



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 16, 2019

Title: Resolution Authorizing Pima County to Condemn for the Twin Peaks Sewer Project

Introduction/Background:

Pima County Wastewater and Reclamation's Twin Peaks Sewer Project (the "Project") extends sewer service to a fast developing area. Permanent Easements and Temporary Construction Easements (TCE) are being acquired in order to construct and operate the new sewer facilities.

Discussion:

An offer has been presented to TRP Twin Peaks L.L.C. for the acquisition of an easement and TCE over a portion of its property for the Project. The property owner is interested in reaching an agreement but is prevented from providing clear title due to a property claim currently under appeal at the Arizona Supreme Court. To keep the project time line, Pima County must proceed with acquiring the Easements by condemnation.

Conclusion:

The Pima County Attorney will be authorized to institute condemnation proceedings to acquire real property interests from TRP Twin Peaks L.L.C. for the Project.

Recommendation:

Staff recommends approval of the attached Resolution authorizing condemnation.

Fiscal Impact:

The Permanent Easement has been appraised at \$48,544 and the TCE has been appraised at \$5,500 for a total appraised value of \$54,044. Property owner is not disputing the value.

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Public Works Real Property Services Telephone: 724-6713

Department Director Signature/Date: [Signature] 3/27/2019

Deputy County Administrator Signature/Date: [Signature] 3/27/19

County Administrator Signature/Date: C. Deibel 3/28/19

RESOLUTION NO. 2019- _____

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE PIMA COUNTY ATTORNEY TO CONDEMN
REAL PROPERTY INTERESTS WHERE NECESSARY FOR THE
TWIN PEAKS-BLUE BONNET ROAD GRAVITY SEWER PROJECT
IN SECTION 1 OF TOWNSHIP 12 SOUTH, RANGE 12 EAST,
G&SRM**

The Board of Supervisors of Pima County, Arizona finds:

1. Pima County plans to construct and maintain sewer facilities, to serve a fast developing area along Twin Peaks Road as part of the Twin Peaks Sewer Augmentation Project (the "Project") located in Section 1 OF TOWNSHIP 12 SOUTH, RANGE 12 EAST, G&SRM, for the use and benefit of the public; and
2. The Board of Supervisors of Pima County finds it is necessary to exercise its powers of eminent domain, pursuant to A.R.S. § 12-1111, to acquire interests in the real property as described in attached **Exhibit A** and **Exhibit A-1** in order to construct the Project;

NOW, THEREFORE, BE IT RESOLVED that the Pima County Attorney be and is hereby authorized to institute condemnation proceedings to acquire real property interests necessary for the above described Project, from the real property shown on the attached **Exhibit A** and **Exhibit A-1**, in the event that the property interests cannot otherwise be acquired in a timely manner.


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

Richard Elías, Chairman
Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board of Supervisors



Andrew Flagg, Deputy County Attorney

Board of Supervisors Approval:		S1/T12S/R12E
Agent: gcd	File #:PR-0810	Project Code #: 3TPBBS

Twin Peaks – TRP Condemnation



10/25/2018
EEC No. 14034.13
216-02-015A
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EXHIBIT "A"
LEGAL DESCRIPTION
EASEMENT

THAT PORTION OF LAND WITHIN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 12 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3 INCH BCSM STAMPED "T.O.M. RLS 19316" AT THE INTERSECTION OF TWIN PEAKS ROAD AND HOLLYWOOD BOULEVARD FROM WHICH A 3 INCH BRASS CAP SURVEY MONUMENT STAMPED "T.O.M." AT THE NORTHWEST CORNER OF SAID SECTION 1 BEARS NORTH 00 DEGREES 46 MINUTES 59 SECONDS WEST A DISTANCE OF 663.60 FEET;

THENCE NORTH 00 DEGREES 46 MINUTES 59 SECONDS WEST UPON THE WEST LINE OF SAID SECTION 1 BEING COMMON WITH THE CENTERLINE OF RIGHT-OF-WAY OF TWIN PEAKS ROAD A DISTANCE OF 54.64 FEET;

THENCE DEPARTING SAID SECTION LINE NORTH 89 DEGREES 13 MINUTES 01 SECONDS EAST A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT OF WAY OF TWIN PEAKS ROAD, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE UPON SAID EAST RIGHT OF WAY NORTH 00 DEGREES 46 MINUTES 59 SECONDS WEST A DISTANCE OF 213.67 FEET;

THENCE UPON SAID EAST RIGHT OF WAY NORTH 89 DEGREES 05 MINUTES 20 SECONDS EAST A DISTANCE OF 20.00 FEET;

