

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 9/7/2021

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

*Title:

Co12-71-41 BEL AIR RANCH ESTATES (LOTS 308, 309 & 310)

*Introduction/Background:

The applicant requests a plat note modification to remove the one-foot no-access easement along the northern boundary of Lots 308, 309 & 310 of Bel Air Ranch Estates.

*Discussion:

Following platting of Bel Air Ranch Estates a variance was granted providing approved areas for construction of corrals and stables. Lots 308, 309 & 310 where provided a corral and stable area on the northern portion of each lot. The applicant states that they have limited access to the northern portion of their lots from E. Quick Draw Place for RV, utility and stock trailer access and access points have existed for years onto E. Prince Road.

*Conclusion:

The removal of the one-foot no-access easement for Lots 308, 309 & 310 of Bel Air Ranch Estates is reasonable given that access points onto E. Prince Road have existed for years provided that there is only one access per lot. If a lot has or had more than one access point than it must be closed and revegetated.

*Recommendation:

Staff recommends APPROVAL with a condition.

*Fiscal Impact:

0

*Board of Supervisor District:

	_		
Department:	Development Services - Plann	ning Telephone:	520-724-8800

☐ All

Contact: Donna Spicola, Planner Telephone: 520-724-9513

Deputy County Administrator Signature:

Date: 8/18/2021

County Administrator Signature:

Date: 8/18/2021

Date: 8/19/21

TO:

Honorable Steve Christy, Supervisor, District 4

FROM:

Chris Poirier, Deputy Director §

Public Works-Development Services Department-Planning

DATE:

August 17, 2021

SUBJECT:

Co12-71-41 BEL AIR RANCH ESTATES (LOTS 308, 309 & 310)

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' TUESDAY, September 7, 2021 hearing.

REQUEST:

For a plat note modification to remove the one-foot no-access easement along the northern boundary of Lots 308, 309 & 310 of the Bel Air Ranch Estates (284-375) Subdivision (Bk. 22, Pg. 57). The subject properties are zoned CR-1 (Single Residence) and are located on the north side of E. Quick Draw Place, approximately 150 feet east of N. Melpomene Way, addressed as 11121, 11141

and 11161 E. Quick Draw Place

OWNERS:

Vieri & Brianna Tenuta 11121 E. Quick Draw Pl. Tucson, AZ 85749

Sarah & Blake Ourso 11141 E. Quick Draw Pl Tucson, AZ 85749

Damon & Jena McLauglin 11161 E. Quick Draw Pl Tucson, AZ 85749

AGENT:

Sarah & Blake Ourso 11141 E. Quick Draw Pl. Tucson, AZ 85749

DISTRICT:

4

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of August 17, 2021, staff received no public comment.

STAFF RECOMMENDATION: APPROVAL WITH A CONDITION

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is outside the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DS Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: Co12-71-41

Page 1 of 2

FOR SEPTEMBER 07, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Deputy Director

Public Works-Development Services Department-Planning D

DATE:

August 17, 2021

UNADVERTISED ITEM FOR PUBLIC HEARING

PLAT NOTE MODIFICATION

Co12-71-41 BEL AIR RANCH ESTATES (LOTS 308, 309 & 310)

Sarah and Blake Ourso, et al., represented by Sarah and Blake Ourso, request a plat note modification to remove the one-foot no-access easement along the northern boundary of Lots 308, 309 & 310 of the Bel Air Ranch Estates (284-375) Subdivision (Bk. 22, Pg. 57). The subject properties are zoned CR-1 (Single Residence) zone, located on the north side of E. Quick Draw Place, approximately 150 feet east of N. Melpomene Way, addressed as 11121, 11141 and 11161 E. Quick Draw Place. Staff recommends APPROVAL WITH A CONDITION.

(District 4)

STAFF RECOMMENDATION

Staff recommends APPROVAL WITH A CONDITION of the plat note modification request.

Lots 308, 309 and 310 of Bel Air Estates (Lots 284-375) subdivision (Bk. 22, Pg. 57) will be allowed one access point per lot onto E. Prince Road and any additional access points onto E. Prince Road will need to be closed off and revegetated.

