

Letters and Responses from Property Owners

9/5/2017

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Bryan and Nataliya Veal
9186 E. Clinton Lane
Hereford, AZ 85615-9738

Ernest and Mary Helen Ortiz
2344 S. McFee Stravenue
Tucson, AZ 85713-3954

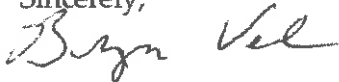
Dear Mr. and Mrs. Ortiz,

We recently purchased parcel ID 104-74-004 north of you on the corner of Clinton Lane and Border Monument Road. A property survey marks the proposed fence line along the right of way on Clinton Lane and Border Monument Road and along the southern property line.

We are asking the County to abandon the 50' right of way along our western property line and the 30' right of way on our southern property line. See enclosure 1, Roadway Abandonment Application. **No utilities exist within the proposed abandonment areas highlighted in pink on the attached map, enclosure 2.** The west side of the property is already fenced. We will be fencing the remainder of the parcel for cattle.

We are reaching out to you as well as APS, Century Link, Palominas Fire District and US Customs and Border Protection for any comments or issues of concern. A stamped envelope is enclosed for your reply. Please return no later than September 15, 2017.

Sincerely,



Bryan and Nataliya Veal

Enclosures: 2

CC: Teresa Murphy, Cochise County Right of Way Agent

9/5/2017

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Bryan and Nataliya Veal
9186 E. Clinton Lane
Hereford, AZ 85615-9738

George Villaescusa
3221 W. Via San Teresa
Tucson, AZ 85746-8429

Dear Mr. Villaescusa,

We recently purchased parcel ID 104-74-004 north of you on the corner of Clinton Lane and Border Monument Road. A property survey marks the proposed fence line along the right of way on Clinton Lane and Border Monument Road and along the southern property line.

We are asking the County to abandon the 50' right of way along our western property line and the 30' right of way on our southern property line. See enclosure 1, Roadway Abandonment Application. **No utilities exist within the proposed abandonment areas highlighted in pink on the attached map, enclosure 2.** The west side of the property is already fenced. We will be fencing the remainder of the parcel for cattle.

We are reaching out to you as well as APS, Century Link, Palominas Fire District and US Customs and Border Protection for any comments or issues of concern. A stamped envelope is enclosed for your reply. Please return no later than September 15, 2017.

Sincerely,

Bryan Veal
Nat Veal

Bryan and Nataliya Veal

Enclosures: 2

CC: Teresa Murphy, Cochise County Right of Way Agent

October 6, 2017

Dear Mr and Mrs Veal,

Thanks for your letter. We actually do know a little bit about easements. The Palominas Ranch developers and the county have provided a public easement of sixty feet; half is on your side of the property line, the other half on ours. You want to close your half so your cattle have the full range of your property. We understand all that, and we wish you success with your cattle business.

It is also true that we could dedicate additional portions of our land for future easements as development opportunities present themselves. But why should we, when the county has already provided a public easement? It even has a name; Livvy Lane, which provides direct access to Border Monument Drive, our main street.

And there is another issue: Our properties have been up for sale in the past, and they may be again soon. The land can be further subdivided, and any future owners will need to have access and utilities from somewhere. We are not considering access through our own properties at this time. We want full public access.

We have not opposed any of your previous abandonments. It would be premature to abandon any part of Livvy Lane. We cannot agree to close any part of the existing easement until there is some certainty about the future of our properties. If somebody buys us all out, all three of our parcels (8D, 8E and 8F), as a single purchase, the new owner might agree to close your half, depending on his/her plans. We do not. So we are going to oppose this particular abandonment until there is some conclusion to our own situation.

Sincerely,

Mr. and Mrs. Ortiz
Mr. and Mrs. Snyder
Mr. and Mrs. Villaescusa



cc: Teresa Murphy

9/5/2017

Bryan and Nataliya Veal
9186 E. Clinton Lane
Hereford, AZ 85615-9738

Robert and Lillian Snyder
2435 S. Sawtelle Avenue
Tucson, AZ 85713-4062

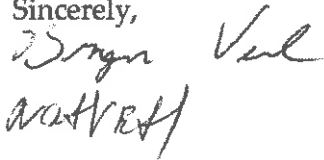
Dear Mr. and Mrs. Snyder,

We recently purchased parcel ID 104-74-004 north of you on the corner of Clinton Lane and Border Monument Road. A property survey marks the proposed fence line along the right of way on Clinton Lane and Border Monument Road and along the southern property line.

We are asking the County to abandon the 50' right of way along our western property line and the 30' right of way on our southern property line. See enclosure 1, Roadway Abandonment Application. **No utilities exist within the proposed abandonment areas highlighted in pink on the attached map, enclosure 2.** The west side of the property is already fenced. We will be fencing the remainder of the parcel for cattle.

We are reaching out to you as well as APS, Century Link, Palominas Fire District and US Customs and Border Protection for any comments or issues of concern. A stamped envelope is enclosed for your reply. Please return no later than September 15, 2017.

