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**ATTORNEY/CLIENT PRIVILEGED  
M E M O R A N D U M**

Pima County Attorney's Office  
Civil Division

32 North Stone Ave, Suite 2100  
Phone 520.740.5750 Fax 520.620.6556

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**This is a privileged attorney-client communication and should not be disclosed to persons other than Pima County officials and employees involved in the matter that is the subject of the communication. The privilege is held by Pima County and can be waived only by an official action of the Board of Supervisors.**

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To: Neil Konigsberg, Manager, Real Property Services Division  
From: Andy Flagg  Deputy County Attorney  
Date: March 8, 2013  
Subject: Arizona La Cholla LLC – “Bubble deed”

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Enclosed for placement on a Board of Supervisors agenda is the original Quit Claim Deed approved by Steven L. Nannini and approved as to form by me. The Board approved this conveyance as part of a settlement agreement in *Pima County v. Arizona La Cholla LLC et al.*, Pima County Superior Court case no. C20108312, on December 20, 2011. The specific language in the retained easements has been the product of extensive negotiation and is acceptable to our office. If there are any questions, please let me know.

ALF

Enclosure – Original Quit Claim Deed signed by Steven L. Nannini and approved as to form by  
Andrew L. Flagg



**BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

*Requested Board Meeting Date: April 2, 2013*

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***ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:***

1. QUIT CLAIM DEED TO: Arizona La Cholla L.L.C., an Arizona limited liability company, all rights, title and interest in the real property described in the attached **Exhibit A**, and depicted in attached **Exhibit B**.

This conveyance is part of a settlement agreement in *Pima County v. Arizona La Cholla L.L.C.*, Pima County Superior Court case no. C20108312, on December 20, 2011. The specific language in the retained easements has been the product of extensive negotiation and is acceptable to the Office of the County Attorney.

Revenue/Cost: -0-

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***STAFF RECOMMENDATION(S):***

It is recommended that the Board approve this Quit Claim Deed and authorize the Chairman of the Board to sign the document.

PIMA COUNTY COST: \$ 0 and/or REVENUE TO PIMA COUNTY: \$ 0

FUNDING SOURCE(S): \_\_\_\_\_  
(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

YES  NO

**Board of Supervisors District:**

1  2  3  4  5  All

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**IMPACT:**

**IF APPROVED:** If approved, the property will be conveyed in accordance with the settlement agreement in Pima County v. Arizona La Cholla L.L.C. et al, Pima County Superior Court case no. C20108312.

**IF DENIED:** The property will not be conveyed as agreed to in the settlement agreement in Pima County v. Arizona La Cholla L.L.C. et al, Pima County Superior Court case no. C20108312.

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DEPARTMENT NAME: Real Property Division

CONTACT PERSON: Kathy Morris TELEPHONE NO.: 740-6948

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## QUIT CLAIM DEED

For valuable consideration, Pima County, a political subdivision of the State of Arizona, hereby quit claims to Arizona La Cholla, LLC, an Arizona limited liability company, all its rights, title and interest in the real property described in the attached **Exhibit A**, and depicted in attached **Exhibit B** (the "Property"), except reserving in Pima County easements for existing utilities as well as the following easement interests:

