



COCHISE COUNTY

COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Board of Supervisors
Through: Michael J. Ortega, County Administrator
FROM: Beverly Wilson, Planning Director
SUBJECT: Extension of Assurance Agreement, Sonora Verde Subdivision (S-87-07)
DATE: June 17, 2014 for the July 8, 2014 Meeting

REQUEST FOR ASSURANCE AGREEMENT EXTENSION

This is a request from Mr. Joe Schneider, the Developer of the Sonora Verde Subdivision, for an extension of an Assurance Agreement which expired on May 17, 2014. His request is attached. Current slow economic conditions are the basis for his request.

There are six remaining lots (#34-39) held in trust for completion of improvements as shown below:



BACKGROUND

The Sonora Verde Estates Subdivision Final Plat was approved April 18, 1990. The project contained 43-lots, all over one-acre in size, to be built in two phases. The site is located approximately 2-miles north of Interstate 10, along Pomerene Road. The records indicate that on May 2, 1994, the improvements to the first phase of construction were accepted by the County and 24 lots were released from the original Assurance Agreement which was dated October 23, 1989. It appears from the files, that the developer made no further improvements, and the Assurance Agreement lapsed on October 23, 1992.

On May 5, 2005, a substitute Assurance Agreement was presented to the Board for their consideration to cover Phase 2 of the plat. At that time, a request from the developer to allow the aggregate base road standards approved with the 1989 Plat remain in place was supported by Staff and the Board. Phase 2 of the Plat was to be completed within three years, and the records indicate that this Substitute Assurance Agreement was recorded on June 1, 2005. The improvements commenced, and by June 14, 2007, 13 of the 19 lots in Phase 2 had been released. Six lots remain secured by the Assurance Agreement, which expired on May 17, 2014. The Applicant has submitted his request for another three-year extension, along with the \$500.00 fee.

ANALYSIS

The Assurance Agreement that secures the remaining six lots was extended in 2008, again in 2012, and currently expired on May 17, 2014. The improvements that are still pending include utilities and drainage along the roadway, and bringing the roadway up to the AB standard approved in 2005—prior to these lots being released by Cochise County. The remaining six lots lie in the center of the subdivision, and the unfinished road provides access to the Pomerene Domestic Water's well and tanks. The unfinished portion is very short, approximately 800 linear feet, plus/minus. The Staff Memo dated May 5, 2005 (attached) stated that while improvement standards for County roads have changed from the original plat approval in 1989, the Highway and Floodplain Department supported the request to allow the subdivision to be completed with the aggregate base course (unpaved) surface as the roads appeared to be holding up well.

Twenty-five years have now passed since the original Final Plat was approved, and the County Road Standards have been in effect since 2003. The current standards would require double chip sealed roads at a minimum. Community Development staff still support the notion of allowing the Developer to complete this short length of road with the aggregate base course. However, County Engineer, Karen Riggs, states in her attached memo, that “the Highway and Floodplain staff have had to address the drainage coming off the unimproved length of road, which is impacting the maintained road and private property in the subdivision below it. Extending the opportunity for the subdivision to finish building out would require that the developer address these drainage issues when completing the road, which would reduce the time and cost for our staff.”

Staff has reviewed this plat, and provides an estimated cost to provide an abandonment plat for the six lots to be \$500 in time and materials that would be expended by staff.

RECOMMENDATION

Staff is recommending that the Board consider approval of this requested extension for the Sonora Verde Subdivision, to allow the developer to finish this last portion of the plat. If the Board declines to grant this request, the potential for the Highway and Floodplain staff having to address the drainage from this unimproved portion of the subdivision will continue on an annual basis. As a condition for approval, the Board may stipulate that this will be the final request considered, and that these remaining six lots will be abandoned if the work is not completed within the three year timeframe ending on May 17, 2017.

Suggested Motion: *Mr. Chairman, I move to approve the extension of The Sonora Verde Subdivision Assurance Agreement with Fidelity National Title Agency, Inc., as trustee under trust number 10353 to May 17, 2017, and hereby authorize the Chair to sign this agreement. I also move that this approval be conditioned on all required work being completed within that time and with the provision that the County will abandon the remaining six lots on this plat if it is not.*

Attachments:

Owner's Extension Request

Staff Memo dated May 5, 2005

County Engineers email dated 6.18.14