



MEMORANDUM

Date: July 20, 2017

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Addendum Item 11 on the July 11, 2017 Board of Supervisors Agenda,
Condemnation Resolution 2017-53**

Regarding Condemnation Resolution 2017-53, the attached graphic depicts the property involved in the resolution, not the property proposed for acquisition by condemnation. This graphic drastically overstates the property to be acquired. The acquisition is roughly a 16-foot to 20-foot strip of land along the Pantano Wash.

I asked our Real Property Services Division to prepare a graphic that depicts not only what the Board saw as the attachment to the recently approved resolution (Attachment 1), but also the most probable location of the property to be acquired through condemnation if such becomes necessary (Attachment 2).

As I previously indicated, the authorization to condemn by resolution is not a condemnation. It is simply the Board's authorization to institute condemnation proceedings if the County is unable to negotiate acquisition with the property owner in a timely fashion.

In this particular case, we are at or near agreement with the affected property owners, absent some property owner who might have had second thoughts regarding the negotiations.

The Board's passing the resolution also allows the property to be acquired even if negotiated under a "threat of condemnation." I also indicated that condemnation provides certain federal tax benefits to property owners. Specifically, under Internal Revenue Service (IRS) Code Section 1033, a taxpayer may postpone the reporting of gain from a condemnation if replacement property is purchased. If only part of the property is condemned, the property owner can treat the cost of restoring the remaining part to its former usefulness as the cost of replacement property.

The benefits of Section 1033 are available if there is a threat of condemnation. A threat of condemnation exists if:

"A representative of a government body or a public official authorized to acquire property

The Honorable Chair and Members, Pima County Board of Supervisors
Re: **Addendum Item 11 on the July 11, 2017 Board of Supervisors Agenda, Condemnation Resolution 2017-53**
July 20, 2017
Page 2

for public use informs you that the government body or official has decided to acquire your property. You must have reasonable grounds to believe that, if you do not sell voluntarily, your property will be condemned.” IRS Publication 544, Page 6.

The adoption of a condemnation resolution qualifies as “a threat of condemnation.”

CHH/anc

Attachments

c: Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Nanette Slusser, Assistant County Administrator for Public Works
Neil Konigsberg, Manager, Real Property Services

ATTACHMENT 1

RESOLUTION NO. 2017- _____

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE PIMA COUNTY ATTORNEY TO CONDEMN
REAL PROPERTY INTERESTS WHERE NECESSARY FOR THE
PANTANO WASH: CRAYCROFT TO FT. LOWELL PROJECT IN
SECTIONS 25 AND 36 OF TOWNSHIP 13 SOUTH, RANGE 14 EAST,
G&SRM, PIMA COUNTY, ARIZONA**

The Board of Supervisors of Pima County, Arizona finds:

1. Pima County is finishing the development of "The Loop" as an alternative form of transportation and recreational amenity along the Pantano Wash between Craycroft Road and Fort Lowell Road (the "Project") located in Sections 25 and 36 of Township 13 South, Range 14 East, G&SRM, for the use and benefit of the public; and
2. The Board of Supervisors of Pima County finds it is necessary to exercise its powers of eminent domain, pursuant to A.R.S. §§ 11-932 and 12-1111, to acquire interests in the real property depicted in attached Exhibit A in order to construct the Project;

NOW, THEREFORE, BE IT RESOLVED that the Pima County Attorney be and is hereby authorized to institute condemnation proceedings to acquire real property interests necessary for the above described Project, from the real property shown on the attached Exhibit A, in the event that the property interests cannot otherwise be acquired in a timely manner.

Passed and adopted, this this ____ day of _____, 2017.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board of Supervisors