REQUEST OF APPLICANT

The applicant requests a plat note modification to remove the one-foot no-access easement along the northern boundary of Lots 308, 309 & 310 of the Bel Air Ranch Estates subdivision. The reason for this request is to use the established accesses from E. Prince Road on an "as needed" basis for RV, utility and stock trailer access. Currently, access is limited from E. Quick Draw Place due to buildings, landscaping, fencing, a wash and vehicle-impassable terrain.

PLANNING REPORT

Staff supports the requested removal on the one-foot no-access easement along the northern boundary of lots 308, 309 and 310 of Bel Air Ranch Estates (284-375) Subdivision (Bk. 22, Pg. 57) to provide for secondary access to the northern portion of each lot. Each lot would be allowed one access point. Lot 310 contains two access points and one of those access drives connecting to E. Prince Road must be closed off and revegetated. Until recently, Lot 309 also contained two

Co12-71-41 Page 2 of 3

access points onto E. Prince Road. The prominent access on the northwest side of the lot has been closed but has not been revegetated. Revegetation of the closed access is required. Lot 308 has only one access point onto E. Prince Road.

The subject properties were rezoned by case Co9-71-32 from the SR to the CR-1 zone in 1971 and the subsequent Bel Air Ranch Estates, Lots 284-375 subdivision (Bk. 22, Pg. 57) was approved by the Board of Supervisors in January 1972. March 8, 1972, the Board of Adjustment approved areas for construction of corrals and stables. Lots 308, 309 and 310 were allotted 50' areas on the northern portion of each lot.

Lots 308, 309 and 310 all have either an overgrowth of landscaping, fencing and or structure impediment from their Quick Draw Place access to the northern portion of each lot. Currently, the three lots have one to two existing access points per lot onto E. Prince Road. Lot 309 has an outstanding violation for accessing through the one-foot no-access easement.

The applicant stated that they were told the northern access was an equestrian easement; however, they have not been able to find where an equestrian easement waiver or modification was ever recorded. Staff has also not been able to locate an equestrian easement or waiver.

The owner of Lot 309 stated in their request that a "guest house we had built in 2020 and the shop we had completed is only able to be serviced by service vehicles utilizing the northern entrance due to the mature mesquite trees blocking access." If removal of the one-foot no-access easement is granted, the property owner will need to apply for a variance for secondary access to the guest house. The Pima County Zoning codes requires the guest house to be served by the same access as the residential dwelling.

While street standards do not allow the direct access onto E. Prince Road due to its classification as a collector street, the Department of Transportation can support the request if the Board chooses to remove the one-foot no-access easement. Also, Transportation supports only one secondary access per lot. Any additional access points per lot onto Prince Road will be conditioned to be closed and revegetated.

If the Board of Supervisors approve the Plat Note Modification, the property owners will be required to process a formal right-of-way abandonment with Pima County Real Property for the limits of the driveways and removal of the one-foot no-access easement and record a release of easement. The release of easement will be required to be executed prior to any permit approval or release of a violation.

The subject lots are located outside of the Conservation Lands System (CLS).

The owners should note that a property owner within the subdivision may privately enforce plat notes, even if the Board of Supervisors grants a modification.

Public notice is being sent to all property owners within the subdivision and within 300 feet of the boundaries of the subdivision. As of August 17, 2021, staff received no public comment.

Department of Transportation

The Department of Transportation has no objection to removing the one-foot no-access easement on E. Prince Road for Lots 308, 309 and 310, permitting one connection to E. Prince Road per lot for secondary access since the three lots have their main access from E. Quick Draw Place. The removal of the one-foot no-access easement begins at the northwestern corner of lot 310 which is 150 feet east of N. Melpomene Way and E. Prince Road intersection. The 150-foot distance

Co12-71-41 Page 3 of 3

from the streets intersection is needed to maintain safe traffic operations.

The average daily traffic counts west of Prince Road are above 2,500 vehicles per day. Prince Road is classified as a collector street per the Subdivision and Development Street Standards (SSDS) and per Section 4.2 in the SSDS it states, "Individual direct access for residential lots adjacent to collectors or arterials is not permitted". While street standards do not allow the direct access and were implemented within the subdivision plat, the Department of Transportation can support the request if the Board of Supervisors chooses to approve this request.

Regional Flood Control District

The Regional Flood Control District has no objection to the requested plat note modification.