### **Drainage Easement**

Pima County, a political subdivision of the State of Arizona, shall have an easement over, under, and across the portion of the Property described in attached **Exhibit C** and depicted in attached **Exhibit D** ("the drainage easement area"). The drainage easement shall allow Pima County to complete construction of a culvert, culvert outlet, storm drain, and related improvements (collectively, "drainage improvements"), for the Magee Road – Mona Lisa Rd. to La Cañada Dr. Project (#4RTLMI) and to maintain and use the drainage improvements. Pima County shall have the right to enter the drainage improvements under the drainage easement area, and, to the extent necessary for maintenance, to enter onto the drainage easement area. Should any necessary maintenance require ground disturbance, Pima County shall, at its expense, to the extent reasonable and practical, restore the drainage easement area to its prior condition after the maintenance is completed. Arizona La Cholla, LLC shall not place any improvements upon, over, or under the Property without the prior written approval of the Pima County Engineer, which approval shall not be unreasonably withheld. Arizona La Cholla, LLC intends to access the Property from Magee Road via the access drive approved and constructed under the terms of the parties' settlement agreement in *Pima County v. Arizona La Cholla, LLC et. al.*, Pima County Superior Court case no. C20108312. ("Approved Access Drive"). Pima County agrees that it has bound itself in the settlement agreement to allow Arizona La Cholla, LLC to access the Property via the Approved Access Drive. The parties further understand and agree that Arizona La Cholla, LLC, intends to pave a portion of the drainage easement area and use the paved area for access and parking and Pima County agrees that this proposed use, if compliant with generally accepted engineering standards, is not inconsistent with its drainage easement. Finally, Pima County agrees that if it should ever need to perform maintenance as described herein, Pima County shall not, in anyway, except in the case of emergency, block the Approved Access Drive or the drainage easement area such that no vehicle can access the Property. In the event of an emergency, Pima County agrees to make its best efforts to minimize maintenance time and interruptions, but cannot guarantee a minimal timeframe. All grants, covenants, and conditions of this easement shall inure to the benefit of and be binding upon the successors in interest to Pima County and Arizona La Cholla, LLC.

### **Slope Easement**

Pima County, a political subdivision of the State of Arizona, shall have a non-exclusive slope

easement on the Property. The slope easement shall allow Pima County to maintain and stabilize the grade and gradient of the Property in substantial conformance with Pima County's construction plans for the Magee Road – Mona Lisa Rd. to La Cañada Dr. Project (#4RTLMI). Arizona La Cholla, LLC shall not place any improvements on the Property or add or remove any fill, or excavate, or otherwise alter the Property without the prior written approval of the Pima County Engineer, which approval shall not be unreasonably withheld. If Arizona La Cholla, LLC or a successor owner of the Property, after receiving all appropriate governmental approvals to do so, elevates the Property in a manner that, in Pima County's reasonable judgment, makes the slope easement unnecessary for Pima County's purposes, Pima County will, at its own expense, and without any charge or cost to Arizona La Cholla, LLC or a successor owner of the Property, record a document releasing and abandoning its interest in the slope easement. All grants, covenants, and conditions of this easement shall inure to the benefit of and be binding upon the successors in interest to Pima County and Arizona La Cholla, LLC.

**Temporary Construction Easement**

Pima County, a political subdivision of the State of Arizona, shall have a non-exclusive temporary construction easement on the Property. The temporary construction easement shall be for the purpose of installing and maintaining landscaping associated with the Magee Road – Mona Lisa Rd. to La Cañada Dr. Project (#4RTLMI) (the "Project"). The temporary construction easement shall expire one year after the completion of construction activities associated with the Project. Upon completion of construction activities for the Project, Pima County, to the extent reasonable and practical, will restore the Property to its pre-construction condition, subject to slope and drainage easements also reserved to Pima County in the Property. All grants, covenants, and conditions of this easement shall inure to the benefit of and be binding upon the successors in interest to Pima County and Arizona La Cholla, LLC.

**Exempt pursuant to A.R.S. § 11-1134(A)(3).**

Dated this \_\_\_ day of \_\_\_\_\_, 2013.

ATTEST

Pima County

\_\_\_\_\_  
Robin Brigode, Clerk of the Board

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

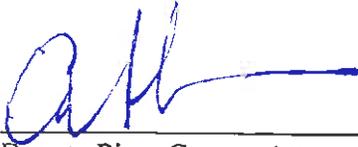
State of Arizona    )  
                                  ) ss  
County of Pima     )

This instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2013,  
by Ramón Valadez, Chairman of the Pima County Board of Supervisors.