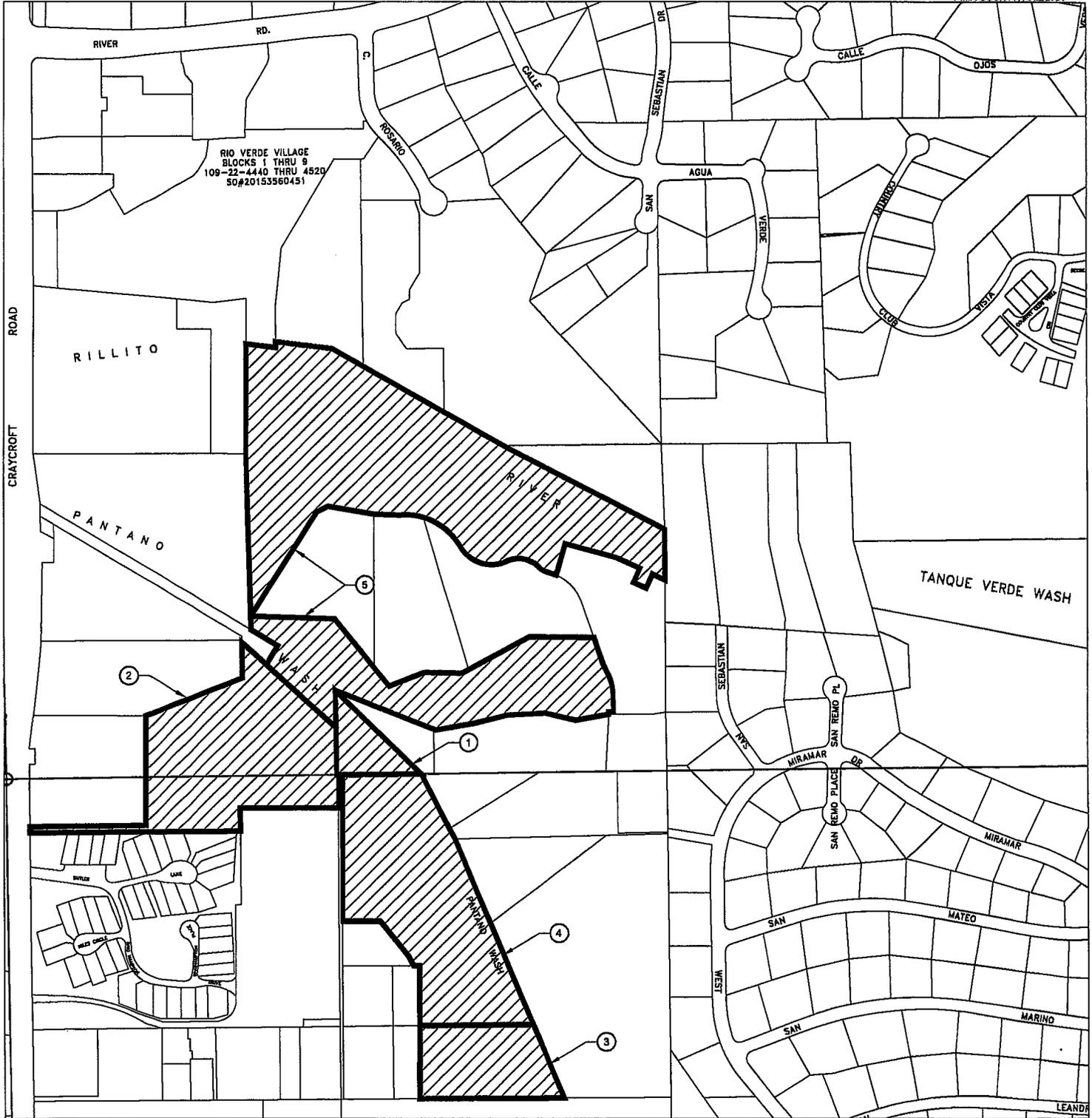
Andrew Flagg, Deputy County Attorney

Board of Supervisors Approval: 7/11/2017		S <u>25,36</u> /T <u>13S</u> /R <u>14E</u>
Agent: BS	File #:PR-0098	Project Code #:CTR.4PANCG

EXHIBIT "A"

SECTIONS 25,36
TOWNSHIP 13 SOUTH
RANGE 14 EAST

SUBJECT AREA



PARCELS TO BE ACQUIRED

PARCELS BY NUMBER

- ① 109-22-0240 ③ 110-14-002P ⑤ 109-22-020R
- ② 109-22-022B ④ 110-14-002Q

PIMA COUNTY DEPARTMENT OF TRANSPORTATION
ENGINEERING INFORMATION MANAGEMENT

ATTACHMENT 2

EXHIBIT "B"
LEGAL DESCRIPTION

All that portion of that parcel described as Parcel 3 in Docket 9761 at Page 457 recorded in the office of the Pima County Recorder, Arizona, being located in the Southwest Quarter of Section 25, Township 13 South, Range 14 East, Gila & Salt River Meridian, Pima County, Arizona, and as shown on the Record of Survey recorded in Book 26 at Page 51, in the office of the Pima County Recorder, Arizona, more particularly described as follows:

COMMENCING at the southeast corner of the southwest quarter of the southwest quarter of said Section 25, a 3" capped pipe;

THENCE along the along the east line of said southwest one quarter and east line of said parcel, North 00°09'12" West a distance of 154.52 feet the **POINT OF BEGINNING**;

THENCE continuing along said east line North 00°09'12" West a distance of 21.36 feet to the northeast corner of said parcel;

THENCE along the north line of said Parcel 3, being the south line of that parcel described in Docket 13726 at Page 165, North 44°45'08" West a distance of 299.66 feet;

THENCE continuing along said north parcel line North 46°59'39" West a distance of 251.66 feet to the northwest corner of said Parcel 3;

THENCE along the west line of said parcel South 00°03'25" West a distance of 20.49 feet to a point on a line 15.00 feet southwesterly of and parallel with the north line of said Parcel 3;

THENCE along said parallel line South 46°59'39" East a distance of 237.40 feet;

THENCE continuing along said parallel line South 44°45'08" East a distance of 314.58 feet to the **POINT OF BEGINNING**.