TD/DS Attachments

c: Sarah and Blake Ourso, 11141 E. Quick Draw Pl, Tucson, AZ 85749

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Case #: Co12-71-41 Case Name: BEL AIR RANCH ESTATES (LOTS 308, 309 AND 310)

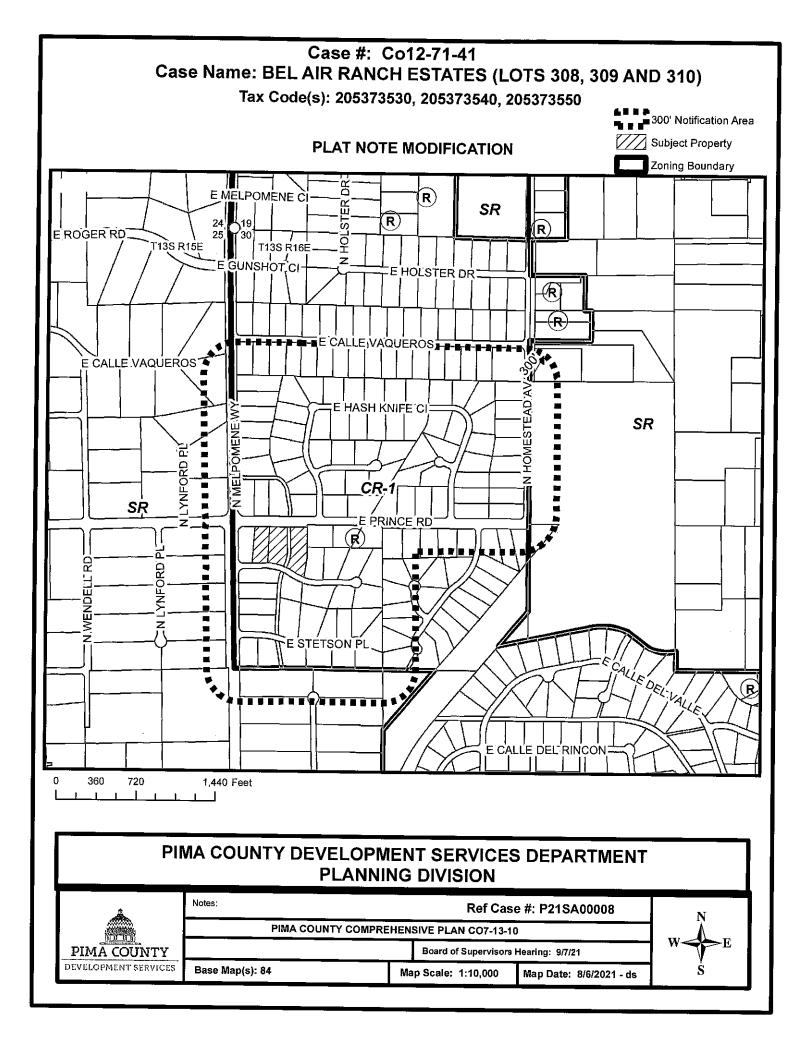
Tax Code(s): 205373530, 205373540, 205373550

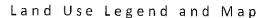
AERIAL EXHIBIT



0 360 720 1,440 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION Notes: Ref Case #: P21SA00008 PIMA COUNTY DEVELOPMENT SERVICES Map Scale: 1:10,000 Map Date: 8/6/2021 - ds







Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

Objective: To designate areas for low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and be contiguous with other dedicated natural open space and public preserves.

Low Intensity Urban 1.2 (LIU-1.2)

- Residential Gross Density: Minimum- none; Maximum- 1.2 RAC; 2.5 RAC with 45 percent open space; or 4 RAC with 60 percent open space
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 1.2 RAC;
 2 RAC with 50 percent open space

Case #: Co12-71-41 Case Name: BEL AIR RANCH ESTATES (LOTS 308, 309 AND 310) Tax Code(s): 205373530, 205373540, 205373550 **COMPREHENSIVE PLAN EXHIBIT** Subject Property E MELPOMENE C E ROGER RD E HOLSTER DR E CALLE VAQUEROS E CALLE VAQUEROS LIU 1.2 EAD'A E HASH KNIFE CI .LIU=0.3. E STAMPEDE PLA LIU-0.3 E PRINCE RD RC LYNFORD E STETSON PL E CALLE DEL RINCON 1,440 Feet 360 720 PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION Notes: Ref Case #: P21SA00008 PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 Board of Supervisors Hearing: 9/7/21 PIMA COUNTY DEVELOPMENT SERVICES Map Scale: 1:10,000 Map Date: 8/6/2021 - ds

STATE OF ARIZONA COUNTY OF PIMA

IDA MAE SMYTH

Witness my hand and Official Seal.