Sincerely,



Bryan and Nataliya Veal

Enclosures: 2

CC: Teresa Murphy, Cochise County Right of Way Agent

September 10, 2017

Lillian Snyder
2435 S. Sawtelle Ave.
Tucson, AZ 85713

Dear Mr. and Mrs. Veal,

I am writing on behalf of my brother and sister, and our families, who co-own the parcels of land that make up those known as 8 D, E and F on your map. Thank you for the letter advising us of your intentions to abandon the easement along our common boundary along Livvy Lane. We must inform you that we do not want the easement abandoned. We fear that it would affect 8D's future development in an especially unfavorable manner. It might also negatively affect parcels 8E and 8F, if they are divided for heirs or for future sale. We all hope you understand our need to safeguard the easements that are left to us for future development. We have also written a letter to the County Right of Way Agent, Ms. Murphy, in Bisbee.

On the other hand, we did discuss considering an offer if you wished to purchase all three parcels. There is a well on 8E and on 8F. You may call my brother, George Villiaescusa, or my husband, Robert Snyder, to discuss this matter. They may be able to answer questions that you may have concerning the properties.

My father, Raul Villaescusa, was the original owner of Parcel 21 since it was sold at auction. I think he would be happy to know that cows have returned to his land. just as when he first purchased it.

Sincerely,

Lillian Snyder
Lillian Snyder
(520) 624-6785

Robert's cell: (520)
401-2721

George: (520) 883-7522

September 8, 2017

Re: Proposed abandonment
of E. Livvy Lane easement


Dear Ms. Teresa Murphy,
Cochise County Right of Way Agent:

This letter is written on behalf of the property owners who would be affected by the Roadway Abandonment Application submitted by Mr. and Mrs. Bryan Veal. Their Assessor's Parcel Number is 104-74-004. The easement in question is North of our properties. The easement West of our properties has already been abandoned by the owners of property "5A" on the enclosed map, which we believe is the Veal family as well.

We do NOT want the easement along East Livvy, north of our properties abandoned. The owners of Parcel "8D" would have no access to their property, isolating it and making it worthless. The owners of "8E," and "8F" would not be able to divide property for heirs or for sale, due to limited access.


Please consider that while we may be small land owners, our taxpayer needs must be considered too. We do not feel that an additional thirty feet of land along our property's boundaries would make a great deal of difference for such a large land owner as Mr. Veal. Those same thirty feet can mean a world of difference for a small land owner who has already had six hundred and sixty feet of one side of his property's easement abandoned. We don't know how Mr. Veal's action will affect our properties. Would our thirty feet still be active, and is that enough for a future road or utilities? Please don't permanently abandon another side of "8D." Please do not close Livvy Lane.

Respectfully,


Robert J. and Lillian G. Snyder
2435 S. Sawtelle Ave.
Tucson, AZ 85713
(520) 624-6785


Parcel: 8F

Vote: No Approval
of proposed abandonment


George M. and Norma J. Villaescusa
3221 Via San Teresa
Tucson, AZ 85746
(520) 8837522

Parcel: 8E

Vote: No Approval
of proposed abandonment


Ernest P. and Mary H. Ortiz
2344 S. McFee Strav.
Tucson, AZ 85713
(520) 622-8429

Parcel: 8D

Vote: No Approval
of proposed
abandonment

*As long as we are the owners we will never want
this easement abandoned. Thank you.*

9/5/2017

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Bryan and Nataliya Veal
9186 E Clinton Lane
Hereford, AZ 85615-9738

Veal Family Trust
11481 S Apache Sky Rd
Palominas, AZ 85615-9075

Dear Mr. and Mrs. Veal,

We recently purchased parcel ID 104-74-004 east of you on the corner of Clinton Lane and Border Monument Road. A property survey marks the proposed fence line along the right of way on Clinton Lane and Border Monument Road and along the southern property line.

We are asking the County to abandon the 50' right of way along our western property line and the 30' right of way on our southern property line. See enclosure 1, Roadway Abandonment Application. **No utilities exist within the proposed abandonment areas highlighted in pink on the attached map, enclosure 2.** The west side of the property is already fenced. We will be fencing the remainder of the parcel for cattle.

We are reaching out to you as well as APS, Century Link, Palominas Fire District and US Customs and Border Protection for any comments or issues of concern.

Sincerely,

Bryan Veal
NATALIYA

Bryan and Nataliya Veal

Enclosures: 2

CC: Teresa Murphy, Cochise County Right of Way Agent

*We have no
issues, fully supporting
this abandonment request.
Jack R. Veal
Loraine Veal
Trustees for Veal Family Trust*

Follow-up to Property Owner Concerns

9/22/2017



Bryan and Nataliya Veal
9186 E. Clinton Lane
Hereford, AZ 85615-9738

Ernest and Mary Helen Ortiz
2344 S. McFee Stravenue
Tucson, AZ 85713-3954

Dear Mr. and Mrs. Ortiz,

We are following up on the issues and concerns you raised to us and Teresa. We want to help you understand the process for the easement abandonment. Also, remember that we are not asking for any action on your property, only our own. When Palominas Ranches was drawn up prior to your parents purchase at auction, the developers had to make sure all parcels had access because you cannot sell landlocked property. As parcels are subdivided and transferred, property owners have to make sure access is still available for all parcels, regardless of the size of the acreage. We are going through the removal process, completing and submitting the Roadway Abandonment Application, enclosure 1, to be legally correct in placing our fence 6" back from our southern property line to realize full usage of our property.

