

March 14, 2024

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, AICP, Community Development Director

FROM: Jeff Pregler
Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2024-012
Request to Proceed with Right-of-Way Abandonment
Southside of Charleston Road at Cochise Crossroads

REQUEST:

The City is initiating the request to abandon their public interest in public right-of-way located between Charleston Road and Parcel 107-16-026H.

STAFF RECOMMENDATION:

The City Manager recommends approval.
The Community Development Director recommends approval.

INITIATED BY:

City of Sierra Vista

GENERAL INFORMATION:

A. Location

South of Charleston Road and north of Parcel 107-16-026H as shown on Exhibit A.

Site Area

Approximately 57,100 square feet (1.31.acres))

BACKGROUND:

The City is initiating an abandonment for a portion of right-of-way along the south side of Charleston Road between the roadway and the Cochise Crossroads shopping center. The area to be abandoned was previously owned by the Arizona Department of Transportation and then ultimately ownership passed to the City. The area exceeds the 100-foot wide right-of-way width

for Charleston Road and therefore serves no public benefit. Staff is recommending that the parcel be abandoned, which will transfer ownership of the property to Cochise Crossroads, where it can be used for future development.

The City is proposing to construct a sewer line which will extend from State Route 90, continue through the abandoned area, and conclude at the eastern property line of parcel #107-16-026H, as shown in Attachment A. Since the abandoned area will be private property, a 22.5 foot wide sewer easement will be needed to allow the City to access and maintain the lines. The abandonment will be recorded to include the 22.5 wide sewer easement.

Per Arizona Revised Statutes 28-7205, title to any vacated (abandoned) roadway or alleyway vests to the abutting property owners where each will take ownership. Therefore, it is the private property owner's responsibility to maintain the abandoned property.

Approval of this resolution by the Mayor and City Council directs staff to proceed with the process of abandonment. The process involves the City staff contacting all utility companies for their approval of the abandonment and a public hearing before the Planning & Zoning Commission and the Mayor and City Council.

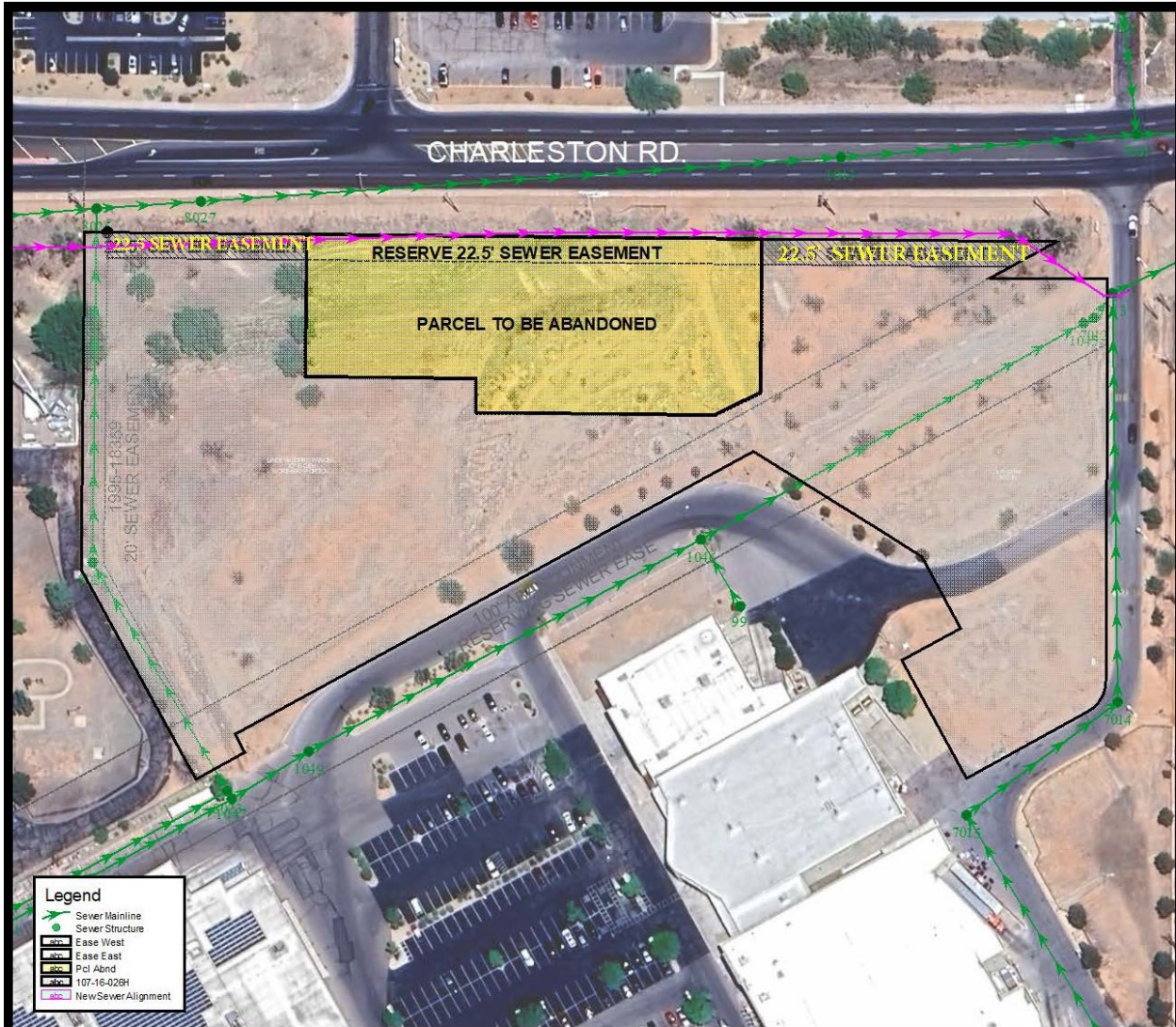
BUDGET APPROPRIATION:

Not applicable.

LOCATION MAP:

See Attachment A

ATTACHMENT A



RESOLUTION 2024-012

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; PRESENTING THE PROPOSED ABANDONMENT OF CHARLESTON ROAD RIGHT-OF-WAY AS OUTLINED IN EXHIBIT A, LOCATED IN A PORTION OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 21 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, A.R.S §28-7202 through §28-7205 permits the governing body of the City of Sierra Vista to dispose of public rights-of-way through sale or abandonment; and

WHEREAS, A.R.S. §28-7202 permits the City Council to take such disposition of public rights-of-way; and

WHEREAS, City of Sierra Vista Resolution 514, as amended by Resolutions 530, 930, and 1035 establishes standard procedures for the abandonment of public rights-of-way; and

WHEREAS, Resolution 1035 requires that abandonment requests be brought to the City Council for initial authorization to proceed with processing; and

WHEREAS, approval of this Resolution directs the staff to initiate proceedings to present proposed abandonments of existing rights-of-way to the City Council for its consideration and formal action.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council, be, and hereby is, affirmed.

SECTION 2

That the request to proceed with the abandonment of a portion of the Charleston Road right-of-way, described on Exhibit A, located in Section 31, Township 21 South, Range 21 East, of the Gila and Salt River Base and Meridian, be, and hereby, is approved.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 14TH DAY OF MARCH, 2024

CLEA MCCAII
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY: Jeff Pregler
Planner

EXHIBIT A

PROPOSED RIGHT-OF-WAY ABANDONMENT

Being a portion of the Southwest quarter of Section 31, Township 21 South, Range 21 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of Section 31;

THENCE North 00°14'43" East along the centerline of State Highway 90 Bypass a distance of 1438.75 feet to a point on the centerline of Charleston Road;

THENCE South 89°45'24" East along the centerline of Charleston Road a distance of 455.22 feet;

THENCE South 00°14'36" West a distance of 75.00 feet;

THENCE South 89°45'24" East a distance of 195.00 feet to the POINT OF BEGINNING;

THENCE continuing South 89°45'24" East a distance of 400.00 feet;

THENCE South 00°15'31" West a distance of 135.00 feet;

THENCE South 63°40'53" West a distance of 44.78 feet;

THENCE North 89°45'24" West a distance of 209.84 feet;

THENCE North 00°15'31" East a distance of 30.00 feet;

THENCE North 89°45'24" West a distance of 150.02 feet;

THENCE North 00°15'01" East a distance of 125.00 feet to the POINT OF BEGINNING

The above described Parcel contains approximately 57,100 square feet (1.31 acres)

Reserving an Easement across the north 22.50 feet of said described Abandonment to the City of Sierra Vista. Said easement contains 9,000 square feet (0.27 acres).

EXHIBIT A - MAP