Paged

County Recorder

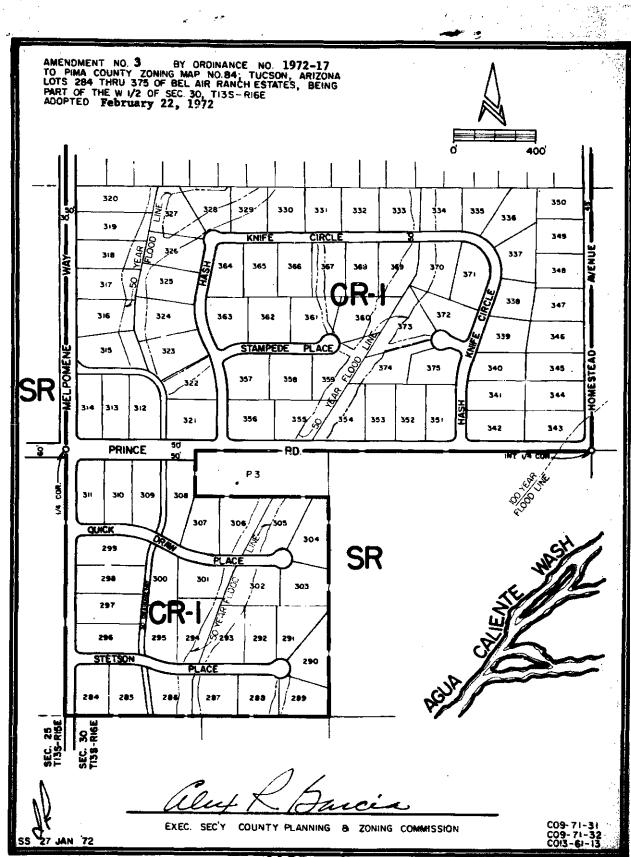
ORDINANCE NO. 1972-17

AMENDING AND CHANGING PIMA COUNTY ZONING MAP

P. D. Form #B210-140 Rev. 7/16/58

No. 84 IN THE VICINITY OF	
the east side of Melpomene Way and	
the north and south sides of East	
Prince Road	
AS REFERRED TO IN PIMA COUNTY ORDINANCE NO.	
1952-III AND REPEALING ALL ORDINANCES AND	
PARTS OF ORDINANCES IN CONFLICT HEREWITH.	
BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:	
SECTION 1. That the Pima County Zoning Man No. 84	
in the vicinity of the east side of Melpomene Way and the north	
and south sides of East Prince Road	
is referred to in Dime County Ordinance No. 1952 III La -1-5-	
is referred to in Pima County Ordinance No. 1952-III be and the same is h	ereby .
mended and changed to the zones as shown on the map entitled "Amendment."	Brie 3. ver
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
by Ordinance No. 1972-17 to Pima County Zoning Map No. 84	i iğiri Di
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mereto attached and by reference made a part hereof.	
SECTION 2. That all ordinances and parts of ordinances in conflic	
that all ordinances and parts of ordinances in confirm	4
erewith be and the same are hereby repealed to the extent of such confli	:t.
PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizon	æ,
this 22nd day of February , 19 72 .	٠:
APPROVED this 22nd day of February , 19 72	
	(
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Chairman, Pima County Board of Sthere	
ME SUPPLIED OF SUPPLIED	SOTS
Approved as to form this 22nd	7 (12)
A Political Annual Control of the Co	_
day of February , 19 7	2•
Church 1/ Michael	
de D. Hanne Hound LU ar	
lerk, Board of Supervisors Attorney for County Planning and Zor	ing