THENCE UPON SAID EAST RIGHT OF WAY NORTH 00 DEGREES 46 MINUTES 59 SECONDS WEST A DISTANCE OF 295.04 FEET;

THENCE NORTH 89 DEGREES 25 MINUTES 40 SECONDS EAST A DISTANCE OF 31.42 FEET;

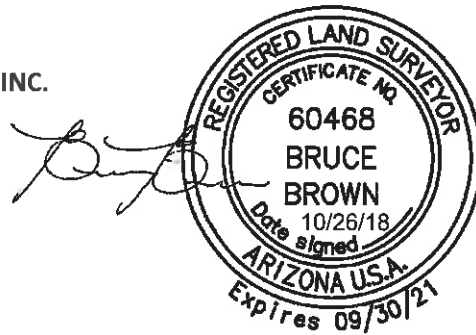
THENCE SOUTH 00 DEGREES 21 MINUTES 53 SECONDS WEST A DISTANCE OF 533.81 FEET;

THENCE SOUTH 89 DEGREES 25 MINUTES 39 SECONDS WEST A DISTANCE OF 15.82 FEET TO THE BEGINNING OF A CURVE WHOSE RADIUS BEARS NORTH 00 DEGREES 34 MINUTES 21 SECONDS WEST A DISTANCE OF 25.00 FEET;

THENCE UPON THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 89 DEGREES 47 MINUTES 22" SECONDS, A DISTANCE OF 39.18 FEET TO THE **POINT OF BEGINNING**.

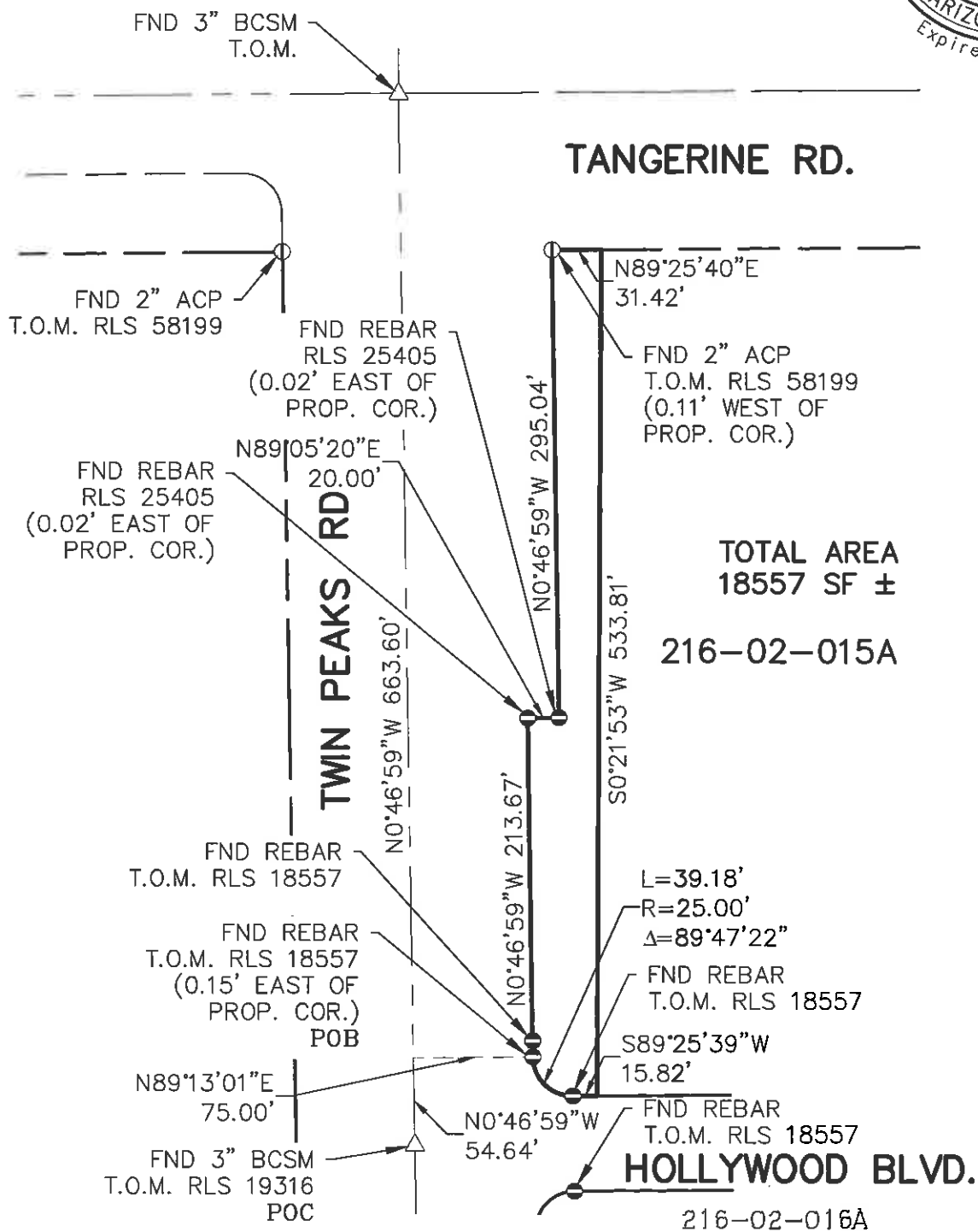
Prepared by:
ENGINEERING AND ENVIRONMENTAL CONSULTANTS, INC.