EXHIBIT "C"

LEGAL DESCRIPTION

All that portion of that parcel described as Lot 1 in Docket 13726 at Page 165 recorded in the office of the Pima County Recorder, Arizona, being located in the Southwest Quarter of Section 25, Township 13 South, Range 14 East, Gila & Salt River Meridian, Pima County, Arizona, and as shown on the Record of Survey recorded in Book 62 at Page 42, in the office of the Pima County Recorder, Arizona, more particularly described as follows:

COMMENCING at the south one-quarter corner of said Section 25, a brass cap survey monument stamped "1/4 25-36",

THENCE along the east line of the southwest one quarter, North 00°11'10" West a distance of 252.31 feet to a ½ rebar tagged RLS41659 and the southeast corner of said Lot 1;

THENCE along the south line of said Lot 1 South 80°10'58" West a distance of 48.92 feet to a ½ rebar tagged RLS41659;

THENCE continuing along the south line of said Lot 1 South 89°26'59" West a distance of 164.87 feet to a ½ rebar tagged RLS41659;

THENCE continuing along the south line of said Lot 1 South 89°26'59" West a distance of 19.91 feet to a ½ rebar tagged RLS41659;

THENCE continuing along the south line of said Lot 1 South 79°49'43" West a distance of 134.38 feet to a ½ rebar tagged RLS41659;

THENCE continuing along the south line of said Lot 1 North 76°38'51" West a distance of 125.84 feet to a ½ rebar tagged RLS41659;

THENCE continuing along the south line of said Lot 1 South 87°01'19" West a distance of 154.90 feet to a ½ rebar tagged RLS41659;

THENCE continuing along the south line of said Lot 1 South 76°02'29" West a distance of 132.54 feet to a ½ rebar tagged RLS41659;

THENCE continuing along the south line of said Lot 1 South 79°54'59" West a distance of 164.13 feet to a ½ rebar tagged RLS41659;

EXHIBIT "C" CONTINUED

THENCE continuing along the south line of said Lot 1 North 68°19'41" West a distance of 436.50 feet to a ½ rebar tagged RLS41659, on the west line of the southeast quarter of said southwest quarter of Section 25;

THENCE continuing along the south line of said Lot 1 and said west line of the southeast quarter, South 01°11'43" East a distance of 164.16 feet to a ½ rebar tagged PE2067 being the **POINT OF BEGINNING**;

THENCE continuing along the south line of said Lot 1 North 44°45'25" West a distance of 299.55 feet;

THENCE continuing along the south line of said Lot 1 North 46°48'04" West a distance of 117.80 feet to a ½ rebar tagged PCDOT 25;

THENCE continuing along the south line of said Lot 1 North 31°44'20" East a distance of 10.20 feet to a point on a line 10.00 feet northeasterly of said south line of Lot 1;

THENCE along said parallel line South 46°48'04" East a distance of 120.01 feet;

THENCE continuing along said parallel line South 44°45'25" East a distance of 289.21 feet to a point on said west line of the southeast quarter of the southwest quarter;

THENCE along said west line South 01°11'43" East a distance of 14.51 feet to the **POINT OF BEGINNING**.



Expires 31 March 2018



EXHIBIT "D"
LEGAL DESCRIPTION

All that portion of that parcel described in Docket 9906 at Page 227 recorded in the office of the Pima County Recorder, Arizona, being located in the Southwest Quarter of Section 25, Township 13 South, Range 14 East, Gila & Salt River Meridian, Pima County, Arizona, and being a strip of land 30.00 feet wide with the centerline being more particularly described as follows:

COMMENCING at the southwest corner of said parcel being the southwest corner of the southeast quarter of the southwest quarter of said Section 25;

THENCE along the west line of said southwest one quarter and west line of said parcel, North $00^{\circ}50'20''$ East a distance of 175.83 feet the **POINT OF BEGINNING** of said centerline, said point being a 1/2" rebar tagged PE2067;

THENCE South $35^{\circ}01'46''$ East a distance of 212.91 feet to a point on the south line of said parcel and south line of said southeast quarter of the southwest quarter and the **POINT OF TERMINUS** of said centerline.

The sidelines of said 30.00 foot strip to be extended or shortened to intersect with the west and south lines of said parcel.