800x 4195 PAGE 314

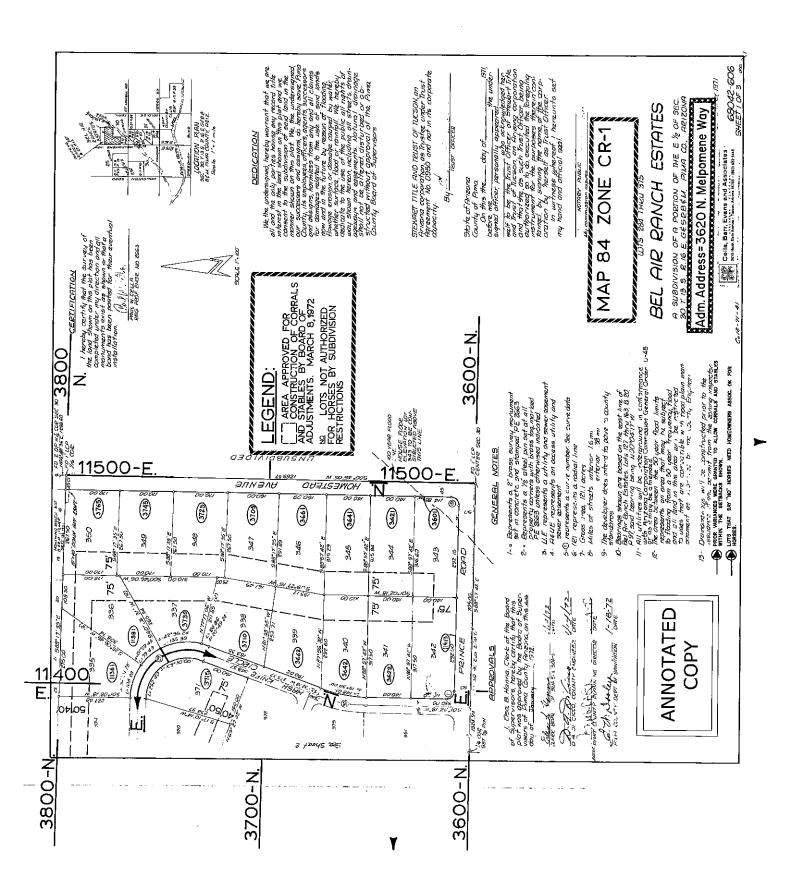


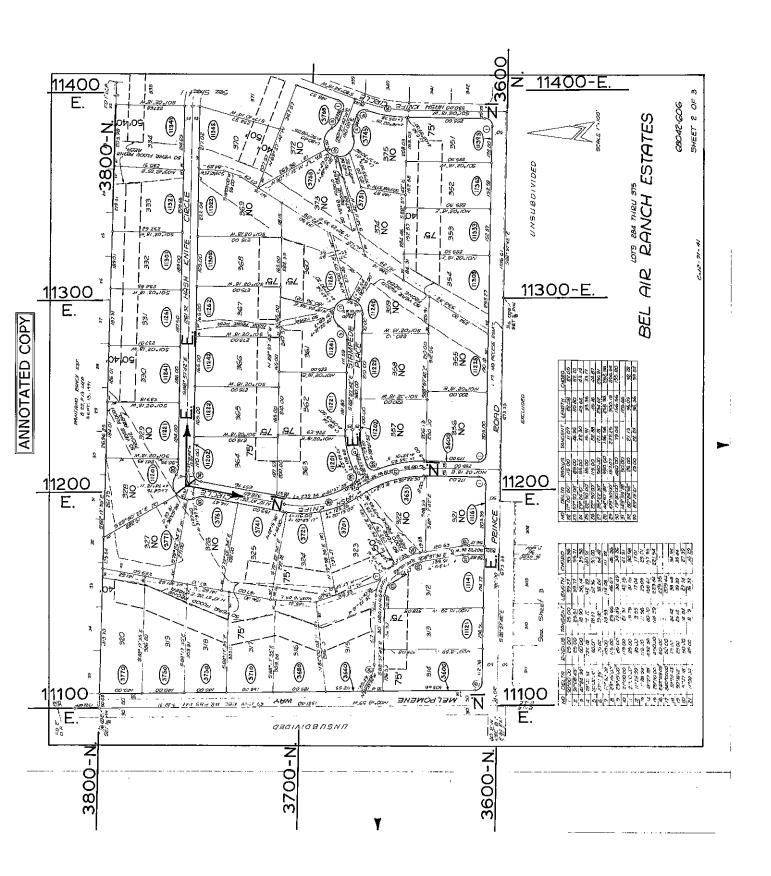
BEL AIR RANCH ESTATES (284-375)

