Public Access to the Whetstone Mountains

Historic recreational access to Whetstone Mountains

- Coronado National Forest Lands, including Whetstone Mountains, are managed by National Forest Service
- Land surrounding the Whetstone Mountains is privately owned; access restricted by landowners
- Single access to the southern portion of the Whetstone Mountains is gated and locked; not dependable for recreational users
- No unrestricted access is available for the public on the northern side of the Whetstone Mountains
- Federal and State agencies, including the County, have tried for years to secure public recreational access to the Whetstone Mountains

Easement

- Owner of property, El Dorado Benson, LLC ("Owner"), plans to develop land abutting the National Forest. Those plans include residential subdivisions with a public roadway connecting to a Forest Service Road inside the National Forest.
- Easement is a 400' wide corridor of land along border of Owner's property abutting National Forest.
- The County (or assignee) can, but is not obligated to, construct a single, unpaved road intended for high vehicle clearance, and a day use parking lot within the Easement.
- Agreements include terms allowing the Owner, at Owner's expense and without interfering with public access, to upgrade the Easement and convert it to a public road over time.
- Forest Service intends build a connecting road, allowing motorists and other recreational users to continue into National Forest

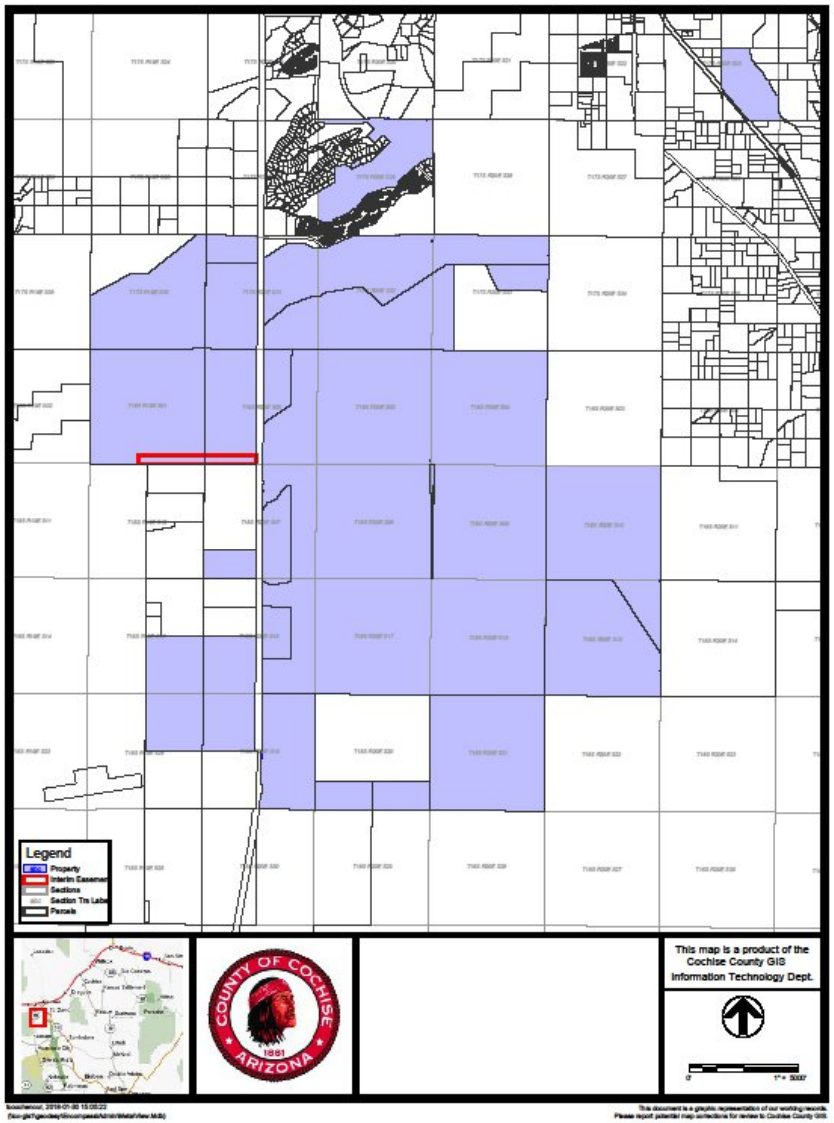
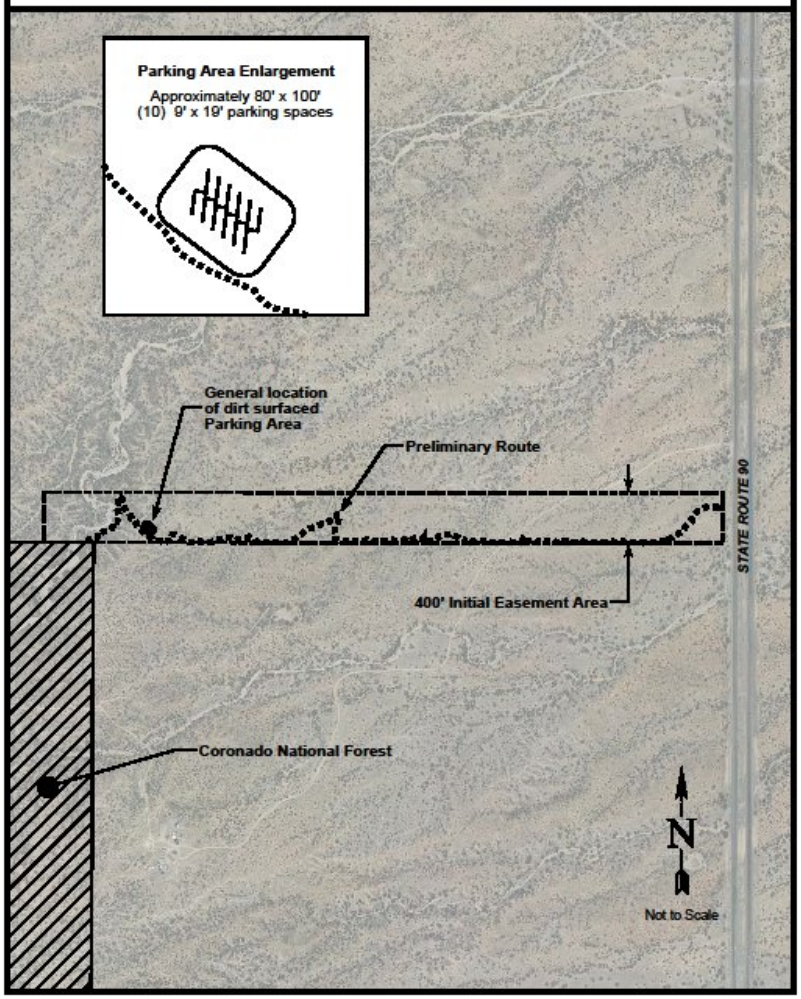


