property owners. This abandonment will return private access to the residents that use and maintain Coyote Crossing Trail and remove the County from liability associated with the public roadway.

CHH/dr

Attachment

RESOLUTION NO. 2019 - _____

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS FOR
THE ABANDONMENT BY SALE OF COYOTE CROSSING TRAIL AS
PIMA COUNTY ROAD ABANDONMENT NO. A-0025**

The Board of Supervisors of Pima County, Arizona finds:

1. An application has been received by Pima County for the vacation of Coyote Crossing Trail, a public roadway recorded in Book 1434, at Page 22, of Maps and Plats, said roadway 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 28-7202.
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 Coyote Estates, LLC.
4. The Roadway may be disposed of by sale to Coyote Estates, LLC, an Arizona limited liability company ("Grantee") pursuant to A.R.S. §§ 28-6701, 28-7204, and 28-7215(A).
5. Grantee shall be responsible for all maintenance and repair of the Roadway and liability for the roadway in perpetuity.
6. An offer of \$6000 by the applicant is an advisable amount of consideration under A.R.S. §§ 28-7204(E).

NOW, THEREFORE, BE IT RESOLVED,

The public roadway described and depicted in **Exhibit "A"** will be conveyed by Quit Claim Deed to Grantee, in accordance with A.R.S. §§ 28-6701, 28-7204 and 28-7215(A) subject to (1) a reserved ingress/egress and utility easement appurtenant to each parcel of real property abutting the Roadways, 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 Roadway; 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.

Passed and adopted, this _____ day of _____, 2019.

Chairman, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM

 **KELL OLSON**

Clerk of the Board

Deputy County Attorney

BOS Approval: 04/02/2019

S/T/R: 33/11/13

File A-0025

Agent: TM

LOCATION MAP



SUBJECT AREA

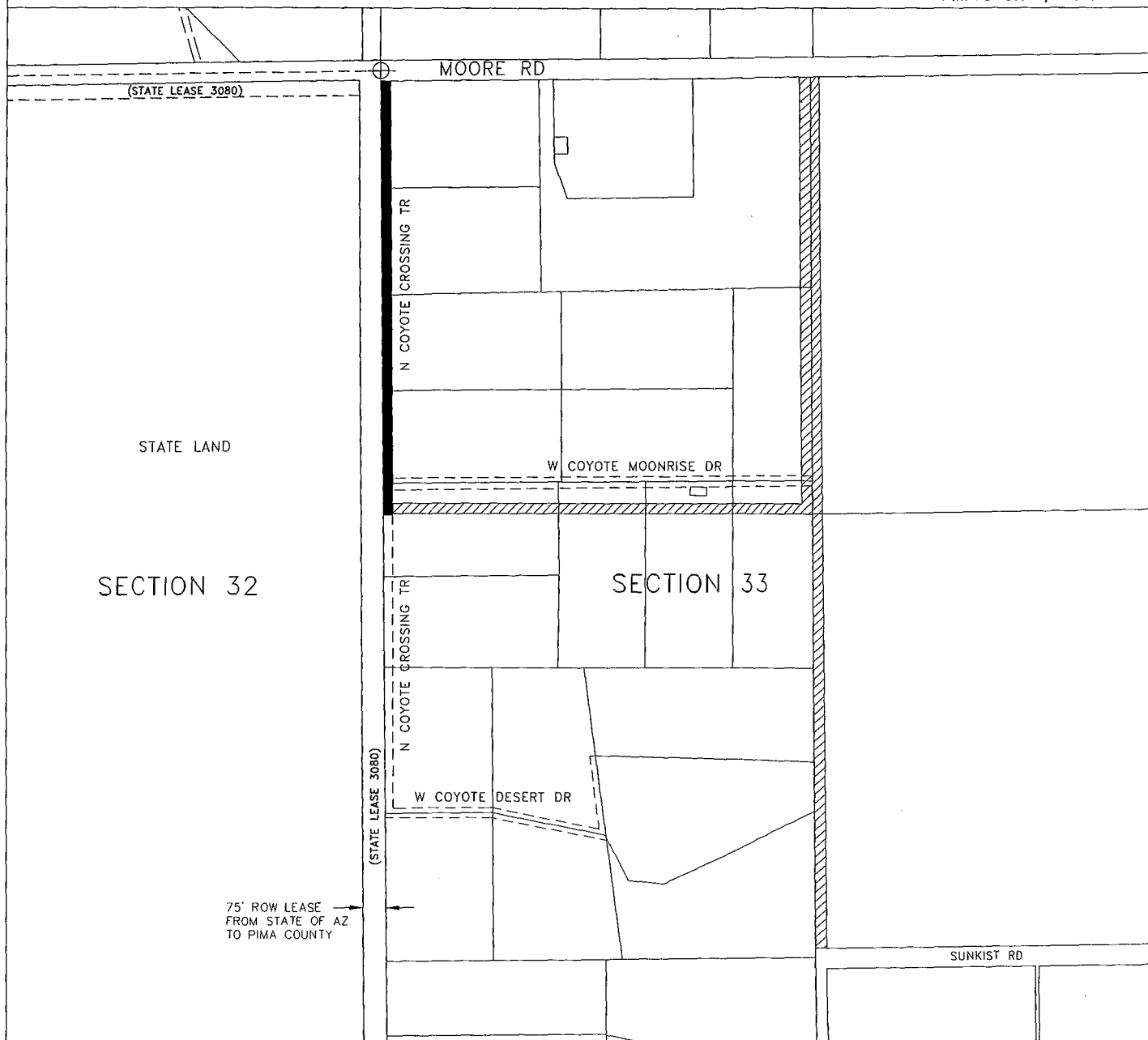


SECTION 33 G&SRM
PIMA COUNTY, ARIZONA

SECTION 33
TOWNSHIP 11 SOUTH
RANGE 13 EAST

FILE A-0025

-  30' ROW TO BE ABANDONED
-  PORTION OF 1953 DEDICATION
ABANDONED BY PIMA COUNTY
- EXISTING I/E EASEMENTS



**PIMA COUNTY DEPARTMENT OF TRANSPORTATION
ENGINEERING INFORMATION MANAGEMENT**

18078

DRAWING NOT TO SCALE

DRAWN BY: JLITTLE

DATE: NOV 2018