



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

October 4, 2010

Mr. John Scully
966 E. Grandview Dr.
Ivins, UT 84738

Re: Kayenta Estates Subdivision, Docket S-06-02, Parcel #s 120-09-005 and 120-09-006 Assurance Agreement Extension

Dear Mr. Scully:

As you are aware, the Assurance Agreement for the 27 lot Kayenta Estates Subdivision will expire on March 26, 2011. Our department received your request for an extension of these Assurances on September 16, 2010 by letter, along with the required fee of \$500.

The Cochise County Subdivision Regulations, Section 501.01F states:

- F. The agreement must provide authorization for County to abandon the subdivision final plat and convert the property to unsubdivided land if the required improvements fail to be installed in compliance with the County's standard specifications within three years:*
- 1. The Planning Director, or representative, under authority vested by the Board of Supervisors, may extend the time specified to complete improvements for one (1) year if the purposes of these Regulations would still be served.*
 - 2. The Board of Supervisors may extend the time specified to complete improvements for additional terms if the purposes of these Regulations would still be served.*
 - 3. The subdivider must demonstrate that progress has been made to complete improvements or that an undue hardship would result.*

The Planning Department has **approved** your request to extend the Assurance Agreement for Kayenta Estates Subdivision for one year from the time of expiration which means this plat will now expire on **March 26, 2012**. The approval is conditioned upon the following:

1. The developer has agreed to provide the following off-site improvements to Lonesome Road:
 - A. Prior to any lot release:
 1. Downstream cut-off walls at the two dip crossings.
 2. Guardrail or other appropriate method of providing clear zone on the steep embankment area.

- B. Prior to the release of the 20th lot:
1. Overlay road with two inches (2") of asphaltic concrete
 2. Prepare legal documentation to perfect right-of-way on Lonesome Road in a short stretch where there is some question as to alignment. The right-of-way dedication shall be at no cost to the County.
2. Prior to any lot release obtain a Determination of Water Adequacy from the Arizona Department of Water Resources.

Should you have any questions, feel free to call contact the Community Development Department at 520-432-9240.

Sincerely,

James E. Vlahovich
Planning Director

Xc: Michael Turisk, Interim Planning Manager
Docket File S-06-02 and Black Bear



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Carlos De La Torre, P.E., Director

June 20, 2012

Mr. John Scully
966 E Grandview Drive
Ivins, UT 84738

Pioneer Title Agency, Inc.
PO Box 1900
Sierra Vista, AZ 85636

Re: Expired Assurance Agreement for Kayenta Estates, Docket S-06-02

Dear Mr. Scully,

As you are aware, the Assurance Agreement for your subdivision called Kayenta Estates, expired on March 26, 2012. Our records indicate that the original Assurance Agreement was recorded on March 26, 2008. A one-year Administrative Extension was granted on September 23, 2010 with a new expiration date of March 26, 2012.

Per the Cochise County Subdivision Regulations, Article 5, Section 501.01.F: *“The agreement must contain provisions for the County to abandon the subdivision final plat and convert the property to unsubdivided land if the required improvements fail to be installed in compliance with the County’s standard specifications within three years”*.

The Assurance Agreement also states in item #12 on page four that *“Trustee and Beneficiary hereby agree that in the event that the required improvements are not complete within the time period provided by paragraph 7, the County may replat that portion of the property...”* *“The purpose of the new plat will be to abandon the subdivision and return the property to approximately the same boundary configurations of record as existed before the subdivision plat was recorded...”*

While we are certainly aware of the current economic conditions, I would sincerely appreciate your cooperation in rectifying this situation as soon as possible. Please submit a written request to our office, asking for the Board of Supervisors to consider extending this agreement for an additional three years, accompanied with the required fee of \$500.00. Please coordinate the attached form for execution with Pioneer Title Agency, Inc. They will also be able to assist you through this process.

Please contact our office no later than July 20, 2012, to advise us of your intent. I will be happy to assist you in any way that I can. I look forward to hearing from you soon.

Sincerely,

Beverly Wilson
Senior Planner
Cochise County Community Development Department
Planning, Zoning, and Building Safety
1415 Melody Lane, Building E
Bisbee, AZ 85603

520.432.9253
bjwilson@cochise.az.gov

CC: Jim Vlahovich, Deputy County Administrator
Carlos De La Torre, P.E., Director of Community Development
Michael Turisk, Planning Manager

Attachments: Proposed Extension of Assurance Agreement Form
Original Assurance Agreement