EXHIBIT B
("Preliminary Route" and "Parking Area")



Easement Agreements

- Road would be as close as possible to the preliminary route
- County Engineer has determined that the easement is “essential to the public transportation network” as required by Cochise County Ordinance 013-094(3)
- County may assign the easement and agreements to another agency to fund and complete design and construction (estimated cost of approximately $150,000) of the road, fencing, gates and parking lot
- The County anticipates assigning the Agreements to the Arizona Game and Fish Commission for the purpose of completing the design and construction of the actual road and other contemplated improvements.
- Temporary closures are allowed to upgrade the road and to allow neighboring landowners to move cattle
- Easement terminates: (1) if the project is not fully funded and construction has not commenced within 10 years or (2) as to portions that Owner has upgraded in accordance with the terms of the Agreements
- Once constructed, entity holding easement must maintain it (if County, would need an Intergovernmental Agreement with Benson)
- County pays Owner $10.00 to acquire the Easement
- Recreational Use Easement, for day use only and subject to A.R.S. § 33-1551:

  A. A public or private owner, easement holder, lessee, tenant, manager or occupant of premises is not liable to a recreational or educational user except on a showing that the owner, easement holder, lessee, tenant, manager or occupant was guilty of wilful, malicious or grossly negligent conduct that was a direct cause of the injury to the recreational or educational user.

Past Easement Possibilities

Easter Mountain Proposal #1

- On the same land as the presently-proposed easement, but terminated at a designated roadless area
- Drawn without regard to contours of land—possibly cost-prohibitive to construct a road
- Forest Service did not have a road nearby, so no easy connection to the Forest Service road system.
- No agreement was ever negotiated

Easter Mountain Proposal #2

- Same route as Proposal #1, but extended somewhat to terminate at an area of the forest land that was not designated roadless
- All other issues remained related to Proposal #1 remained

Impacts on Cochise County

- Provides recreational access to the Whetstone Mountains that the public has been seeking and that governmental agencies have been attempting to establish for over a decade
- Promotes access to open spaces in furtherance of County's Comprehensive Plan
- Easement location is safer than past possibilities presented to the Board—entry is at an apron off the Highway 90
- Easement location results in less traffic congestion than other options
- Flexibility of terms allows for cost-effective engineering and upgrades to the road over time
- Easement is near largest population centers of Cochise County—Benson and within 45 minutes from Sierra Vista
- Cost to County taxpayers is $10.00
- The County Attorneys' Office recommends approval