My Commission Expires:

\_\_\_\_\_ Notary Public

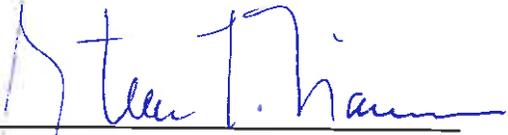
Approved as to Form:



Deputy Pima County Attorney

**ANDREW FLAGG**

Approved:



Steven L. Nannini

Manager, Arizona La Cholla, LLC

State of Arizona    )  
                                  ) ss  
County of Pima     )

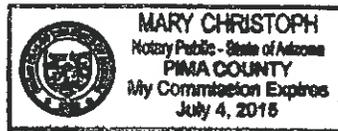
This instrument was acknowledged before me this 28 day of February, 2013,  
by Steven L. Nannini.



Notary Public

My Commission Expires:

7/4/2015



**EXHIBIT "A"**  
**PARCEL DESCRIPTION**  
**Villa Toscana Center**  
**Parcel Acquisition**

A portion of Magee Road right-of-way as shown on Book 10 of Road Maps, page 14, Pima County Records (P.C.R.), lying within Section 33, Township 12 South, Range 13 East, of the Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

Commencing at the east quarter corner of said Section 33, a brass cap flush stamped RLS 12122, from which the northeast corner of said section, a ½-inch rebar, bears North 00°38'37" West (basis of bearing), a distance of 2641.74 feet;

**THENCE** along the east line of said section, North 00°38'37" West, a distance of 847.43 feet;

**THENCE** leaving said east line, South 89°21'23" West, a distance of 115.97 feet, to the southerly right-of-way line of said Magee Road, the northerly line of that certain parcel of land described in Docket 12528, page 3056, P.C.R. and the **POINT OF BEGINNING**;

**THENCE** along said southerly right-of-way line and said northerly line, South 89°29'47" West, a distance of 297.88 feet, to the northwest corner of said certain parcel of land;

**THENCE** leaving said southerly right-of-way line and said northerly line, along the northerly prolongation of the westerly line of said certain parcel, North 22°54'04" East, a distance of 22.43 feet;

**THENCE** leaving said northerly prolongation, North 68°40'58" East, a distance of 48.84 feet, to a point of intersection with a non-tangent curve;

**THENCE** southeasterly along said curve, having a radius of 14.50 feet, concave northeasterly, whose radius bears North 71°26'40" East, through a central angle of 87°51'07", a distance of 22.23 feet, to a point of intersection with a non-tangent line;

**THENCE** North 69°20'09" East, a distance of 12.89 feet, to the beginning of a curve;

**THENCE** northeasterly along said curve, having a radius of 15.00 feet, concave northwesterly, through a central angle of 62°54'15", a distance of 16.47 feet, to a point of reverse curvature;

**THENCE** northeasterly along said curve, having a radius of 27.50 feet, concave southeasterly, through a central angle of 82°58'38", a distance of 39.83 feet, to the curve's end;

**THENCE** North 89°24'32" East, a distance of 138.53 feet, to a point of intersection with a non-tangent curve;

**THENCE** southeasterly along said curve, having a radius of 27.50 feet, concave southwesterly, whose radius bears South 00°25'52" East, through a central angle of 89°48'14", a distance of 43.10 feet, to a point of reverse curvature;

**THENCE** southeasterly along said curve, having a radius of 2.50 feet, concave northeasterly, through a central angle of 90°00'00", a distance of 3.93 feet, to the curve's end;

**THENCE** North 89°22'21" East, a distance of 7.89 feet;

**Parcel Description**  
**Villa Toscana Center**  
**Parcel Acquisition**

Revised February 21, 2012  
January 4, 2012  
WP # 083225  
Page 2 of 3  
See Exhibit "B"

