




Cochise County
Community Development
Planning, Zoning and Building Safety Division

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

INTEROFFICE MEMO

Date: November 20, 2019
To: Arlethe Morrison, Clerk of the Board
From:  Robert Kirschmann, Planner II
Subject: Rolling Hills Amended Assurance Agreement Extension and Substitution

Attached please find a revised Assurance Agreement Extension and Substitution for the Rolling Hills subdivision. The Board of Supervisors approved the Assurance Agreement Extension and Substitution on May 7, 2019 and the agreement was recorded on June 21, 2019. This agreement omitted lots 29-34 as they were in a separate, expired assurance agreement. Britt, Dan and I discussed this and determined that since the materials presented to the Board was for the whole subdivision, and the approved extension date of April 30, 2022 remains unchanged that we could have the attached amended agreement signed by Supervisor Judd and then recorded without the need to return to the full Board.

Please let me know if you have any questions or concerns.

Enclosure: Original, signed Rolling Hills Assurance Agreement Extension and Substitution

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

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RECEIVED
COMMUNITY DEVELOPMENT
COUNTY OF COCHISE
BISBEE

Amended Agreement
**Extension of Assurance Agreement and
Substitution of Trustee under ASSURANCE AGREEMENT
FOR COMPLETION OF Rolling Hills Final Plat
SUBDIVISION IMPROVEMENTS**

WHEREAS, an Assurance Agreement between Title Security Agency of Arizona, as Trustee under Trust No. 897, hereinafter referred to as "Original Trustee", Charles F. Trayers, as Trustee of the Trayers Family Trust under Agreement dated 12/13/99, and The Gragg Company, LLC, an Arizona limited liability company; and Todd A. Otis, an unmarried man, as the Beneficiary under Trust No. 897, hereinafter referred to as "Beneficiary One", and Cochise County, Arizona hereinafter referred to as "County". Said Agreement was recorded on November 30, 2006, as Document No. 0611-44318, with the Office of the County Recorder, submitted as a means of assuring the completion of the subdivision improvements required by A.R. S. Section 11-806-01, the Cochise County Subdivision Regulations, all Plans and Specifications approved and on file with the County, and any special conditions, if applicable on Exhibit A, attached hereto and made a part hereof;

WHEREAS, an Assurance Agreement between Title Security Agency of Arizona, as Trustee under Trust No. 1,011, hereinafter referred to as "Original Trustee", GV Premier Homes, LLC, an Arizona Limited Liability Company, as the Beneficiary under Trust No. 1,011, hereinafter referred to as "Beneficiary Two", and Cochise County, Arizona hereinafter referred to as "County". Said Agreement was recorded on October 10, 2006, as Document No. 0610-38077, with the Office of the County Recorder, submitted as a means of assuring the completion of the subdivision improvements required by A.R. S. Section 11-806-01, the Cochise County Subdivision Regulations, all Plans and Specifications approved and on file with the County, and any special conditions, if applicable on Exhibit B, attached hereto and made a part hereof;

See Exhibit C for Final Plat of Rolling Hills Lots 1-61, attached hereto and made apart hereof;

SUBSTITUTION OF TRUSTEE

WHEREAS, the Original Trustee is no longer able to continue acting as Trustee under said Agreements;

WHEREAS, Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70902658, has agreed to act as Trustee under said Agreement recorded in Document No. 0611-44318;

WHEREAS, Beneficiary One has requested that Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70902658, be named as the Trustee under said Agreement recorded in Document No. 0611-44318;

WHEREAS, the County does hereby consent to Title Security Agency of Arizona, as Trustee under Trust No. 897 transferring title of the real property described in attached Exhibit D, to Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70902658;

WHEREAS, The Gragg Company, LLC, an Arizona limited liability company, is assigning its interest as Beneficiary to Alain Hartmann and Nicola Hartmann, husband and wife;

FURTHERMORE, Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70902658, has agreed to act as Trustee under said Agreement recorded in Document No. 0611-38077;

WHEREAS, Beneficiary Two, has requested that Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70902658, be named as the Trustee under said Agreement recorded in Document No. 0611-38077;

WHEREAS, the County does hereby consent to Title Security Agency of Arizona, as Trustee under Trust No. 1,011 transferring title of the real property described in attached Exhibit E, to Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70903138.

EXTENSION OF ASSURANCE AGREEMENTS:

WHEREAS, the current economy has impacted further progress on this project; and

WHEREAS, the Beneficiary has requested an extension of time for completion of improvements to April 30, 2022; and

WHEREAS, the County believes that such extension is justified;

NOW, THEREFORE, be it resolved that:

The Assurance Agreements for completion of subdivision improvements for Rolling Hills Final Plat, according to Book 14 of Maps, page 88, records of Cochise County, Arizona is hereby extended with a new expiration date of April 30, 2022.