Expires 31 March 2018

EXHIBIT "E"
LEGAL DESCRIPTION

A 30 foot wide strip of land across a portion of that parcel described in Docket 11239 at Page 1592 being located in the Northeast Quarter of the Northwest Quarter of Section 36, Township 13 South, Range 14 East, Gila & Salt River Meridian, Pima County, Arizona, being 15 feet on each side of the following described centerline:

COMMENCING at the northwest corner of said Northeast Quarter of the Northwest Quarter, a 2 3/4" capped pipe marked "1/16", to which the north one quarter corner of said Section 36, a 2 3/4" capped pipe marked "1/4" bears North 89°17'52" East a distance of 1335.42 feet;

THENCE along the north line of said Northeast Quarter of the Northwest Quarter and north line of said parcel described in Docket 11239 at Page 1592, North 89°17'52" East a distance of 119.65 feet to the POINT OF BEGINNING of said centerline;

THENCE South 62°35'09" East a distance of 44.99 feet;

THENCE South 52°01'00" East a distance of 75.76 feet;

THENCE South 37°10'00" East a distance of 77.33 feet;

THENCE South 31°31'48" East a distance of 80.76 feet;

THENCE South 49°17'50" East a distance of 246.76 feet to a point on a line 15 feet west of and parallel with the east line of said parcel;

THENCE along said parallel line South 22°44'31" East a distance of 112.63 feet;

THENCE South 16°51'39" West a distance of 20.84 feet;

THENCE South 13°54'25" East a distance of 270.96 feet;

THENCE South 06°54'33" East a distance of 70.22 feet;

THENCE South 02°29'14" West a distance of 49.53 feet to the beginning of a tangent curve concave to the east having a radius of 100.00 feet and a central angle of 33°45'23";

THENCE along the arc of said curve to the left a distance of 58.92 feet to a point of tangency;

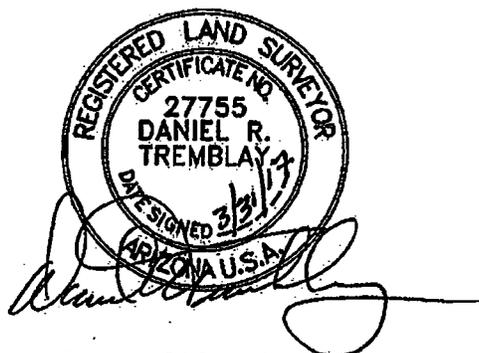
THENCE South 31°16'09" East a distance of 46.18 feet;

EXHIBIT "E" CONTINUED

THENCE South 03°54'50" East a distance of 26.91 feet;

THENCE South 24°02'53" East a distance of 48.46 feet to a point on the south line of said parcel to which the southeast corner bears North 89°27'11" East a distance of 128.89 feet.

The sidelines of said 30 foot wide strip to be lengthened or shortened to intersect with the north and south lines of said parcel.



Expires 31 March 2018

EXHIBIT "F"
LEGAL DESCRIPTION

A 30 foot wide strip of land across a portion of that parcel described in Docket 11069 at Page 3576 being located in the Northeast Quarter of the Northwest Quarter of Section 36, Township 13 South, Range 14 East, Gila & Salt River Meridian, Pima County, Arizona, being 15 feet on each side of the following described centerline:

COMMENCING at the northwest corner of said Northeast Quarter of the Northwest Quarter, a 2 3/4" capped pipe marked "1/16", to which the north one quarter corner of said Section 36, a 2 3/4" capped pipe marked "1/4" bears North 89°17'52" East a distance of 1335.42 feet;

THENCE along the north line of said Northeast Quarter of the Northwest Quarter and north line of said parcel described in Docket 11069 at Page 3562, North 89°17'52" East a distance of 360.00 feet to the northeast corner of said parcel described in Docket 11069 at Page 3562;

THENCE along the east line of said parcel South 22°44'31" East a distance of 1120.40 feet to the northeast corner of that parcel described in Docket 11069 at Page 3576;

THENCE along the north line of said parcel South 89°27'11" West a distance of 128.89 feet to the POINT OF BEGINNING of said centerline;

THENCE South 24°02'53" East a distance of 8.57 feet;

THENCE South 11°05'12" West a distance of 55.99 feet to the beginning of a tangent curve concave to the east having a radius of 106.12 feet and a central angle of 46°12'39";

THENCE along the arc of said curve to the left a distance of 85.59 feet to a point of tangency;

THENCE South 35°07'28" East a distance of 84.73 feet;

THENCE South 24°17'57" East a distance of 70.81 feet to a POINT OF TERMINUS of said centerline on the south line of said parcel.

The sidelines of said 30 foot wide strip to be lengthened or shortened to intersect with the north and south lines of said parcel described in Docket 11069 at Page 3576.

