



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos de la Torre, Community Development Director

MEMORANDUM

TO: Pam Hudgins, Right-of-Way Agent I

FROM: Karen L. Lamberton, County Transportation Planner *KLL*

SUBJECT: Proposed Abandonment of Cactus Lane/Parcel #104-06-002C and 2007

DATE: September 26, 2011

This application proposes abandonment of a 1972 dedication of right-of-way, known as Cactus Lane. Although the portion to the south of parcel #104-06-007 is currently an unused primitive surfaced roadway, it does have 1) direct access via the state highway and across the newly developed frontage road and 2) provide access to parcels and buildings adjacent of further west of the highway. It also appears that several parcels take access from Cactus Lane: 104-06-014; 104-06-002K. However, apparently, this is not the sole access to these other parcels (although a clear access point from the highway was not obvious given the fire-related damage in the surrounding area) and my understanding is that all adjacent parcel owners have indicated support for the abandonment of the entire length of Cactus Lane.

That being the case, I am not opposed to the abandonment request; however, such abandonment would be only to the ADOT Right-of-Way line. The change of ownership of this existing driveway (from the County to a private owner) would be required to be filed with ADOT as Mr. Aguirre would then be the new encroachment owner for the access driveway that currently now exists from the ADOT highway to the private property. This access point serves more than one parcel owner and in discussion with ADOT about this potential abandonment we were advised that a multi-use encroachment permit would be appropriate (which requires that all parcel owners taking access jointly submit the permit request).

Changing the ownership of the driveway itself has future implication for the owners in terms of a duty to maintain the ADOT apron and/or the potential of closing off that driveway access point sometime in the future as the area is served by the frontage road and the access was placed specifically for Cactus Lane.

I would advise the applicant to consider the implications of fully abandoning all public rights-of-way for the proposed section of Cactus Lane from the ADOT highway to the -002E parcel line. Fifty (50) feet of dedicated right-of-way is generally considered needed for a local road; however, as a privately maintained public roadways as little as 25 feet would be adequate in this case.

Recommendation:

We have no objections to abandoning that portion of Cactus Lane that lies directly behind the identified parcels if the parcel owners noted above have no objections and adequate, legal access is available through other roadways to their parcels. I also have no objections to the concept of abandoning that portion of Cactus Lane south of the identified parcels; however, if the property owner(s) are not willing and able to take on the ADOT access driveway that some adjustment to the proposed abandonment area should be made.

If the full abandonment does move forward as presented and is approved the applicant should then contact Armando Membrilla, ADOT Permit Division and submit an Joint Encroachment Permit notifying ADOT of the new owners of this access apron. Permit information is available on-line at: <http://www.dot.state.az.us/Highways/Districts/Safford/index.asp> or the applicant may contact the Permits Office at Safford District, at 2082 US Hwy 70, Safford, AZ 85546; or call 928.432.4915. There is no fee for this permit.

Please let me know if you have any questions about my review of this proposed abandonment.