March 5, 2013

Exclusion of Pima County-owned Property from the Town of Vail Proposed Boundary

Background

The Clerk of the Board of Supervisors and Elections Department received the attached legal description, which appears to include the County-owned Southeast Regional Park and the Pima County Fairgrounds, in the proposed incorporation of the Town of Vail (Attachment 1).

The Southwestern Fair Commission has requested exclusion of their facilities in the Town of Vail pursuant to the attached February 2, 2013 letter (Attachment 2). In addition, Arizona Revised Statute (ARS) Incorporation Statute 9-101(G) states:

"Territory shall not be incorporated, if, as a result of such incorporation, unincorporated territory is completely surrounded by incorporated areas nor shall an area to be incorporated exclude interior county streets and roads, unless the board of supervisors approves the exclusion of such territory, streets and roads." Emphasis added.

Recommendation

I recommend the Board of Supervisors approve a request that the territory for the proposed Town of Vail exclude the Pima County Fairgrounds and surrounding County-owned property known as the Southeast Regional Park. The property to be excluded from the Town of Vail incorporation pursuant to ARS Incorporation Statute 9-101(G) is shown on the attached map and legal description (Attachment 3).

Respectfully submitted,

C.H. Huckelberry
County Administrator

CHH/mjk – February 27, 2013

Attachments

c: Robin Brigode, Clerk, Pima County Board of Supervisors
   Christopher Straub, Chief Civil Deputy County Attorney
   Brad Nelson, Elections Director
EXHIBIT A

