



**Cochise County**  
**Community Development**  
Planning, Zoning and Building Safety Division  
*Public Programs...Personal Service*  
www.cochise.az.gov

**COCHISE COUNTY REZONING APPLICATION**

Submit to: Cochise County Community Development Department  
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Russell L. Jennings

2. Mailing Address: P.O. Box 44

Tomlinson                      AZ                      85638  
City                                      State                                      Zip Code

3. Telephone Number of Applicant: 520-335-7538

4. Telephone Number of Contact Person if Different: SAME

5. Email Address: russjenn@msn.com

6. Assessor's Tax Parcel Number: 609-050-20J (Can be obtained from your County property tax statement)

7. Applicant is (check one):

- Sole owner: X
- Joint Owner: \_\_\_\_\_ (See number 8)
- Designated Agent of Owner: X
- If not one of the above, explain interest in rezoning: \_\_\_\_\_

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): see attachment

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:

**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

- If corporation, corporate resolution designating applicant to act as agent: \_\_\_\_\_
- If partnership, written authorization from partner: \_\_\_\_\_
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership:  \_\_\_\_\_
- Copy of title report: \_\_\_\_\_
- Copy of tax notice: \_\_\_\_\_
- Other, list: \_\_\_\_\_

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes \_\_\_\_\_ No

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes  No

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: RU-4

14. Indicate proposed Zoning District for Property: RU-2

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: D-rural (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: rural (A County planner can provide this information.)

**Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.**

17. Describe all structures already existing on the property: residential homes & supporting buildings

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: Residential single family homes

19. Are there any deed restrictions or private covenants in effect for this property?

- No  Yes \_\_\_\_\_
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes \_\_\_\_\_ No \_\_\_\_\_

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

S. Charleston Rd - Road

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? None existing Road

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? None

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>existing</u>	
Sewer/Septic	<u>existing</u>	
Electricity	<u>existing Sulfur Springs</u>	
Natural Gas	<u>None</u>	
Telephone	<u>Cell phone</u>	
Fire Protection	<u>County Fire District</u>	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

see Attachment

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: \_\_\_\_\_

Russell L. Jump

Date: \_\_\_\_\_

8/21/20

**CONSENT SIGNATURE FORM**

Our request for rezoning from R4 to R2 is to bring us in to conformity with zoning regs and allows us the ability to utilize our property in the mannor most advantagious to all of us. All the requested property zone changes are parcels that border each other.

The parcels included are all patented mining claims, thus allowing us to have mining operations and keep our homes seperate.

We respectfully request your approval and Thank You in advance for your time and effort in this matter.

The following parcels are requesting rezoning from R-4 to R-2. Owners of property follows parcels.

Parcel # 60905020J Russell & Carol Jennings

Parcel # 60905020K JDS Trust by trustee Stuart E. Hawkins

Parcel # 971231334 Victor and Ginger Hernandez

Parcel # 60905020030 Victor and Ginger Hernandez

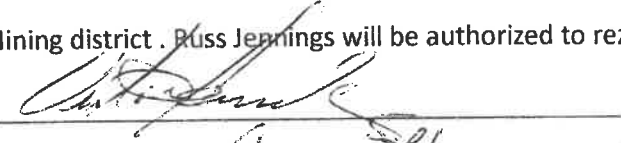
To Whom It may concern;

March 26, 2020

This to authorize Russ Jennings to rezone only Parcel Numbers 97-12-31-33-4 and 609-05-020-03-0

in the Tombstone Mining district. Russ Jennings will be authorized to rezone these lots. R-4 to R2


Victor Hernandez



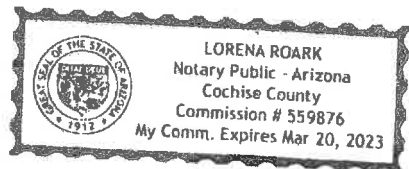
GINGER HERNANDEZ



SUBSCRIBED AND SWORN  
BEFORE ME THIS 27<sup>TH</sup> DAY MARCH OF 2020



NOTARY PUBLIC





FEE # 971231334  
OFFICIAL RECORDS  
COCHISE COUNTY  
DATE 12/03/97 HOUR 4

REQUEST OF  
HERNANDEZ, VICTOR  
CHRISTINE RHODES-RECORDER  
FEE : 12.00 PAGES : 3

WARRANTY DEED

Recorded at request of: Victor and Ginger Hernandez  
P.O. Box 851  
Tombstone, AZ 85638

Effective Date: November 25, 1997

County and State where  
Real Property is located: Cochise County, Arizona

Grantor: W.W. and Grace E. Grace  
8238 East Indian School Road  
Scottsdale, AZ 85251

Grantee: Victor and Ginger Hernandez  
P.O. Box 851  
Tombstone, AZ 85638

Legal Description of Real Property:

South 145.2 feet of the North one-half (1/2) of the following described property:

Chance Patented Lode Mining Claim in the Tombstone Mining District known as Lot No. 187, being shown on Mineral survey No. 794, on file in the Bureau of Land Management, as granted by Patent recorded May 4, 1897, Book 11, Deeds of Mines, at page 550, records of Cochise County, Arizona.