BRUCE BROWN, RLS



DEPICTION OF EXHIBIT "A" EASEMENT

SEC. 1, T-12-S, R-12-E, G&SRM
PIMA COUNTY, ARIZONA



Engineering and Environmental Consultants, Inc.
555 E. RIVER ROAD, SUITE 301
TUCSON, ARIZONA 85704 520-321-4625

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EXHIBIT "A-1"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION OF LAND WITHIN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 12 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3 INCH BCSM STAMPED "T.O.M. RLS 19316" AT THE INTERSECTION OF TWIN PEAKS ROAD AND HOLLYWOOD BOULEVARD FROM WHICH A 3 INCH BCSM STAMPED "T.O.M." AT THE NORTHWEST CORNER OF SAID SECTION 1 BEARS NORTH 00 DEGREES 46 MINUTES 59 SECONDS WEST A DISTANCE OF 663.60 FEET;

THENCE NORTH 00 DEGREES 46 MINUTES 59 SECONDS WEST UPON THE WEST LINE OF SAID SECTION 1 BEING COMMON WITH THE CENTERLINE OF RIGHT-OF-WAY OF TWIN PEAKS ROAD A DISTANCE OF 54.64 FEET;

THENCE DEPARTING SAID SECTION LINE NORTH 89 DEGREES 13 MINUTES 01 SECONDS EAST A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT OF WAY OF TWIN PEAKS ROAD;

THENCE DEPARTING SAID WEST RIGHT OF WAY SOUTH 59 DEGREES 10 MINUTES 53 SECONDS EAST A DISTANCE OF 47.82 FEET TO A POINT ON THE NORTH SIDE OF SAID HOLLYWOOD BOULEVARD, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE NORTH 00 DEGREES 21 MINUTES 53 SECONDS EAST A DISTANCE OF 533.81 FEET TO THE SOUTH RIGHT OF WAY LINE OF TANGERINE ROAD RIGHT OF WAY;

THENCE UPON THE SOUTH TANGERINE ROAD RIGHT OF WAY LINE NORTH 89 DEGREES 25 MINUTES 40 SECONDS EAST A DISTANCE OF 20.00 FEET;

THENCE LEAVING SAID RIGHT OF WAY SOUTH 00 DEGREES 21 MINUTES 53 SECONDS WEST A DISTANCE OF 49.86 FEET;

THENCE NORTH 89 DEGREES 13 MINUTES 01 SECONDS EAST A DISTANCE OF 99.97 FEET;

THENCE SOUTH 00 DEGREES 46 MINUTES 59 SECONDS EAST A DISTANCE OF 40.00 FEET;

THENCE SOUTH 89 DEGREES 13 MINUTES 01 SECONDS WEST A DISTANCE OF 100.77 FEET;

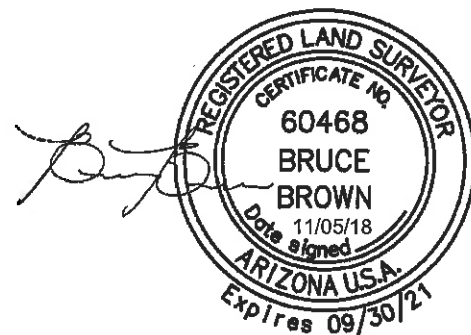
THENCE SOUTH 00 DEGREES 21 MINUTES 53 SECONDS WEST A DISTANCE OF 443.93 FEET TO THE NORTH SIDE OF SAID HOLLYWOOD BOULEVARD;

THENCE UPON SAID HOLLYWOOD BOULEVARD RIGHT OF WAY SOUTH 89 DEGREES 25 MINUTES 39 SECONDS WEST A DISTANCE OF 20.00 FEET TO THE **POINT OF BEGINNING**.