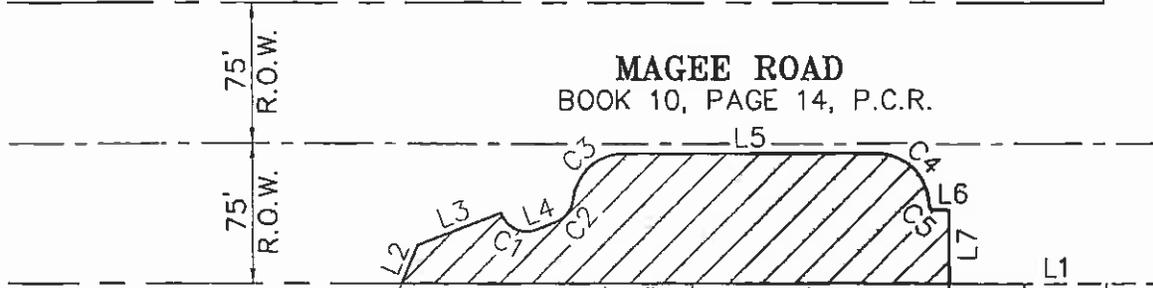
**THENCE** South 00°37'39" East, a distance of 39.67 feet, to the **POINT OF BEGINNING**.  
Containing 0.3722 acres, or 16,212 square feet of land, more or less.  
Subject to existing rights-of-way and easements.

This parcel description was prepared without the benefit of survey fieldwork and is based on a client provided information. Any monumentation noted in this parcel description is based on said information.

Y:\WP\Parcel Descriptions\2008 Parcel Descriptions\083225 Villa Toscana Center Parcel Acquisition L03R01 02-21-12.doc



NORTHEAST CORNER  
OF SECTION 33  
T.12S., R.13E.  
1/2" REBAR



**MAGEE ROAD**  
BOOK 10, PAGE 14, P.C.R.

S89°29'47"W 297.88'  
PARCEL ACQUISITION POINT OF BEGINNING

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°21'23"W	115.97'
L2	N22°54'04"E	22.43'
L3	N68°40'58"E	48.84'
L4	N69°20'09"E	12.89'
L5	N89°24'32"E	138.53'
L6	N89°22'21"E	7.89'
L7	S00°37'39"E	39.67'

CURVE TABLE			
CURVE	DELTA	RADIUS	ARC
C1	87°51'07"	14.50'	22.23'
C2	62°54'15"	15.00'	16.47'
C3	82°58'38"	27.50'	39.83'
C4	89°48'14"	27.50'	43.10'
C5	90°00'00"	2.50'	3.93'

DOCKET 12528, PAGE 3056,  
P.C.R.

45'  
30' R.O.W.

847.43'  
N00°38'37"W 2641.74'  
**LA CHOLLA BOULEVARD**  
BOOK 2, PAGE 112, P.C.R.



EXPIRES 12-31-14

**WOOD/PATEL**  
2730 EAST BROADWAY  
Tucson, AZ 85716  
Phone: (520) 325-7333  
Fax: (520) 325-7300  
TUCSON • MESA • PHOENIX

EAST 1/4 CORNER  
OF SECTION 33  
T.12S., R.13E.  
BRASS CAP FLUSH  
STAMPED RLS 12122  
POINT OF COMMENCEMENT

**EXHIBIT "B"**  
VILLA TOSCANA CENTER  
PARCEL ACQUISITION  
REVISED 02-21-12  
WP #083225  
PAGE 3 OF 3  
NOT TO SCALE

T:\2008\083225\LEGAL\3225L03-DB\DWG\3225L03R01.DWG



Pima County  
Survey

15 November 2012

EXHIBIT "C"

**LEGAL DESCRIPTION  
DRAINAGE EASEMENT**

All that portion of that parcel described in Docket 1925 at Page 147 as recorded in the office of the County Recorder, Pima County, Arizona, being within the Northeast Quarter of Section 33, Township 12 South, Range 13 East, Gila & Salt River Meridian, Pima County, Arizona, more particularly described as follows:

**COMMENCING** at the east one quarter corner of said Section 33, a found brass cap survey monument stamped RLS12122 to which the northeast corner of said Section 33, a found 1/2 " rebar at the intersection of Magee Road (now Old Magee Trail) and La Cholla Boulevard, bears North  $00^{\circ}38'37''$  West a distance of 2641.74 feet;