NOW, THEREFORE, be it resolved that:

Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70902658, shall be named as the Trustee under said Agreement, recorded in Document No. 0611-44318; and

Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70903138, shall be named as the Trustee under said Agreement, recorded in Document No. 0610-38077;

And additionally, let it be resolved that :

The Beneficiaries of Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70902658, shall be Charles F. Trayers, as Trustee of the Trayers Family Trust under Agreement dated 12/13/99, and Alain Hartmann and Nicola Hartmann, husband and wife; and Todd A. Otis, an unmarried man.

ASSURANCE AGREEMENT

PASSED AND ADOPTED this 2nd day of ~~August~~ ^{December} 2019


COCHISE COUNTY:


Chairman, Cochise County Board of Supervisors

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Deputy County Attorney

TRUSTEE:

Pioneer Title Agency, Inc., an Arizona corporation, as Trustee under Trust No. 70902658 and Trust No. 70903138, only and not in its corporate capacity and not otherwise



R. Keith Newlon, Trust Officer

State of Arizona)
) ss:
County of Cochise)

On this the 14th day of November, 2019, before me, the undersigned notary public, personally appeared R. Keith Newlon, who acknowledge himself to be the Trust officer of Pioneer Title Agency, Inc., an Arizona corporation, and that he as such officer being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such officer.

In witness whereof, I have hereunto set my hand and official seal.



Notary Public

My commission expires: 05/13/2021



OWNER/BENEFICIARY for Trust 70902658:

SIGNED IN COUNTERPART

Charles F. Trayers, as Trustee of the Trayers Family Trust, dated December 13, 1999

State of Arizona)

) ss:

County of Cochise)

The foregoing instrument was acknowledged before me this _____ day of August, 2019 by Charles F. Trayers, as Trustee of the Trayers Family Trust, dated December 13, 1999

SIGNED IN COUNTERPART

Notary Public

My commission expires:

Alain Hartmann

Alain Hartmann

Nicola Hartmann

Nicola Hartmann

State of Arizona)

) ss:

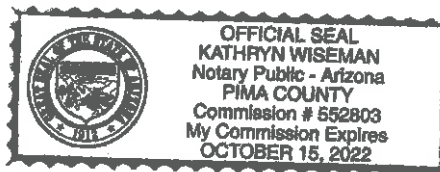
County of ^{PIMA} Cochise)

The foregoing instrument was acknowledged before me this 12th day of August, 2019 by Alain Hartmann and Nicola Hartmann.

Kathryn Wiseman

Notary Public

My commission expires: Oct 15, 2022



ASSURANCE AGREEMENT

SIGNED IN COUNTERPART

Todd A. Otis

State of Arizona)
) ss:
County of Cochise)

The foregoing instrument was acknowledged before me this ____ day of August, 2019 by Todd A. Otis.

SIGNED IN COUNTERPART

Notary Public

My commission expires:

OWNER/BENEFICIARY for Trust 70903138:

GV Premier Homes, LLC, an Arizona limited liability company

[Handwritten signature of Rod Davis]

Rod Davis, Member

State of Arizona)
) ss:
County of Pima)

The foregoing instrument was acknowledged before me this 11th day of November, 2019 by Rod Davis, as Member GV Premier Homes, LLC, an Arizona limited liability company.

[Handwritten signature of Sara E. Reeder]
Notary Public

My commission expires: 10-31-2023

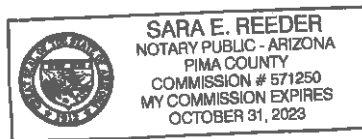


Exhibit A

1. Internal roads to be DBST surface.
2. Covenant Lane in its entire length to be completed before the Assurance are released for phase E or an alternative method of securing or completing this improvement satisfactory to the County Engineer is to be provided.
3. Compliance with El Paso Natural Gas Pipeline road crossing requirements.
4. Phasing to conform to phasing approved with attached Phasing Attachment