Except all oil, gas and mineral rights.

Transfer And Conveyance:

For valuable consideration, the Grantor, W.W. Grace and Grace E. Grace, husband and wife, grant, bargain and sell to Grantee, Victor Hernandez and Ginger Hernandez, husband and wife, the real property described above which is located in Cochise County, Arizona, together with all rights and privileges appurtenant or to become appurtenant to described real property on the effective date, subject to current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record. The Grantor

971231334

JUL 07 1998

# Treasurer's Deed

COUNTY OF COCHISE  
STATE OF ARIZONA

GRANTEE VICTOR & GINGER HERNANDEZ,

HUS/WIFE JT/WCOS

ADDRESS P.O. BOX 351

TUMSTONE, AZ 85638

KNOW ALL MEN BY THESE PRESENTS, that **MARSHA BONHAM**, Treasurer of Cochise County, State of Arizona pursuant to law and to the judgment of the Superior Court of Cochise County, State of Arizona/Tax Court of the State of Arizona entered on JUNE 1st 1998 in an action numbered CV98000146 entitled

VICTOR & GINGER HERNANDEZ, HUS/WIFE JT/WCOS Plaintiff vs

B & C MINING, LTD., ETC., etc. Defendant, in consideration of the amount paid to the treasurer at the sale in the above entitled action foreclosed, and in further consideration of the amount of \$2000 dollars, have conveyed and by these presents do convey, unto the said VICTOR & GINGER HERNANDEZ, HUS/WIFE JT/WCOS the following

described real property located in the County of Cochise, State of Arizona

PARCEL #609-05-020-03-0 CP #88269

THE NORTHERLY 145.00 FEET OF THE SOUTH HALF OF THE CHANCE PATENTED LODE MINING CLAIMS IN THE TUMSTONE MINING DISTRICT BEING KNOWN AS LOT #187, BEING SHOWN ON MINERAL SURVEY #794 ON FILE IN THE BUREAU OF LAND MANAGEMENT, AS GRANTED BY PATENT RECORDED MAY 4, 1897, BOOK 11, DEED OF MINES, PAGE 550, RECORDS OF COCHISE COUNTY, AZ

IN WITNESS WHEREOF, I, **MARSHA BONHAM**, Treasurer of the County of Cochise, State of Arizona, by virtue of law, have hereunto set my hand and seal this July 6 1998

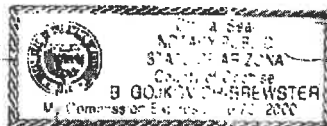


*Marsha Bonham*  
Treasurer

(Seal)  
STATE OF ARIZONA)  
County of Cochise ) ss:

This instrument was acknowledged before me this 6th day of July 1998 by **MARSHA BONHAM**, as Treasurer of the County of Cochise, State of Arizona, who then and there stated to me that she executed the same for the purpose and consideration therein expressed

My Commission will expire June 22, 2000  
111100



*B. Goukva Brewster*  
Notary Public

980720083

ACCEPTANCE OF JOINT TENANCY

The grantees by signing the acceptance below evidence their intention to acquire said premises as joint tenants with the right of survivorship, and not as community property or as tenants in common.

Dated this 2 day of July, 1998.

ACCEPTED AND APPROVED:

Victor Hernandez, Grantee

Ginger Hernandez, Grantee

This instrument was acknowledged before me this 2 day of July, 1998 by Victor and Ginger Hernandez

STATE OF ARIZONA } ss. COCHISE (Seal) OFFICIAL SEAL SHARON K. CARR Notary Public Cochise County, Arizona My Commission Expires February 27, 2001

Sharon K. Carr, Notary Public My commission will expire 2-27-2001

This instrument was acknowledged before me this day of 19 by

STATE OF } ss. County of (Seal)

Notary Public My commission will expire



FEE # 980720083 OFFICIAL RECORDS COCHISE COUNTY DATE 7/07/98 HOUR 3 REQUEST OF COCHISE COUNTY TREASURER CHIPSTINE RHODES-RECORDER FEE : 9.00 PAGES : 2

980720083

warrants the Grantees shall receive good and marketable title to the above described real property subject only to the exceptions set forth in this deed.

