



Cochise County
Community Development
Highway and Floodplain Division

Public Programs...Personal Service
www.cochise.az.gov

DATE: 6/15/2016
TO: Board of Supervisors
THRU: Karen C. Riggs, Director
FROM: Teresa Murphy, Right-of-Way Agent
SUBJECT: Friend Drive Abandonment

Recommendation:

Staff recommends adoption of the accompanying resolution to alter the Highway status and abandon any interest the County may have in a portion of dedicated public right-of-way known as Friend Drive in Naco.

Background (Brief):

In the 1907 Official Map of the Townsite of Naco, Maps and Plats Book 0, page 68 and Book 1, page 138-139, the streets and alleyways were dedicated to the public, including the unnamed Friend Drive. In the past, several land exchanges have occurred within this segment of Friend Drive to alleviate traffic issues as well as the encroachment of the buildings into the public right-of-way. In 1998, Resolution 98-70 established Friend Drive as a County Highway, in order to vacate this portion, state laws require advertisement and a public hearing to abandon the highway status. Staff has advertised for thirty (30) days prior and once (1) a week for two (2) consecutive weeks prior to the date of public hearing.

The applicant, Naco Fire Department has requested the abandonment of the portion of Friend Drive as it adjoins their parcel. In recent years Friend Drive has become a high traffic area for illegal border crossing as well as drug smuggling. The fire department has been tagged with graffiti, their equipment has been vandalized and their fence has been knocked down on numerous occasions. Friend Drive right-of-way has also become a parking lot for semi-trucks doing business with the adjacent warehouse. There have been times when the fire department has been unable to access their property or necessary firefighting equipment. The fire department has stated that if the abandonment is approved they will erect a fence along the property line to alleviate many of their prior concerns. The alleyway deeded in Fee#0003-05998 will remain open for utility companies and private easements will be granted to neighboring property owners to access the west side of their parcels. Adjacent property owners have been contacted and were

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requested to give comments. Robert Willis, managing member of Copper Glance LLC, has objected to this abandonment stating that the rear access to his parcel would be cut off from direct access to Martinez Street via Friend Drive. He also states that his parcel is a commercial property and rear deliveries would be impossible without through access as trucks would be unable to turn around in the area remaining a public dedication. Lionel Urcaez, owner of the Gay 90's Bar, is in support of the abandonment. Local utilities have been contact and have made no objections to the abandonment.

The Transportation Planner states that the short-term benefits of the abandonment may outweigh the uncertain long-term benefits of retaining this dedicated right-of-way. The partial abandonment would fragment the roadway connectivity and it is recommended that if the County pursues this abandonment, that the entire segment of Friend Drive be abandoned. Appropriate easements for utilities as well as private owners should be retained. The willingness of all the adjacent property owners to take over the historic travel-way should be a serious consideration in deciding if this abandonment if appropriate at this time.

The application fee of \$75, administrative fee of \$300 and the Land Purchase Fee of \$3,750.00, totaling \$4,125.00, have not been paid at this time. Due to budgetary constraints, the Naco Fire Department has requested the fees associated with this abandonment be waived. It is within the power appointed to the Board per ARS 28-7208, for consideration for the public benefit to waive the land purchase fee. In the 2015 abandonment of public right-of-way within the Brian A Terry Border Patrol Station, the land purchase fees were waived due to the public benefit of the location of the secured compound whose proximity to the United States/Mexico border ensures a vital role in the support of national security.

Fiscal Impact & Funding Sources:

There are no costs associated with the abandonment of Friend Drive.

Next Steps/Action Items/Follow-up:

If the abandonment is approved, no further Board action is required. Upon recording of the resolution and quit claim deed, staff will forward copies to the applicant.

Impact of Not Approving:

If the abandonment is not approved, the portion of Friend Drive will remain a public right-of-way.

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