METES AND BOUNDS OF THE PROPOSED TOWN OF VAIL

Beginning at the intersection of the south line of Section 36, T.16S., R.15E., and the easterly right-of-way line of Houghton Road as shown on that map of record in Pima County Recorder's Office, in Book 9 of Road Maps at Page 92; Thence easterly, along said south line of said Section 36 and along the south lines of Sections 31, 32 and 33, T.16S., R.15E., to the northeast corner of Section 4, T.17S., R.16E.; Thence along the northeast line of said Section 4, T.17S., R.16E., to the southwest corner of said Section 4, T.17S., R.16E.; Thence southerly along said southwest corner line of said Section 4, T.17S., R.16E., to the southwest corner of said Section 27, T.16S., R.15E., and thence easterly along said southwest corner line of said Section 27, T.16S., R.15E., to the northeast corner of said Section 27, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 27, T.16S., R.15E., to the southwest corner of said Section 27, T.16S., R.15E., and thence easterly along said southwest corner line of said Section 27, T.16S., R.15E., to the southwest corner of said Section 32, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 32, T.16S., R.15E., to the southwest corner of said Section 32, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 32, T.16S., R.15E., to the southwest corner of said Section 29, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 29, T.16S., R.15E., to the southwest corner of said Section 29, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 29, T.16S., R.15E., to the southwest corner of said Section 26, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 26, T.16S., R.15E., to the southwest corner of said Section 26, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 26, T.16S., R.15E., to the southwest corner of said Section 23, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 23, T.16S., R.15E., to the southwest corner of said Section 23, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 23, T.16S., R.15E., to the southwest corner of said Section 21, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 21, T.16S., R.15E., to the southwest corner of said Section 21, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 21, T.16S., R.15E., to the southwest corner of said Section 19, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 19, T.16S., R.15E., to the southwest corner of said Section 19, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 19, T.16S., R.15E., to the southwest corner of said Section 17, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 17, T.16S., R.15E., to the southwest corner of said Section 17, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 17, T.16S., R.15E., to the southwest corner of said Section 15, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 15, T.16S., R.15E., to the southwest corner of said Section 15, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 15, T.16S., R.15E., to the southwest corner of said Section 13, T.16S., R.15E.; Thence southerly along said southwest corner line of said Section 13, T.16S., R.15E., to the southwest corner of said Section 13, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 13, T.16S., R.15E., to the southwest corner of said Section 11, T.16S., R.15E., to the southwest corner of said Section 11, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 11, T.16S., R.15E., to the southwest corner of said Section 9, T.16S., R.15E., to the southwest corner of said Section 9, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 9, T.16S., R.15E., to the southwest corner of said Section 7, T.16S., R.15E., to the southwest corner of said Section 7, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 7, T.16S., R.15E., to the southwest corner of said Section 5, T.16S., R.15E., to the southwest corner of said Section 5, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 5, T.16S., R.15E., to the southwest corner of said Section 5, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 5, T.16S., R.15E., to the southwest corner of said Section 3, T.16S., R.15E., to the southwest corner of said Section 3, T.16S., R.15E., and thence southerly along said southwest corner line of said Section 3, T.16S., R.15E., to the southwest corner of said Section 3, T.16S., R.15E., and then easterly along said southwest corner line of said Section 3, T.16S., R.15E., to the southwest corner of said Section 1, T.16S., R.15E., and then easterly along said southwest corner line of said Section 1, T.16S., R.15E., to the intersection of the easterly right-of-way line of Houghton Road as shown on that map of record in Pima County Recorder's Office, in Book 9 of Road Maps at Page 92.
thereof; Thence west along the south line of said Lot 2 the southwest corner thereof; Thence north along the west line of said Lot 2 to its intersection with the south line of said Section 31, T.16S., R.16E.; Thence west along said south line of Section 31 and along the south line of Section 38, T.15S., R.15E., to the northeast line of Tucson-Old Vail Road; Thence northwestly along said northeast line to the easterly prolongation of the north line of Nogales-Old Vail Connection Road; Thence west along said prolongation and along the north line of said Nogales-Old Vail Connection Road to the north-south quarter section line of said Section 36; Thence north along said north-south quarter section line to the northeast line of the Southern Pacific Railroad Company right-of-way; Thence northwesterly along said northeast line to the west line of the E. ½ of the W. ½ of Section 36; Thence north along said west line to the north line of the S. ½ of Section 36; Thence west along said north line, and its prolongation, to the west right-of-way line of Houghton Road as shown on the map of record in Pima County Recorder’s Office, in Book 7 of Road Maps at page 78; Thence south along said west line of Houghton Road through Section 36, T.15S., R.15E., and Section 1, T.16S., R.16E., to its intersection with the north line of the SW ¼ of the NW ¼ of Section 1, T.16S., R.15E., being a point in the present corporate boundary of the City of Tucson; Thence east along said north line of the SW ¼ of the NW ¼ and along the north line of the SE ¼ of the NW ¼ to its intersection with the north-south quarter section line of said Section 1; Thence south along said north-south quarter section line to its intersection with the north line of the SW ¼ of the SE ¼ of Section 1; Thence east along said south line of the SW ¼ of the SE ¼ and along the north line of the SE ¼ of the SE ¼ of said Section 1, to its intersection with the line common to Sections 1, T.16S., R.16E. and Sections 6, T.16S., R.16E.; Thence north along said common section line to the NW corner of Lot 6 of said Section 6; Thence east along the north line of said Lot 6 to the NE corner of Lot 6 in said Section 6; Thence south along the east line of said Lot 6 to its intersection with the north line of the SE ¼ of the SW ¼ of said Section 6; Thence east along said north line to its intersection with the north-south ¼ section line of said Section 6; Thence south along said north-south quarter section line to its intersection with a line parallel with and distant 75 feet northeasterly of the line common to Section 6 and 7, being the northerly right-of-way line of Rocket Road as shown in Book 10 at page 56 in Pima County Recorder’s Office; Thence easterly and southeasterly along said northerly right-of-way line to its intersection with a line parallel with and distant 75 feet easterly of the line common to Section 7 and 8, T.16S., R.16E., being the easterly right-of-way line of Freeman Road as shown on the map of record in said County Recorder’s Office, in Book 10 of Road Maps at page 61; Thence south along said easterly right-of-way line of Freeman Road to its intersection with the north line of the SW ¼ of the NW ¼ of said Section 8; Thence east along said north line to its intersection with the east line of said SW ¼ of the NW ¼ of said Section 8; Thence south along said east line to its intersection with the north line of the SW ¼ of said Section 8; Thence north along said south line of the SW ¼ and along the north line of the SE ¼ of said Section 16 to its intersection with the south-southwesterly right-of-way line of that roadway described in that instrument of record in said County Recorder’s Office in Docket 6240 at page 533 thereof; Thence southeasterly along said south-southwesterly right-of-way line to its intersection with the east line of said Section 16; Thence south along said east line to its intersection with a line parallel with and distant 75 feet northeasterly of the south line of Section 16, being the north right-of-way line of Dawn Drive, as shown in the map of record in said County Recorder’s Office, in Book 9 of Road Maps at page 13; Thence west along said north right-of-way line, and its westerly prolongation, to its intersection with the westerly right-of-way line of Vail Station-U.S. 60 Connection Road, as shown on the map of record in said County Recorder’s Office, in Book 2 of Road Maps at page 92; Thence southeasterly along said westerly right-of-way line to its intersection with the south line of Section 16; Thence west along said south line of Section 16 and along the south line of Sections 17 and 18, to its intersection with the line common to Section 18, T.16S., R.16E. and Section 13, T.16S., R.16E.; Thence north along said common section line to its intersection with the north line of the south 75 feet of said Section 13; Thence west along said north line to its intersection with a line parallel with a distant 75 feet easterly of the west line of said Section 13, being the easterly right-of-way line of Houghton Road as shown on the map of record in said County Recorder’s Office, in Book 9 of Road Maps at page 92 thereof; Thence north and northeasterly along said easterly right-of-way line of Houghton Road, through Section 13, Section 12 and Section 11, T.16S., R.16E., to its intersection with the east-west quarter section line of said Section 11; Thence west along said east-west quarter section line and along the east-west quarter section line of said Section 10, T.16S., R.16E., to its intersection with the north-south quarter section line of said Section 10; Thence south along said north-south quarter section line to its intersection with the line common to said Section 10 and Section 15, T.16S., R.15E., Thence west along said common line to the northwest corner of said Section 15; Thence south along the west line of said Section 15 and along the west line of Section 22, T.16S., R.16E., to the southwest corner of said Section 22; Thence east along the south line of Said Section 22 and along the south line of Section 23, T.16S., R.15E., to its intersection with the east line of the W. ½ of the E. ½ of said Section 23; Thence north along said east line to its intersection with the north line of the S. ½ of Said Section 23; Thence east along said north line and its prolongation to its intersection with a line parallel with a distant 75 feet easterly of the west line of said Section 15, being the easterly right-of-way line of Houghton Road as shown on the map of record in said County Recorder’s Office, in Book 9 of Road Maps at page 92; Thence south and southerly, along said easterly right-of-way line of Houghton Road, through Section 24, Section 25 and Section 36, to the Point of Beginning.
C.H. Huckelberry  
Pima County Administrator  
10th Floor, 130 West Congress Street  
Tucson, Arizona 85701-1317  