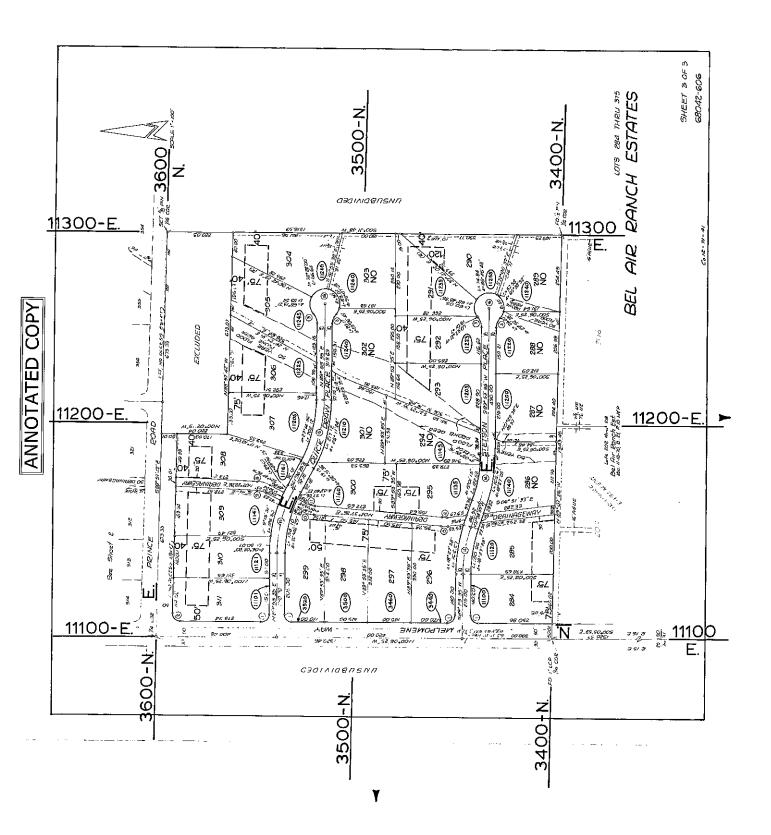
MP 22057

JANUARY 19, 1972 RECORDED:

BEEN ALTERED BY PIMA COUNTY DEVELOPMENT SERVICES TO SHOW ADDITIONAL INFORMATION. ORIGINAL COPIES MAY BE OBTAINED FROM THE VERSION OF THE ORIGINAL DOCUMENT. IT HAS *** THE FOLLOWING PLAT IS AN ANNOTATED PIMA COUNTY RECORDER***









201 N. Stone Avenue, Tucson, AZ 85701 (520) 724-9000 www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. If you fill out the form before you download it, the info you entered will not be saved.

Project ID (case no., APN no., address, or other identifying info):

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) NA

Important Riparian Area Biological Core Multi-Use Management Area

- 2. Is the project within a CLS Special Species Management Area? No
- 3. Is the project in the vicinity of any of the six Critical Landscape Linkages? No
- 4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? No
- 5. Is the project located within a Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl: No
 - b. Western burrowing owl: No
 - c. Pima pineapple cactus: No
 - d. Needle-spined pineapple cactus: No

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

- Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No If yes, provide a summary of those communications:
- 2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form? Contact the Office of Sustainability and Conservation at (520) 724-6940.

Blake and Sarah Ourso 11141 E Quick Draw Pl Tucson, AZ 85749 14 June 2021

Pima County Development Services 201 N. Stone Ave Tucson, AZ 85701

To whom it my concern,

This letter of request is for a Plat Note Modification/Waiver for the following home owners/properties:

Vieri and Brianna Tenuta, (847) 452-1899, vieri.tenuta@gmail.com 11121 E Quick Draw Pl, Tucson AZ 85749 / Parcel Number 205373550 (Lot 310), 1.04 Acres

Blake and Sarah Ourso, (253) 320-9501, <u>sarahlourso@gmail.com</u> 11141 E Quick Draw Pl, Tucson AZ 85749 / Parcel Number 205373540 (Lot 309), 1.27 Acres

Damon and Jena McLaughlin, (520) 275-1960, damonmcl@cox.net 11161 E Quick Draw PI, Tucson AZ 85749 / Parcel Number 205373530 (Lot 308), 1.45 Acres

All properties reside inside Bel Air Ranch Estates.