**THENCE** along the east line of said Section 33, also being the centerline of La Cholla Boulevard, North  $00^{\circ}38'37''$  West a distance of 847.15 feet to a point on the south line of that parcel as described in Docket 1925 at Page 147;

**THENCE** along said south line South  $89^{\circ}29'47''$  West a distance of 281.82 feet to the **POINT OF BEGINNING**;

**THENCE** continuing along said south line South  $89^{\circ}29'47''$  West a distance of 132.03 feet;

**THENCE** North  $22^{\circ}54'04''$  East a distance of 22.43 feet;

**THENCE** North  $68^{\circ}40'58''$  East a distance of 48.84 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 14.50 feet a central angle of  $87^{\circ}51'07''$  and to which a radial line bears South  $71^{\circ}26'40''$  West;

**THENCE** along the arc of said curve to the left a distance of 22.23 feet to a point of tangency;

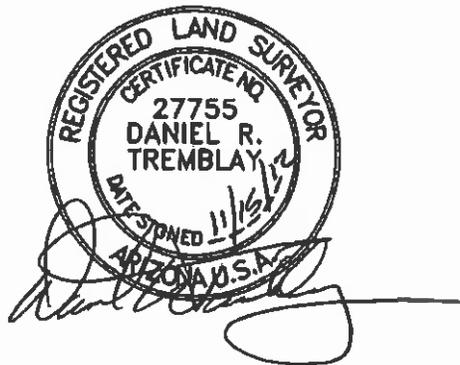
**THENCE** North  $69^{\circ}20'09''$  East a distance of 12.89 feet to the beginning of a tangent curve concave to the northwest having a radius of 15.00 feet and a central angle of  $62^{\circ}54'15''$ ;

**THENCE** along the arc of said curve to the left a distance of 16.47 feet to a point of reverse curve;

**THENCE** along the arc of said curve concave to the southeast having a radius of 27.50 feet and a central angle of  $82^{\circ}58'38''$  an arc distance of 39.83 feet to a point of tangency;

**THENCE** North 89°24'32" East a distance of 77.79 feet to the beginning of a non-tangent curve concave to the southeast having a radius of 235.87 feet, a central angle of 23°38'35" and to which a radial line bears North 34°39'47" West;

**THENCE** along the arc of said curve to the left a distance of 97.33 feet to the **POINT OF BEGINNING**.



Expires 31 March 2015

"EXHIBIT D"

