



Cochise County
Community Development
Highway and Floodplain Division

Public Programs...Personal Service
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MEMORANDUM

Date: August 30, 2017
To: Teresa Murphy, Right- of-Way Agent
From: Dennis L. Donovan, P.E.
for Karen L. Lamberton, AICP, County Transportation Planner
Subject: Abandonment of Public Easements Within Deer Haven Ranches / Antelope Road / Parcel #'s 114-01-075 & 114-01-113

The Applicant(s), Mark and Karin Kelly, own both parcels, which are located one-half mile west of Kansas Settlement Rd. about two miles north of US Hwy 191 in the Pearce, Sunsites, and Sunizona vicinity. The parcels are two of dozens of 40 acre tracts created by Record of Survey in the early 1980's as components of Deer Haven Ranches. Some of these 40 acre parcels have been split into smaller parcels.

Unknowingly, the Applicants built their home on the common property line between the two 40 acre parcels they own; said property line also being the common Section line between Sections 23 and 26, Township 17 South, Range 25 East. This common property and Section line is also encumbered with existing 30 foot public easements on both the north and south sides of the Section Line. The two 30 foot wide easements along the section line between the two parcels owned by the Applicant are the subject of the Abandonment Request.

The Transportation Planning staff performed limited research as to the impact of this request and made a field visit to further investigate the status of access, and to a lesser degree utilities, in the general area of the parcels. An additional 40 acre parcel (#114-01-10) adjacent to the west of the southerly-most of the Applicant's two 40 acre parcel of the applicant might be affected by the abandonment and seems to have limited access.

However, the currently incomplete access from the applicant's gated entrance westerly for 1,500 feet or so to the East Doe Ranch Rd. alignment on the south side of their southerly parcel and a general lack of accessible private roads built within public easements along the grid of 40 acre tracts of land in the area does not completely deprive the owner of the remote parcel of potential access from his parcel.

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Kansas Settlement Road is the only County maintained road in this immediate area. With regard to private access, we ***will not object to the abandonment*** of the 30 foot wide easements (or to the structure built on the South line of Section 23, T17S, R25E,) as long as the neighboring property owners are in agreement.

Abandonments are not the most desired method to resolve failure to comply with zoning codes. The access to the Deer Haven Ranches plots of land and residences is reliant on the established grid system of easements. This abandonment should ***not*** be considered a positive precedent for any other easement abandonments in this area.

The existing zoning on both parcels subject to the easement abandonment is RU4, and if the approximately 70 acres were to develop, alternate interior access and utility corridors would need to be created at that time. Given that there are no immediate implications for existing residents to the proposed abandonment and that there are alternative routes for future use, the Transportation Planning Division will not object to granting the Applicant's request and abandoning the identified easements.