



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 15, 2019

**Title:** Resolution Authorizing Pima County to Condemn; Speedway - Painted Hills to Camino De Oeste Project

### **Introduction/Background:**

Pima County's Speedway-Painted Hills to Camino de Oeste Project (the "Project") is a safety and improvement project that will widen the existing asphalt cross section by adding paved shoulders.

### **Discussion:**

An offer has been presented to James M. Nelson and Marilyn J. Nelson, as trustees of the Giebelhausen Trust for the acquisition of right of way at appraised value. The offer includes the acquisition of right of way for the area currently occupied by existing public road improvements constructed on a part of the Owner's property and the area needed for the Project. Attempts to discuss and resolve the acquisition of the required right of way and compensation have been unsuccessful. To keep the project time line, Pima County must proceed with acquiring the needed right of way by condemnation. / RPS File No. Acq-0630

### **Conclusion:**

The Pima County Attorney will be authorized to institute condemnation proceedings to acquire real property interests from the Giebelhausen Trust for the Project.

### **Recommendation:**

Staff recommends approval of the attached Resolution authorizing condemnation.

### **Fiscal Impact:**

The Right of Way has been appraised at \$7,100.00.

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

☐ 1      ☐ 2      ☐ 3      ☐ 4      ☒ 5      ☐ All

Department: Public Works Real Property Services

Telephone: 724-6854

Department Director Signature/Date:

9/30/2019

Deputy County Administrator Signature/Date:

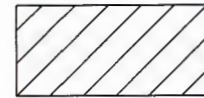
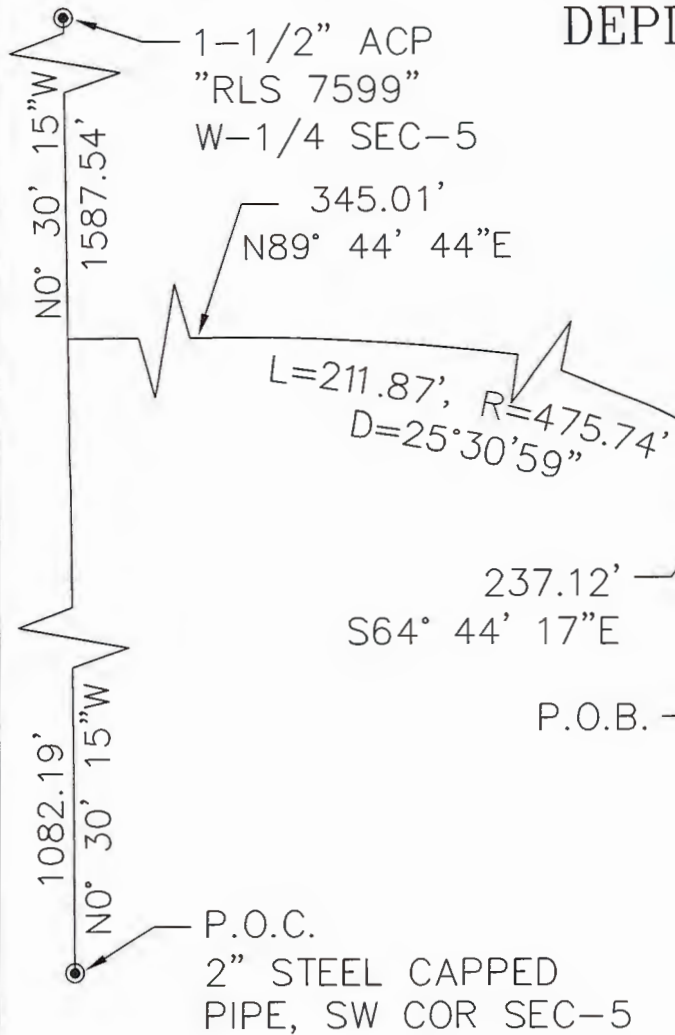
10/2/19

County Administrator Signature/Date:

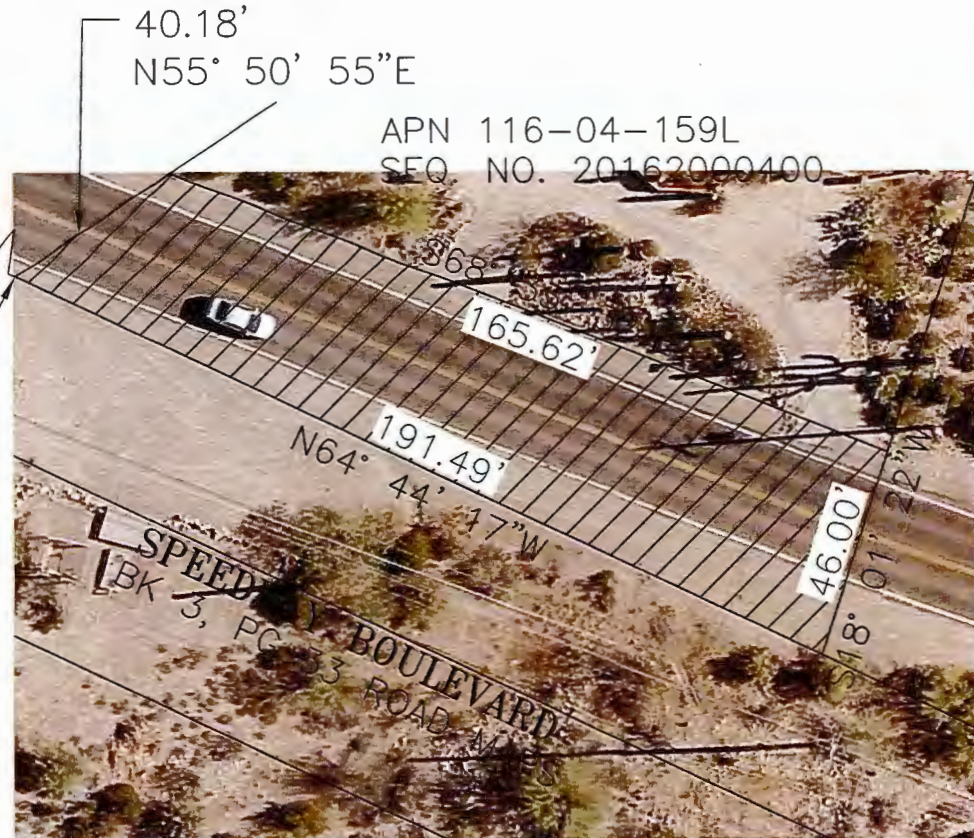
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# DEPICTION OF EXHIBIT "A"



PARCEL AREA = 7113 SQ. FT.



## PIMA COUNTY SURVEY

A PORTION OF PARCEL RECORDED IN SEQ. NO. 20162000400  
LOCATED IN SECTION 05, TOWNSHIP 14 SOUTH, RANGE 13 EAST,  
GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA

Scale: 1" = 40'

Date: 17 July 2019

Drawn By: AJI

Sheet 2 of 2

RESOLUTION NO. 2019-\_\_\_\_\_

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS  
AUTHORIZING THE PIMA COUNTY ATTORNEY TO CONDEMN  
REAL PROPERTY INTERESTS WHERE NECESSARY FOR  
SPEEDWAY BOULEVARD – PAINTED HILLS TO CAMINO DE  
OESTE IN SECTION 5, TOWNSHIP 14 SOUTH, RANGE 13 EAST,  
G&SRM, PIMA COUNTY, ARIZONA**

**The Board of Supervisors of Pima County, Arizona finds:**

1. Pima County needs to acquire property for the construction and maintenance of road improvements in connection with the Speedway Boulevard- Painted Hills to Camino de Oeste Improvement Project (the "Project") located within Section 5 of Township 14 South, Range 13 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. §§ 11-932 and 12-1111, to acquire interests in the real property described in attached **Exhibit A** 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 depicted on **Exhibit A-1** in the event that the property interests cannot otherwise be acquired in a timely manner.

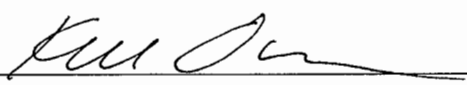
PASSED AND ADOPTED, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chairman, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

  
Deputy County Attorney

**KELL OLSON**

Board of Supervisors Approval:		S <u>5</u> /T <u>14S</u> /R <u>13E</u>	
Agent: AM	File #: Pr-0150	Project Code #: 4HSBSP	P [X] De [ ] Do [ ] E [ ]

17 July 2019

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A portion of that parcel as described in Sequence No. 20162000400, recorded in the office of the Pima County Recorder, Arizona, being a portion of the Southwest One-Quarter of Section 5, Township 14 South, Range 13 East, Gila & Salt River Meridian, Pima County, Arizona, more particularly described as follows:

**COMMENCING** at the southwest corner of said Section 5, a 2" steel capped pipe to which the west one-quarter corner of said Section 5, 1 1/2" ACP stamped "RLS7599", bears North 00°30'15" West a distance of 2669.73 feet;

**THENCE** along the west line of said Section 5, North 00°30'15" West a distance of 1082.19 feet to a point on the north right of way line of Speedway Boulevard;

**THENCE** along said north right of way line North 89°44'44" East a distance of 345.01 feet to the beginning of a tangent curve concave to the southwest having a radius of 475.74 feet and a central angle of 25°30'59";