Prepared by:

ENGINEERING AND ENVIRONMENTAL CONSULTANTS, INC.

BRUCE BROWN, RLS

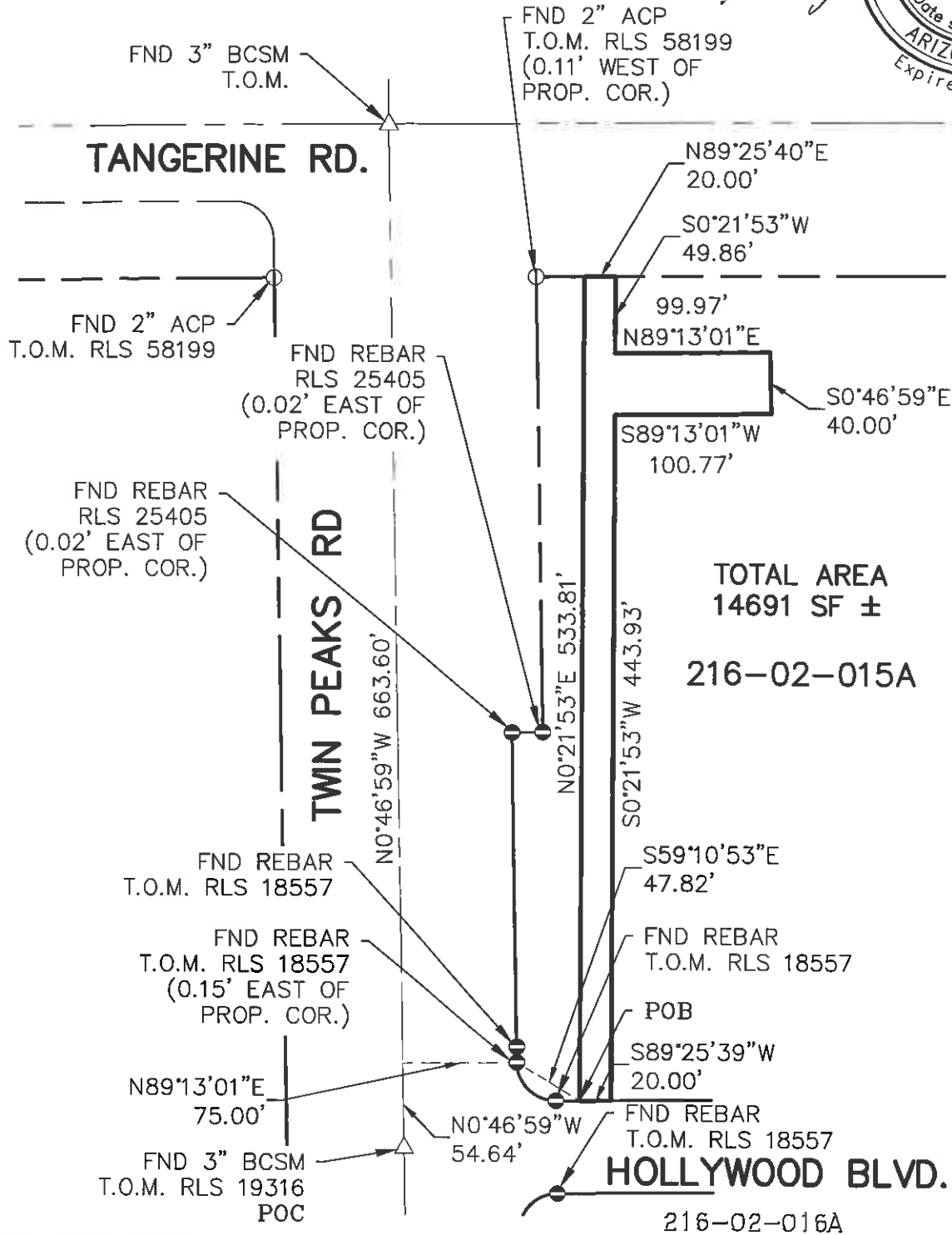




1"=100'

DEPICTION OF **EXHIBIT A-1** **TEMPORARY CONSTRUCTION EASEMENT**

SEC. 1, T-12-S, R-12-E, G&SRM
PIMA COUNTY, ARIZONA



Engineering and Environmental Consultants, Inc.
555 E. RIVER ROAD, SUITE 301
TUCSON, ARIZONA 85704 520-321-4625

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