



COCHISE COUNTY

COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

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

FROM: Jesse Drake, Planner II

FOR: Beverly Wilson, Planning Director

SUBJECT: Docket S-07-02 Rio Corte Estates Subdivision Plat Abandonment

DATE: December 29, 2014 for the January 27, 2015 meeting

I. REQUEST FOR PLAT ABANDONMENT

This is a request from Mr. Bill Skalek, representing R.C. Lender, LLC, the owner of these parcels, to abandon the Rio Corte Estates Subdivision Final Plat, a 22-lot subdivision located west of Palominas Road approximately one mile south of Hereford Road; a portion of Section 17, Township 23 South, Range 22 East, G.&S.R.M. The lots are vacant and while construction of some improvements was begun, those improvements required were not completed.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Subdivision Size: 66.00 Acres
 Zoning: RU-4 (Rural, minimum lot size 4 acres)
 Growth Area: D-Rural
 Comprehensive Plan Designation: D-Rural
 Area Plan: None
 Existing Uses: Vacant 22-lot subdivision
 Type of Subdivision: Minor Expedited Subdivision
 Flood Zone: X

Relation to Subject Subdivision	Zoning District	Use of Property
North	RU-4	Low Density Residential
South	RU-4	Low Density Residential & Vacant
East	RU-4	Low Density Residential & Vacant
West	RU-4	Vacant

III. SUBDIVISION HISTORY

10/16/2007 – Final Plat approved by Board of Supervisors.
 10/25/2007 – Final Plat recorded, Book 15, pages 86 and 86A, Cochise County Recorder.

10/25/2007 – Assurance Agreement for subdivision improvements recorded, Cochise County Recorder; beneficiary Rio Corte LLC.

10/16/2010 - Assurance Agreement for subdivision improvements expired.

1/26/2011- 2nd Assurance Agreement approved through Resolution 11-03 by Board of Supervisors; beneficiary Rio Corte Lenders, LLC.

1/25/2014 – 2nd Assurance Agreement expired.

IV. NATURE OF REQUEST

The Final Plat for Rio Corte Estates Subdivision, a 22-lot subdivision on 66-acres zoned RU-4 was approved by the Board of Supervisors on October 16, 2007. Access to the subdivision is provided via Land Grant, Limousine, and Windsock Roads. South Windsock Rd. continues across the subdivision boundary to the intersection of E. Rio Corte Loop, a private internal loop road providing access to the lots. In addition to the 22-lots, the subdivision also contains Tract 'A' containing 31.314-acres of open space, and several utility and drainage easements.

The subdivision, submitted and approved as a Minor Expedited Subdivision, was allowed greater design flexibility in the layout and size of the lots than the standard RU-4 (one residence per four-acres) lot size.

At the time of Final Plat approval, staff was unaware of a mortgage which placed a lien on a four-acre parcel with a residence inside the subdivision boundaries. This parcel was owned individually by one of the developers, and underlies all of Lot 14 and portions of Lots 1, 13, 15 and 22 on the Final Plat. This lot, APN 104-27-200, was re-mapped by the Assessor's office after the Final Plat was recorded, as the lien pre-dated the Final Plat itself. Subsequently the parcel was sold in a foreclosure action and the Assurances were released by the BOS. Therefore this parcel is not a part of the requested subdivision abandonment.

The Final Plat was recorded with a required Assurance Agreement to ensure the completion of the subdivision improvements prior to the release of lots for sale. The Assurance Agreement expired on October 16, 2010 without the completion of the improvements. After a foreclosure action, the current owner R.C. Lender, LLC, proposed that a new Assurance Agreement be accepted by the Board of Supervisors. This second agreement was approved by the Board via Resolution 11-03 on January 26, 2011, granting the developer an additional three years to complete the required subdivision improvements. The second Assurance Agreement expired on January 25, 2014.

To date Rio Corte Estates subdivision improvements have not been completed and the Assurance Agreement is expired. No lots were sold and no new structures were built on any lot. The subdivision meets the abandonment criteria of Article 3, Section 308.C of the Cochise County Subdivision Regulations which states:

“The Board of Supervisors may abandon a recorded final plat if required improvements have not been completed in a timely fashion or it is otherwise proposed for abandonment by the Planning Director.”

All Lot, Tract, and Open Space boundaries, including streets, ingress/egress, access and utility, no- vehicular access, drainage, and sight distance easements and/or rights-of-way as shown on sheet one of two will be extinguished. Any easements or rights-of-way for ingress/egress, public utilities

and/or property interests separate from the Rio Corte Estates Subdivision plan will not be abandoned, including the four-acre parcel APN 104-27-200.

Per State statutes, after the plat has been abandoned, the property owner is entitled to again subdivide the property and sell no more than five parcels without subdivision review by the County.

V. RECOMMENDATION

The Planning Department recommends that the Board of Supervisors **Approve** the abandonment of Rio Corte Estates Final Plat recorded in Book 15 of Maps pages 86 and 86A of the Cochise County Recorder and authorize the Chairman to sign the Abandonment Plat of Rio Corte Estates and the Resolution.

VI. MOTION Mr. Chairman, I move to adopt the resolution approving the Abandonment of Rio Corte Estates subdivision and authorize the Chairman to sign the Abandonment Plat of Rio Corte Estates.

ATTACHMENTS

- A. Subdivision Abandonment plat
- B. Resolution