**THENCE** continuing along said north right of way line and the arc of said curve to the right a distance of 211.87 feet;

**THENCE** continuing along said north right of way line South 64°44'17" East a distance of 237.12 feet to the southwest corner of said parcel described in Sequence No. 20162000400 and the **POINT OF BEGINNING**;

**THENCE** along the west line of said parcel North 55°50'55" East a distance of 40.18 feet;

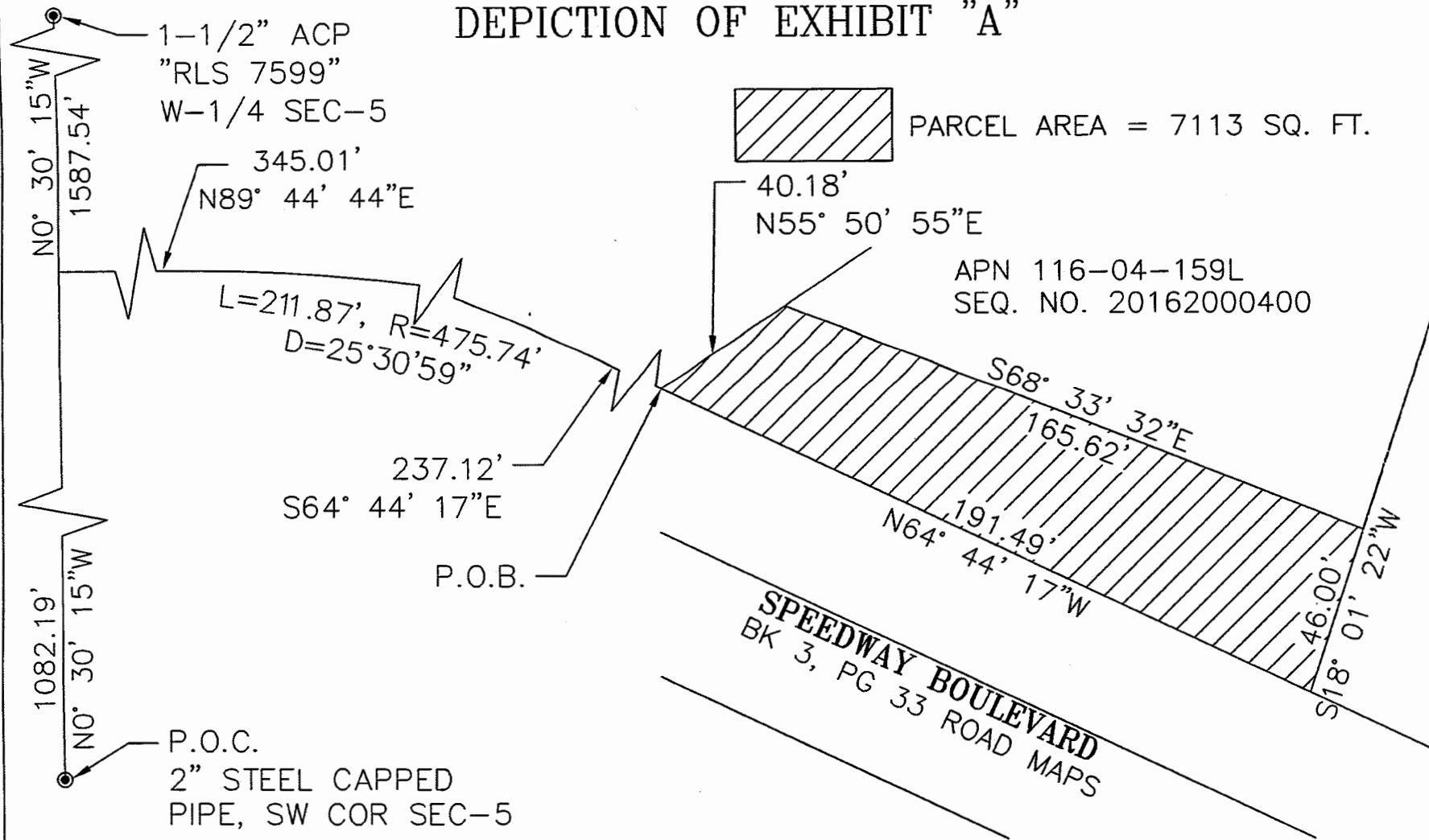
**THENCE** South 68°33'32" East a distance of 165.62 feet to a point on the east line of said parcel;

**THENCE** along said east line South 18°01'22" West a distance of 46.00 feet to the southeast corner of said parcel and the north right of way line of Speedway Boulevard;

**THENCE** along said north right of way line North 64°44'17" West a distance of 191.49 feet to the **POINT OF BEGINNING**.



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