

May 23, 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 2024-033
Requesting an Abandonment for a portion of Charleston Road
right-of-way and Reservation of sewer easement

REQUEST:

The City is initiating the request to abandon their public interest for a portion of Charleston Road right-of-way.

RECOMMENDATION:

The City Manager recommends approval.
The Community Development Director recommends approval.
The Planning & Zoning Commission recommended approval (4-0).

GENERAL INFORMATION:

A. Location

Southside of Charleston Road and north of parcel 107-16-026H

B. Site Area

57,100 square feet (1.31 acres) MOL

BACKGROUND:

A. Proposal/Summary

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 reservation of a 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.

B. Development Considerations

None.

C. Summary Recommendation

No objection to the recommended motion.

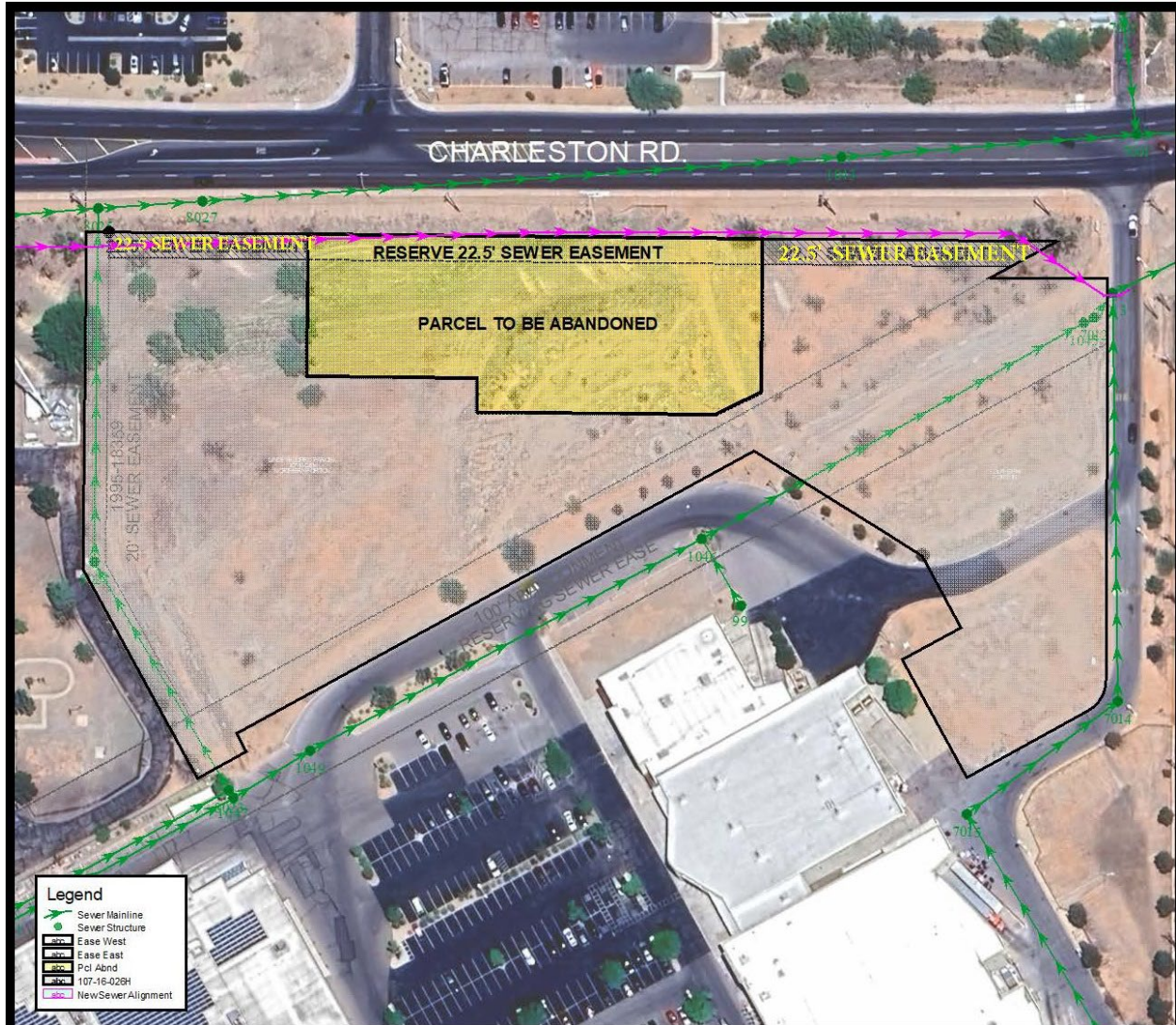
PLANNING & ZONING COMMISSION:

The Commission considered this item at their May 15, 2024 meeting. The item was unanimously recommended to the City Council for approval.

PUBLIC CORRESPONDENCE/COMMENT:

The City Council directed staff to proceed with the abandonment at their March 14, 2024 meeting. Following this directive, staff notified all utility companies. The City has not received any objections from these entities.