Dear Mr. Huckelberry:

I am writing on behalf of the Southwestern Fair Commission (SWFC) in regards to the proposed Vail Incorporation near the Pima County Fairgrounds and Southeast Regional Park (SERP).

We have met with George Mower and Rob Samuelson from The Citizens for Vail Committee in an effort to identify the best course of action for SWFC to pursue regarding this matter. In our opinion, it is best for the fairgrounds to not be included in the incorporation effort. This decision was based on evaluating the potential for sales and amusement taxes being imposed on SWFC and Facility Users which could be significant and detrimental to both. We believe the possible benefits of new services by being included in the incorporation are minimal.

I have attached a copy of the email which I received from George Mower regarding his proposed method of excluding the fairgrounds and, as he states, would include all of SERP. At the January 31, 2013 SWFC Board Meeting the board voted unanimously to request that the Pima County Board of Supervisors take the action necessary to keep the fairgrounds (located within SERP) out of the proposed Vail Incorporation Boundary.

As we continue to work with the County towards improving the fairgrounds for the benefit of residents and visitors to Pima County, we will diligently evaluate and convey to you efforts that we believe will best benefit SWFC and Pima County. Thank you for your consideration regarding this matter. I may be contacted at 762-9100 (work), 940-3159 (cell) or via email at jon@pimacountyfair.com if you have any questions or concerns regarding this matter.

Sincerely,

[Signature]

Jon Baker  
Executive Director
From: George Mower [mower@cox.net]
Sent: Wednesday, January 16, 2013 9:37 AM
To: 'Jon'
Cc: district4@pima.gov; 'Jennifer Wong'; rob@sccapitalpartners.com; 'Nicole Fyffe'; CHH@pima.gov
Subject: Pima County Fairgrounds

Mr. Baker, The Citizens for Vail Committee has carefully considered the topic of including the Pima County Southeast Regional Park within the proposed boundary of the Town of Vail.

It is our conclusion that with approval from the Pima County Board of Supervisors to leave the Southeast Regional Park as an ‘island’ per the ARS (referenced below), we will remove the Southwest Regional Park from the proposed boundary.

9-101. Incorporation; definition

G. Territory shall not be incorporated if, as a result of such incorporation, unincorporated territory is completely surrounded by incorporated areas nor shall an area to be incorporated exclude interior county streets and roads, unless the board of supervisors approves the exclusion of such territory, streets and roads.

Sincerely,

George Mower
Citizens for Vail Committee
Town of Vail Proposed Boundary

- Proposed Town of Vail
- Southeast Regional Park, including Pima County Fairgrounds
- City of Tucson
- Parcel Boundary
- Streets
In Township 16 South, Range 15 East, G&SRB&M, Pima County, Arizona.

Section 10: The Southeast Quarter (SE4); containing 160.00 acres, more or less.

Section 11: The South Half (S2), except that part lying easterly of the east line of Houghton Road as established under Proceedings No. 1233 and of record at the Pima County Recorder’s Office in Book 9 of Road Maps at Page 92 thereof; containing 311.5 acres, more or less.

Section 14: All; containing 640.00 acres, more or less.

Section 15: All; containing 640.00 acres, more or less.

Section 22: All; containing 640.00 acres, more or less.

Section 23: All, except the Southeast Quarter of the Southeast Quarter (SE4SE4) thereof; containing 600.00 acres, more or less.

Containing 2,991.5 acres, more or less.