Phasing Attachment

Rolling Hills

All Phases of Development shall be complete no later than April 30, 2008

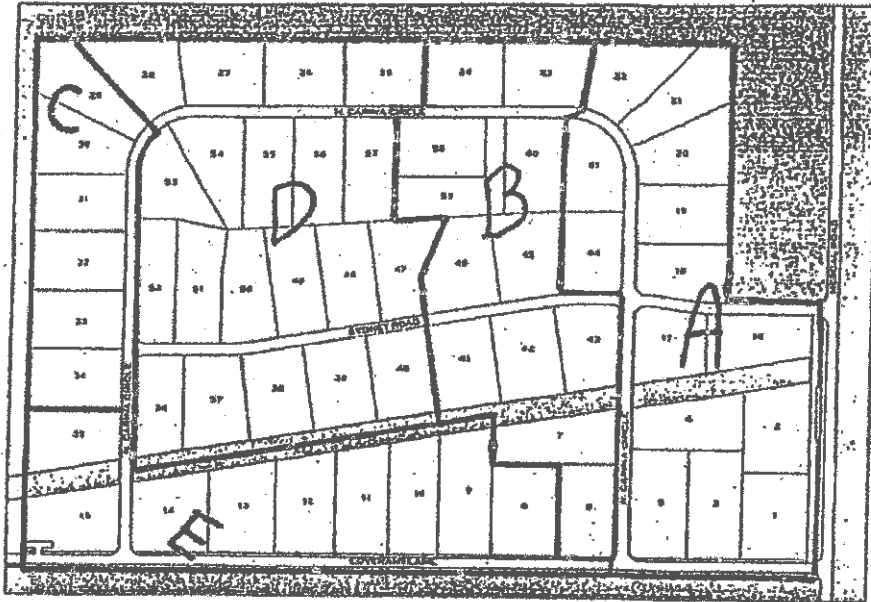


Exhibit B

1. Internal roads to be DBST surface.
2. Prior to lots 29-34 being released N. Carina Circle shall be completed.
3. Compliance with El Paso Natural Gas Pipeline road crossing requirements.



Exhibit C

Final Plat for Rolling Hills Lots 1-61

Final Plat for Rolling Hills Lots 1-61

Local Description

The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota. The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota. The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota.

Abstracts

The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota. The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota.

Acknowledgments

I, the undersigned, being duly sworn, depose and say that I am the owner of the land described in the above plat, and that I have no objection to the same being recorded as shown.



Notary Public for the State of North Dakota
 My Commission Expires 12/31/2011
 My Office is at 1234 Main Street, Bismarck, ND 58501

General Notes

- The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota.
- The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota.
- The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota.
- The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota.
- The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota.

Proposed Final Measurements

Lot No.	Area (Acres)	Area (Sq. Ft.)
1	0.0000	0.0000
2	0.0000	0.0000
3	0.0000	0.0000
4	0.0000	0.0000
5	0.0000	0.0000
6	0.0000	0.0000
7	0.0000	0.0000
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12	0.0000	0.0000
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Approvals

I, the undersigned, being duly sworn, depose and say that I am the owner of the land described in the above plat, and that I have no objection to the same being recorded as shown.

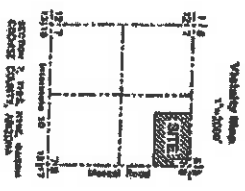
[Signatures]

Local Government's Certification

I, the undersigned, being duly sworn, depose and say that I am the owner of the land described in the above plat, and that I have no objection to the same being recorded as shown.



PIONEER TITLE AGENCY, INC.
 This plat is not a survey of the land and is furnished for information only. No liability is assumed by the agency for its accuracy.



Legend

- FOUR QUARTER SECTION AS SHOWN
- ROUND 1/4" CORNER PIN
- SET 1/4" MARK PIN (PROCESSED FOR CORNER)
- PROPERTY BOUNDARY
- LOT LINE
- ROAD OR UTILITY EASEMENT LINE
- PAVEMENT EASEMENT LINE
- DRIVEWAY EASEMENT
- WATER LINE
- SEWER/STORMWATER POND AREA

Final Zone Subdivision

The plat is located in the Northwest Quarter of Section 3, Township 17 North, Range 1 East, T17N, R1E, of the 1836 Meridian, in the State of North Dakota.