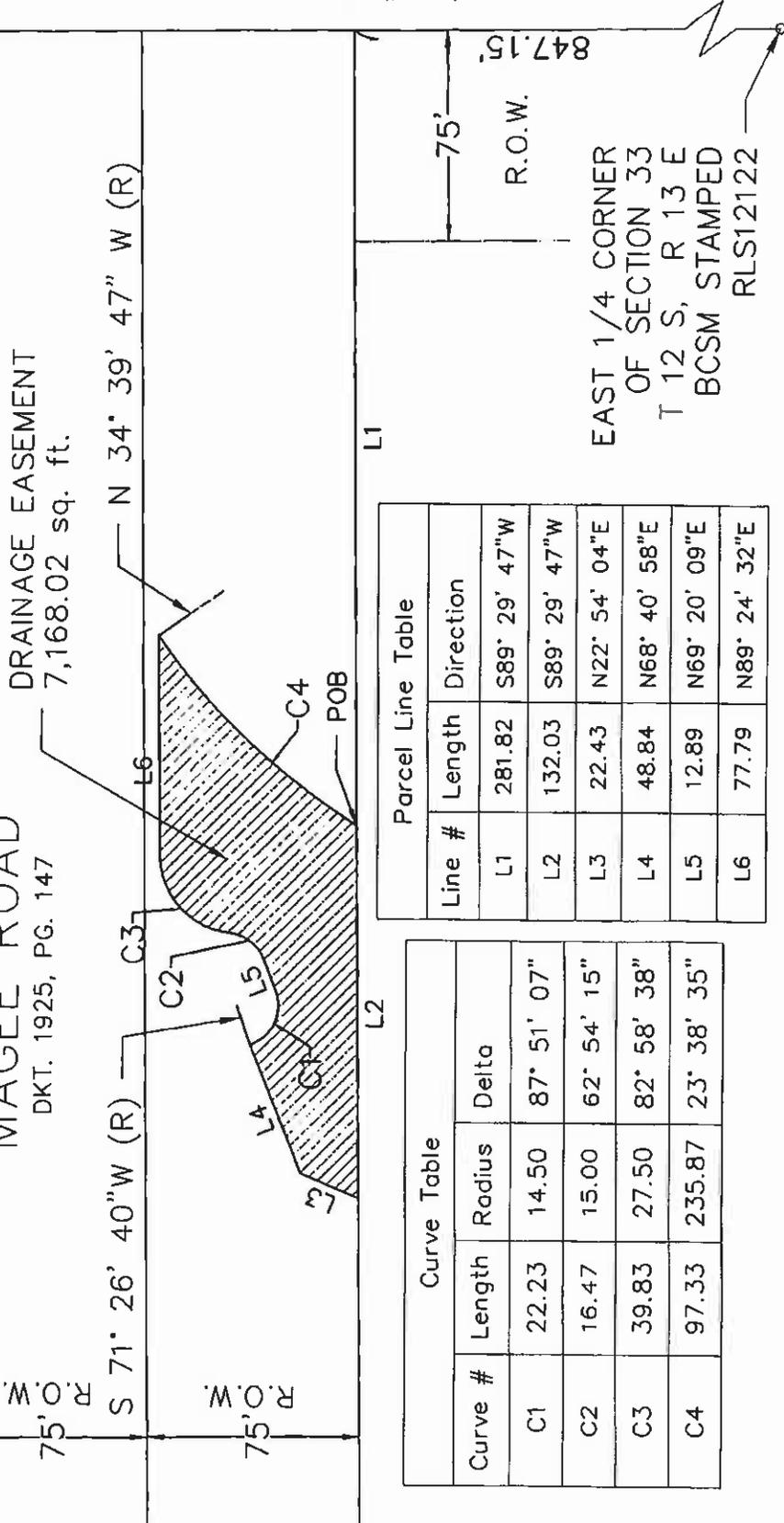
NORTHEAST CORNER  
OF SECTION 33  
T 12 S, R 13 E  
1/2" REBAR

MAGEE ROAD  
DKT. 1925, PG. 147

DRAINAGE EASEMENT  
7,168.02 sq. ft.

S 71° 26' 40"W (R)

N 34° 39' 47" W (R)



N 00° 38' 37" W 2641.74'  
LA CHOLLA BLVD.

847.15'  
75'  
R.O.W.

EAST 1/4 CORNER  
OF SECTION 33  
T 12 S, R 13 E  
BCSM STAMPED  
RLS12122

L1

L2

Parcel Line Table		
Line #	Length	Direction
L1	281.82	S89° 29' 47"W
L2	132.03	S89° 29' 47"W
L3	22.43	N22° 54' 04"E
L4	48.84	N68° 40' 58"E
L5	12.89	N69° 20' 09"E
L6	77.79	N89° 24' 32"E

Curve Table			
Curve #	Length	Radius	Delta
C1	22.23	14.50	87° 51' 07"
C2	16.47	15.00	62° 54' 15"
C3	39.83	27.50	82° 58' 38"
C4	97.33	235.87	23° 38' 35"



# PIMA COUNTY SURVEY

A PORTION OF THE NORTHEAST QUARTER OF  
SECTION 33, TOWNSHIP 12 SOUTH, RANGE 13 EAST,  
GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA

Scale: 1" = 60'

Date: 14 Nov 2012

Drawn By: CJC

Sheet 1 of 1