As an example to help you understand how easements work, look at the enclosure 2 again for the property to the south of you, Lot 9. That parcel originally had public easements on the east side for Border Monument Road and on the south. The two public easements provided sufficient access for the 40 acres. When that parcel was subdivided, the owner provided a private easement to the newly divided parcels because they did not have a public easement on the north side of Lot 9 that adjoins you on your south boundary. They also did not use the easement on your south boundary. My point here is that if you feel you need additional access within your Lot 8 to get to any future splits, you can dedicate a private easement to those lots within your property for access. It sounds like you want to have access through the middle of your property. Contact the surveyor who split your parcels from the original 40 acres to ensure future properties have access.

The letter to Teresa dated September 8, 2017 at enclosure 4, states it is "written on behalf of the property owners who would be affected" by the abandonment request. There are no property owners affected. Once again, as you look at your Lot 8 on enclosure 2, you see a solid line around your entire parcel. That is the property line between you and your neighbors. The dotted line to the inside is your public property easement where roads could potentially be built. You have four public easements surrounding your entire parcel, 30' on the north, 40' on the south, 50' to the west and 30' at Border Monument on the east.

Yes, the easement to the west of you is 5A, owned by the Veal Family Trust. It was abandoned by the Board of Supervisors 19 years ago, recording ID 980100567. Our easement to the east of our 4A was also abandoned per our request on that action. I am sure you see the fencing 6" back inside the Veal Family Trust property as a result of that easement abandonment. I remember that some members of your family attended that meeting and were sitting with your father. Former Board Member Tony Saracino asked the County Engineer what it would cost to build a bridge across the wash after looking at the flood map, enclosure 3. The answer was "about a million dollars" and another reason the County approved abandoning their interest.

Again, we do not own 5A. We are the new owners of Lot 4, just purchased it a few months back. We want to remove the public easements highlighted in pink on enclosure 2. Notice that the areas are all within our parcel 4, not outside of it on your property. We also own 4A which is contiguous to our new Lot 4; both of our properties have the blue stripes across.

The owners of property 8D and 8E have access from Border Monument coming in on the 30' on the north side of the property (Livvy Lane) or on the south 40' (Mojave Greenway) then turning onto the north 50'. The statement that 8D would have no access is incorrect. It currently does and would continue to do so. Your property is not landlocked. Lots 8E and 8F are also accessible with your existing easements and can be divided for heirs or for sale due within your current access.

Mention is made that "thirty feet can mean a world of difference for a small landowner who has already had six hundred and sixty feet of one side of his property's easement abandoned." Not correct. Your property easement was not abandoned, only your neighbor's. The county is still showing your dotted line easement on their current property maps. If you have a recording ID showing the public easements removed within your property from 19 years ago, please provide that information. Again, this process has nothing to do with the size of the parcel, only that there is an option available to remove if you do not have a need for the public easement.

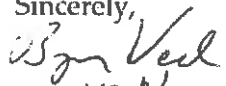
You asked Teresa if 30' would "still be active, and is that enough for a future road and utilities." The answer to that is absolutely. Nobody is asking for removal of any easements on your property. We are only talking about our property. If you again look to enclosure 2, notice that there is only a 30' easement on the east of Lot 9. The land to the east beyond Lot 9 is part of the BLM, not the Palominas Ranches subdivision and has no easement. The neighbors to the south of you have trash pickup, telephone, and electric service with no problem on that 30'.

As to your proposal to purchase your property on your letter to us dated September 10, 2017 at enclosure 5, we would not be interested. It would cost about \$20,000 just to remove the two mobile homes not counting any disposal expenses. That cost would have to be considered in the purchase price. We wish you well in your efforts to find the right buyer.

Regarding your concern about future development in enclosure 5, the primary limits are how you divide your property, not your neighbors. Cochise County has no interest in maintaining existing roads, much less developing a new road traveling down a wash. If you would like to build a road on your public easement or any other area on your property, that is your choice.

We hope you reconsider your statement that "As long as we are the owners we will never want this easement abandoned" now that you hopefully understand we are not impacting your property. We have no interest in using your property and only want to use all of ours as we are sure you have no interest in ours. Let us know if you have any other issues.

I am copy furnishing this letter to Teresa Murphy for transparency.

Sincerely,

Bryan Veal

Bryan and Nataliya Veal
520-366-5775
vealb@msn.com

Enclosures: 5

CC: Teresa Murphy, Cochise County Right of Way Agent