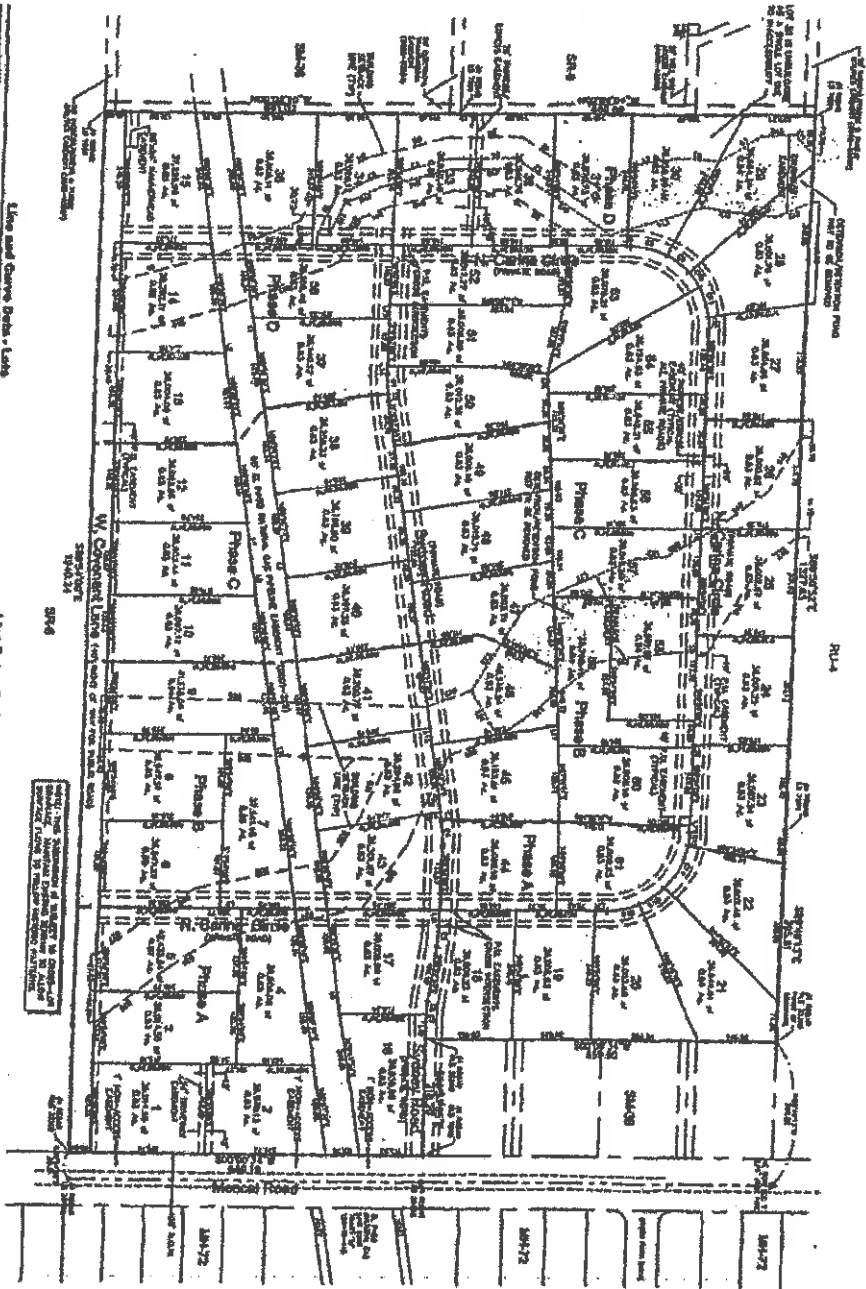
Notarizing Data

I, the undersigned, being duly sworn, depose and say that I am the owner of the land described in the above plat, and that I have no objection to the same being recorded as shown.

Rolling Hills Final Plat

Rolling Hills Final Plat
 Lots 1-61
 PIONEER TITLE AGENCY, INC.
 1234 Main Street, Bismarck, ND 58501
 (701) 555-1234

Final Plat for Rolling Hills Lots 1-61



Line and Curve Data - Lists

LINE NO.	START POINT	END POINT	LENGTH	CURVE DATA
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Line Data - Package Submittal Lines

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Line Data - Package Submittal Lines

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Line Data - Package Submittal Lines

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Line Data - Package Submittal Lines

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Exhibit D
Legal Description for Beneficiary One Property

PARCEL I:

Lots 8 through 15, inclusive, Lots 25 through 28, inclusive, Lots 35 through 40, inclusive, and Lots 47 through 57, inclusive, ROLLING HILLS FINAL PLAT, according to Book 14 of Maps, page 88, records of Cochise County, Arizona;

EXCEPT all oil, gas, coal and other minerals as reserved in Deed recorded in Book 109 of Deeds of Real Estate, page 197, records of Cochise County, Arizona.

PARCEL II:

Tract M, Also being the "El Paso Natural Gas Pipeline Easement (0001-222)", ROLLING HILLS FINAL PLAT, according to Book 14 of Maps, page 88, records of Cochise County, Arizona;

EXCEPT all oil, gas, coal and other minerals as reserved in Deed recorded in Book 109 of Deeds of Real Estate, page 197, records of Cochise County, Arizona.

Exhibit E
Legal Description for Beneficiary Two Property

Lots 29, 30, 31, 32, 33 and 34, ROLLING HILLS FINAL PLAT, according to Book 14 of Maps, page 88, records of Cochise County, Arizona;

EXCEPT all oil, gas, coal and other minerals as reserved in Deed recorded in Book 109 of Deeds of Real Estate, page 197, records of Cochise County, Arizona.