



## COCHISE COUNTY

# COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

**TO:** Board of Supervisors  
Through: Michael J. Ortega, County Administrator

**FROM:** Beverly J. Wilson, Planning Director

**SUBJECT:** Rio Corte Subdivision, Docket No. S-07-02 and the illegal lot split creating Parcel 104-27-200

**DATE:** December 20, 2013 for the January 7, 2014 Board Meeting

### **Background**

This memo regards Parcel located within the Rio Corte Estates Subdivision (Docket S-07-02), a 22-lot subdivision on 66 acres zoned RU-4 and located approximately 1.2 miles south of Hereford Road. The Board of Supervisors approved the final plat on October 16, 2007. The Assurance Agreement with the former property owner, Rio Corte LLC, will expire on January 25, 2014. Assurance Agreements are a contract between the Board of Supervisors and the Developer, and are used to guarantee that all required subdivision improvements will be constructed by the developer prior to the sale of any lots. These improvements include but are not limited to roadways, flood control, electrical, water, and sewer improvements. A new Assurance Agreement reflecting new ownership was approved by the Board of Supervisors in January 2011 and is scheduled to expire on January 25, 2014.

However, in particular, this request regards the release of assurances for Parcel 104-27-200. This parcel was created and recorded in 2009 by the Cochise County Assessor, to correctly reflect the ownership through recorded documents. The creation of the new Parcel from what would have been Lot 14 and portions of Lots 1, 22, 15 and 13 constituted a major amendment to the recorded subdivision plat and resulted in a subdivision plat that no longer correctly reflects the ownership of the parcels it subdivided. Furthermore, because a lien had been placed on this four-acre parcel PRIOR to the recordation of the subdivision plat, the lien-holder was able to foreclose on this parcel. After a foreclosure auction by the lien-holder, a new owner was able to record new ownership, after which Pioneer Title released the assurances on this parcel; it now sits squarely over infrastructure begun by the original owner, including the entry roadways and some of the underground utilities. This situation remains: the bulk of the subdivision plat is held by Pioneer

Title, while this four-acre parcel is now held by Residential Recovery Capital Holdings #2. The new owner has requested that the BOS formally release the new assurance agreement for this four-acre parcel. Staff concurs with this action and recognizes that at some point the subdivision plat will need to be formally abandoned.

**Motion**

Madame Chair, I move to adopt the resolution releasing the Assurance Agreement that encumbers Parcel 104-27-200 with Pioneer Title Agency, Inc. as trustee under trust number 521012.

**Attachments**

Owners Affidavit Requesting Release  
Release for Parcel 104-27-200