We are requesting the removal of the one (1) foot, no-access easement on the North side of the property, facing Prince Road. Our property, and the adjoining properties, do not use the existing accesses as a primary means to enter nor exit the property, only using them for an "as needed" basis. Northern access to the property has been used for well over a decade, with the owner prior to us using the access for in/out transportation of horses and goats. A Google Earth picture is provided to show well established Northern accesses to all three properties from before we purchased our property in 2019, with an updated Google Earth picture showing the properties in a more current state.

There is no access for vehicles/trailers (RV/utility/stock trailers) from the primary property's entrance/exit on the Southern side to the Northern side of the property. All three properties have well established and mature natural desert plants/trees, along with block walls/fencing and buildings that don't allow for maneuvering of vehicles. When we purchased lot 309 in 2019, we were told the Northern access was an equestrian easement and was a selling point of the property. Lot 308 was told the same, however we have not been able to find where an equestrian easement waiver or modification was ever recorded.

The guest house we had built in 2020 and the shop we had completed is only able to be serviced by service vehicles utilizing the Northern entrance due to the mature mesquite trees blocking access.

We have been in contact with Joseph Godoy, the Pima County Site Division Manager, who discussed the option of the removing the 1' foot no-access easement with DOT (e-mail communication attached). DOT has no objection with removing the 1' wide no-access easement on Prince Road beyond 150' east of Melpomene Way, which would only prevent removal of the easement across lot 311 (plat attached for reference).

Sinceren

ake and Sarah Ourso

Attachments:

Page 1-2 – Old aerial views of properties showing already established access

Page 3 - Current aerial view

Page 4-5 – Site plan with official current recorded plat

Page 6-7 – E-mail traffic confirming DOT has no objection to removal of 1' no access easement on properties in question.

Page 8-9 – Lot 310 Letter of Authorization and justification

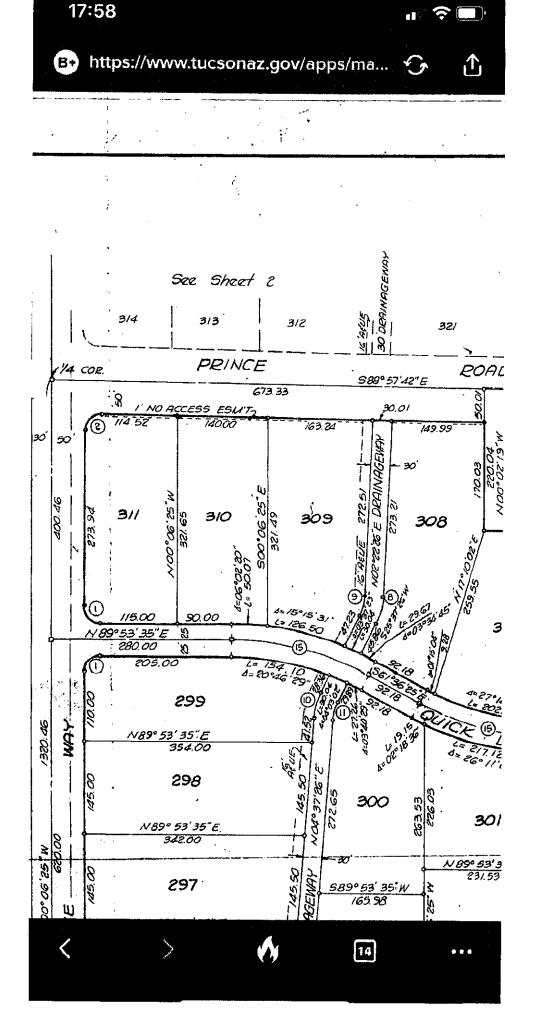
Page 10-11 – Lot 308 Letter of Authorization and justification

Page 12 – Biological impact Report





1 E Quick Draw Icson, AZ 85749 orry, we have Inagery here.



From: Joseph Godoy

Sent: Monday, April 26, 2021 12:07 PM

To: Sarah Ourso

Cc: Thomas Drzazgowski Subject: RE: Platt Note Waiver

Good morning Sarah,

After discussion with our Transportation Department, removal of the existing 1' wide no access easement would not be allowed within 150' of Melpomene Way and Prince Rd intersection. This requirement is needed to maintain safe traffic operations at the intersection of Melpomene Way on Prince Rd. However, DOT has no objection with removing the 1' wide no access easement on Prince Rd beyond 150' east of Melpomene Way. The 150' measurement would only prevent the removal of easement across lot 311, which is the lot adjacent to the intersection.

