



COCHISE COUNTY

COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

DATE: November 12, 2015

TO: Board of Supervisors

THRU: Karen Riggs, Director

FROM: Pam Hudgins, Right-of-Way Agent II

SUBJECT: Resolution 15- __ authorizing the acquisition of right-of-way for the construction of the Ramsey Canyon Multi-Use Path

Recommendation: This department recommends adoption of the accompanying resolution to accept the counter acquisition proposed by the Newman family for the Ramsey Canyon Multi-Use Path project.

Background (Brief): Ramsey Canyon Multi Use Path along Ramsey Canyon Road was approved per 13/14 work plan and pursuant to a request by the Board of Supervisors. The Multi Use Path was declared a County Highway as per Resolution 14-84. The proposed path will connect the existing Cherokee Avenue multi-use path that ends at Ramsey Canyon Road to a forest trailhead parking area approximately 1.1 miles to the west and southwest.

The project would affect two different properties. Both properties are owned in a trust by the Newman Family. The county wishes to purchase, and the Newman's wish to sell the property. The purchase price of the right-of-way for the path was agreed upon by all parties at a price of \$20,000/acre. The county will pay the Newmans a purchase price of \$81,800 for a total of 4.09 acres.

Staff has met with the family members regarding their questions and concerns. They are agreeable to convey the right-of-way under the following conditions:

- Install and maintain signage near the Multi-Use path regarding littering and pet leash laws. Also install and maintain "No Trespassing" signs on the new fence along the path.
- Install and maintain a state legal five (5) strand barbed wire fence along the Multi Use Path right-of-way and connect to the remaining property fence.
- When existing fence is removed, the T-Posts will be returned back to the property owners.
- Install floodgate fencing in the area traversed by Ramsey Canyon Creek.

- Install 16' tubular livestock gates to preserve cattle access between family properties north and south of Ramsey Canyon Road.
- Right-of-Way permits would be issued for the two gate locations. The permits would be information only permits, no fees required. The permits would be automatically renewed on a yearly basis as long as the Newman family and/or descendants run cattle on the south and North side of Ramsey Canyon Road. This action will secure their rights to move the livestock.
- Install and maintain cattle crossing signs on the east and west side of the livestock gate entrances. Because of liability issues the county will install and maintain the permanent "fold up" signs in the right-of-way.
- The land would be grubbed (cleared of vegetation) 20 feet south of the new ROW fence line. The surplus wood will be stacked and placed on the south side of the new fence.
- The Newman family would like the Multi Use Path to be called "Newman Trail" with a plaque at each end of the trail.
- In accordance with Resolution #14-84 Establishing Ramsey Canyon Multi-Use Path as a County Highway, establishment of said multi-use path as requested in said petition is a public necessity, and that no landowner would be adversely affected thereby". The path will not count as one of the property owners 5 splits.
- Indemnify all references said parties and uses from any claims in reference to the Multi-Use Path, right-of-way agrees to pay 100% legal cost.

In working with the Newman family, staff was able to meet with the family and come to the agreement as listed above. All of the items listed above is per management's approval. Pioneer Title is currently in the process of formatting the closing documents.

Fiscal Impact & Funding Sources: The project is an approved expenditure by the Board of Supervisors for 13/14 work plan. Estimated cost of the project is \$216,400 of which the right-of-way acquisition is approximately \$81,800.00.

Next Steps/Action Items/Follow-up: If approved, staff will continue to work with Pioneer Title and acquire the necessary rights-of-way.

Impact of Not Approving: If not approved the Board has the option to proceed to condemnation or not acquire the rights-of-way. If rights-of-way are not obtained, the project cannot proceed to properly establish a multi use path. If the Board chooses to proceed to condemnation there are required additional costs. Staff does not recommend condemnation as the anticipated cost to condemn will likely exceed the cost of the project.

