

October 27, 2022

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager

FROM: Matt McLachlan, Community Development Director

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT  
Resolution 2022-067  
Accepting Warranty Deed for needed public right-of-way along the western side of S. Carmichael Avenue – GL Mountain Vista, LLC.

RECOMMENDATION:

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

INITIATED BY:

The Department of Community Development.

BACKGROUND:

On January 23, 2020, the City Council approved a Development Agreement with GL Mountain Vista, LLC, which reduced the minimum front and side yard setbacks for manufactured home spaces at Mountain Vista Mobile Home Park from ten feet to five feet pursuant to the City's Infill Incentive District Policy. The Agreement granted a sidewalk easement to the City from the Owner for the full extent of the eastern seven feet of the subject property.

An ALTA survey that was later prepared for the property revealed a discrepancy in the legal description that was used to establish the boundaries of the sidewalk easement conveyed with the Development Agreement. The recommended action cures this issue.

Staff is in the process of finalizing construction documents for curb, gutter, and sidewalk installation along South Carmichael Avenue pursuant to a funding agreement with the Federal Transit Administration. The 0.29 acres depicted in Exhibit B of the Warranty Deed provides the City with the needed right-of-way along South Carmichael Avenue to make these improvements.

RESOLUTION 2022-067

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ACCEPTING THE WARRANTY DEED FOR RECORDATION FROM GL MOUNTAIN VISTA, LLC., AN ARIZONA LIMITED LIABILITY COMPANY, FOR THE PROVISION OF NEEDED RIGHT-OF-WAY FOR SOUTH CARMICHAEL AVENUE; 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, it is a function of the City of Sierra Vista to operate and maintain public streets; and

WHEREAS, additional land is needed by the City along the western side of South Carmichael Avenue for public right-of-way improvements; and

WHEREAS, GL Mountain Vista, LLC., the property owner, is willing to donate the additional land needed by the City for public right-of-way improvements; and

WHEREAS, the City Council desires to accept the land offered to the City by GL Mountain Vista, LLC. for public right-of-way improvements.

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

SECTION 1

The City Council authorizes the acceptance and recordation of the real property depicted and described in the Warranty Deed attached hereto and made a part hereof, from GL Mountain Vista, LLC, owner of the property, for South Carmichael Avenue.

SECTION 2

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 ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 27<sup>TH</sup> DAY OF OCTOBER 2022.

\_\_\_\_\_  
FREDERICK W. MUELLER  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

\_\_\_\_\_  
JILL ADAMS  
City Clerk

PREPARED BY:  
Matt McLachlan, AICP  
Director of Community Development

When recorded mail to  
CITY OF SIERRA VISTA

## WARRANTY DEED

For consideration of Ten Dollars, and other valuable considerations, I or we,

**GL MOUNTAIN VISTA LLC., AN ARIZONA LIMITED LIABILITY COMPANY**

Do/does hereby convey to

**THE CITY OF SIERRA VISTA, A BODY POLITIC**

The following described real property situated in Cochise County, Arizona:

**See Exhibit A attached hereto and made a part hereof.**

**EXEMPT FROM AFFIDAVIT PER ARS 11-1134A3.**

The Grantor warrants the title against all persons whomsoever.

Dated: 10/18/, 2022

ACCEPTED AND APPROVED:

GL MOUNTAIN VISTA LLC., AN  
ARIZONA LIMITED LIABILITY COMPANY

By:   
MICHAEL HORTON, OWNER

State of Colorado }

County of Denver } ss.

On October 18, 2022, before me, the undersigned Notary Public, personally appeared Ben Braband, as **Owner of GL MOUNTAIN VISTA, LLC**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument is/are the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

  
NOTARY PUBLIC

My commission expires: November 23, 2025

**CONNIE HERRERA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174013247  
MY COMMISSION EXPIRES NOVEMBER 23, 2025**

**LEGAL DESCRIPTION FOR THE DEDICATION OF A PORTION  
OF THE "MOUNTAIN VISTA MOBILE HOME PARK"**

**EXHIBIT A**

THAT PORTION OF LOT 6 OF SECTION 3, TOWNSHIP 22 SOUTH, RANGE 20 EAST, GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE INTERSECTION OF THE SOUTH LINE OF SECTION 3 AND THE EASTERLY BOUNDARY OF THE FORT HUACHUCA MILITARY RESERVATION, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 7, AND CLOSING CORNER OF SAID SECTION 3;

THENCE N 89° 58' 39" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 86.22 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7;

THENCE NORTH 00° 03' 47" EAST, COINCIDENT WITH THE EAST LINE OF SAID LOTS 6 AND 7, A DISTANCE OF 1,822.26 FEET TO THE SOUTHEAST CORNER OF SUBJECT PARCEL, AND THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING NORTH 00° 03' 47" EAST, COINCIDENT WITH THE EAST LINE OF SAID LOT 6, A DISTANCE OF 827.82 FEET, TO AN IRON PIN MARKING THE NORTHEAST CORNER OF SAID LOT 6, AND THE CENTER ONE QUARTER CORNER OF SAID SECTION 3;

THENCE SOUTH 89° 57' 57" WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 16.50 FEET;

THENCE SOUTH 00° 06' 36" EAST, A DISTANCE OF 827.82 FEET;

THENCE NORTH 89° 57' 57" EAST, A DISTANCE OF 14.00 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID PARCEL CONTAINS 0.29 ACRES MORE OR LESS.

**EXHIBIT B - MAP**