Regards,

Joseph Godoy
Site Division Manager
Pima County Development Services
201 N. Stone Ave
Tucson, AZ 85701
joseph godoy apima gov
(520) 724-6756

From: Sarah Ourso <sarahlourso@gmail.com> Sent: Thursday, April 22, 2021 9:50 AM To: Joseph Godoy <Joseph.Godoy@pima.gov>

Subject: Platt Note Waiver

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Good morning.

My neighbors and I are looking into getting a Platt Note Waiver for a 1' no access on the back of our properties in the Bel Air Estates neighborhood. I am working with Tom Drzazgowski and he gave me your info to get your opinion on the situation.

My address is 11141 E Quick Draw Pl. Tucson AZ 85749 and I have two neighbors to the west and one to the East who all have interest in having this removed. Access to the back sides of the properties have been used by all four properties for longer than I've been alive from what I gather.

I'd like to know if you think the DOT would be in favor of the removal if we pressed with the process of having it removed.

Feel free to call me if you have any questions 253-320-9501.

Thank you for your time.

Sarah Ourso



LETTER OF AUTHORIZATION

As required by Arizona Revised Statues I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

VIER I TENUTH 11121 E QUICK DRAW PLACE, TUCSON AZ 85749
Operty Address

SARAH DURSO OR BLACE OURSO @ HILL & QUICK DRAW PLACE
Plat note modification/waiver

Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)

Property Address

27 May 2021

AUTHORIZED BY:

Signature of Property Owner

Vieri Tenuta & Brianna Tenuta

11121 E Quick Draw Place Tucson, AZ 85749 Parcel# 205-37-3550

(847) 452-1899 vieri.tenuta@gmail.com

27 May 2021

CoT Planning and Development Services

201 North Stone Avenue Tucson, AZ 85701

Re: Letter of Request for Plat Note Modification or Waiver

To whom it may concern,

This will serve as a letter of request for a Plat Note Modification or Waiver for the removal of the one (1) foot, no-access easement on the northern side of the property at 11121 E Quick Draw Place. Tucson, AZ 85749, County of Pima, facing Prince Road and will serve as an owner approval of adjacent properties requesting the same.

Properties not using these easements as primary ingress/egress require use of this easement as access to the northern side of the properties due to limited access around buildings, landscaping, fencing, no-access washes and vehicle-impassable terrain. Any access use will be limited to the minimum amount necessary to have basic access for vehicles to the northern edge of the property and facilitation of this access will be accomplished through the least-impactful methods possible. Our property landscaping is maintained to leave as much natural desert as possible on the back of this property and we do not intend to raze this area for access use.

Please let me know if there are any questions or concerns.

Sincerely,

Vieri Tenuta



LETTER OF AUTHORIZATION

As required by Arizona Revised Statues I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

IIILET E QUICK DEAW DC, TUBON, AZ 85	749
Property Address	
Plat note modification/waiver	
Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence	or Wall/Home Occupation/Child
Care/Adult Care/Secondary Dwelling/Assisted Living/Group Hou	ne)
anah J. W. 80	Bate 2021
Signature of Applicant	Date O
AUTHORIZED BY:	
Q MM	5/28/21
Signature of Property Owner	Date

Pima County Development Services Public Works Building 201 N. Stone Ave., 1st Floor Tucson, Arizona 85701-1207

To Whom It May Concern:

We would like to request the removal of the 1-foot wide no access easement located on the north side of our 1.45 acre residential property in Bel Air Ranch Estates at 11161 E. Quick Draw Place, Tucson, AZ, 85749.

As horse owners, we would like the convenience of being able to enter/exit the north side of our property with a horse trailer without having to cross the no access easement at Prince Road, which our property abuts. Removing the easement would neither increase traffic on Prince Road nor cause obstruction of the roadway in any fashion. It would, however, grant us practical access to our property for the purposes of transporting our horses off-site.

Thank you for your attention to this matter.

Sincerely.

____bamon McLaughlin — 520-275-1960, damonmcl@cox.net

Jena McLaughlin — 520-247-2481, jenamclaughlin@cox.net

11161 E. Quick Draw Place

Tucson, Arizona 85749