ATTACHMENT A



RESOLUTION 2024-033

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; RESERVING A 22.5 FOOT WIDE SEWER EASEMENT AND APPROVING AN ABANDONMENT OF A PORTION 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, this resolution reaffirms settled policy that allows the City Council to abandonment alleyways;

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, the appropriate public utility companies, city staff, and abutting property owners were contacted and did not oppose the proposed abandonment; and

WHEREAS, a 22.5 sewer easement will be reserved on the abandoned area to allow public access to proposed sewer lines;

WHEREAS, the Planning and Zoning Commission recommended approval of the abandonments.

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

SECTION 1

That the following goals and policies of VISTA 2030, the City of Sierra Vista General Plan are reaffirmed: Goal 1-1, provide ample opportunities for citizen participation and Goal 13-1,

SECTION 2

That the reservation of a 22.5 foot wide sewer easement and the abandonment of a 1.31 acre of right-of-way, as shown in Exhibit A, located in a portion of Section 31, Township 21 South, Range 21 East, 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 23RD DAY OF MAY, 2024.

CLEA MCCAII
Mayor

APPROVED AS TO FORM:

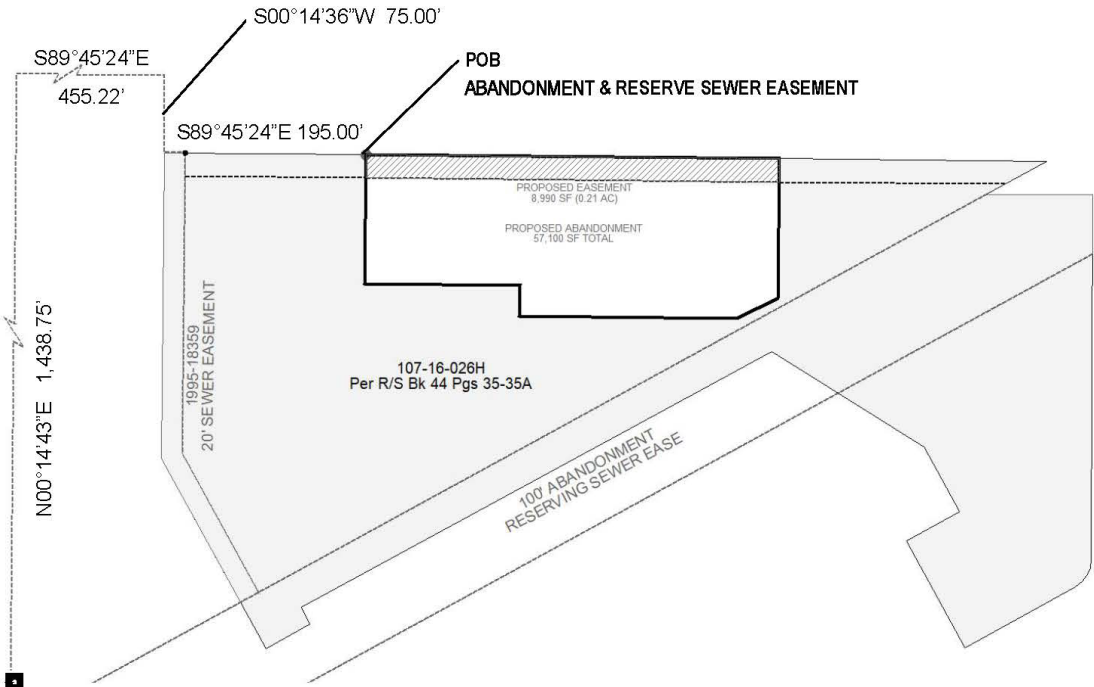
ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY: Jeff Pregler
Planner

EXHIBIT A - MAP



SE Corner
Sec 31 T21S R21E

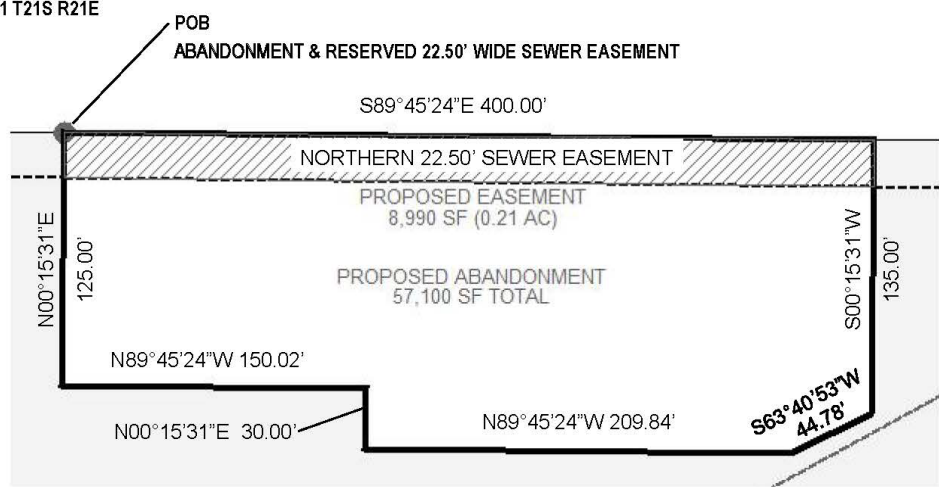


EXHIBIT A-Legal Description

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).