Dated: November 25, 1997

Grantor:

W.W. Grace  
W.W. Grace ,

Grace E. Grace  
Grace E. Grace

State of Arizona )  
                          ) ss.  
County of Maricopa )

On this 25 day of November, 1997, before me a Notary Public, personally appeared W.W. Grace and Grace E. Grace, both either known to me or satisfactorily proven to be the persons whose names are subscribed to this instrument and they acknowledged that they had executed this instrument.

Judi H. Morgan  
Notary Public

My commission expires:

May 24, 2000



971231334

**Recorded at the request of:**

Fidelity National Title Agency, Inc.

**When recorded, mail to:**

Russell L. Jennings

Carol E. Jennings

1641 Charleston Road

Tombstone, AZ 85638

Escrow No.: FNT0800147-FT70

Space above this line for Recorder's Use

**WARRANTY DEED**

For the consideration of Ten Dollars, and other valuable considerations,

Robert M. Clendenning, an unmarried man

does hereby convey to

Russell L. Jennings and Carol E. Jennings, husband and wife

the following real property situated in Cochise County, Arizona:

**PARCEL I:**

A portion of the Southerly 605.00 feet of THE CHANCE PATENTED LODE MINING CLAIM, Lot No. 187, U.S.M.S. #794, Tombstone Mining District, and granted by Patent recorded May 4, 1987, in Book 11 of Mines, page 550, records of Cochise County, Arizona, said parcel lying within Section 16, Township 20 South, Range 22 East of the Gila and Salt River Base & Meridian, Cochise County, Arizona;

BEGINNING at a 4x4 inch scribed post monument in stone mound for Corner 3 of said Claim;

thence North 32 ° 40' 44" East ( North 32 ° 40' East record), a distance of 605.00 feet along the line of said Claim;

thence South 64 ° 28' 15" East, a distance of 300.25 feet;

thence South 32 ° 40' 43" West, a distance of 605.02 feet;

thence North 64 ° 28' 00" West, a distance of 300.25 feet along the line of said Claim to the Point of Beginning.

**PARCEL II:**

An easement for ingress, egress and utilities over the northerly 25 feet of the following described property:

That portion of the CHANCE PATENTED LODE MINING CLAIM, Mineral Survey #794, in Section 16, Township 20 South, Range 22 East of the Gila and Salt River Base & Meridian, Cochise County, Arizona;

COMMENCING at corner number 5 of the Chance Mining claim being a found mound of stone and post, from which corner number 3 of the Chance claim being a found mound of stone and post bears North 64 ° 28' 00" West, 600.86 feet said point being the POINT OF BEGINNING;

thence North 64 ° 28' 00" West, a distance of 330.43 feet upon the South line of the Chance Mining Claim to a point;

thence North 32 ° 39' 42" East a distance of 605.00 feet to a point;

thence South 64 ° 28' 15" East, a distance of 300.25 feet to a point on the southerly line of the Chance claim;

thence South 32 ° 38' 40" West, a distance of 605.00 feet upon the Southerly line of the Chance claim to the Point of Beginning.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, covenants, conditions and restrictions as may appear of record.

The undersigned hereby warrants the title against all persons whomsoever, subject to the matters set forth.

Dated: March 6, 2009

  
Robert M. Clendenning

**NOTARY ACKNOWLEDGMENT(S) TO WARRANTY DEED**

State of Arizona

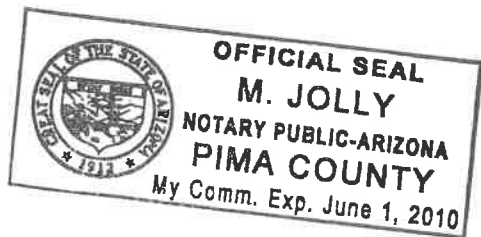
County of Pima

The foregoing document was acknowledged before me this 10<sup>th</sup> day of March 2009

by Robert M. Clendenning

(Seal)

  
Notary Public



Escrow No.: FNT0800147-FT70

**ACCEPTANCE OF COMMUNITY PROPERTY  
WITH RIGHT OF SURVIVORSHIP**

Russell L. Jennings and Carol E. Jennings each state that:

They have offered to purchase the real property situated in Cochise County described as follows:

PARCEL I:

A portion of the Southerly 605.00 feet of THE CHANCE PATENTED LODE MINING CLAIM, Lot No. 187, U.S.M.S. #794, Tombstone Mining District, and granted by Patent recorded May 4, 1987, in Book 11 of Mines, page 550, records of Cochise County, Arizona, said parcel lying within Section 16, Township 20 South, Range 22 East of the Gila and Salt River Base & Meridian, Cochise County, Arizona;

BEGINNING at a 4x4 inch scribed post monument in stone mound for Corner 3 of said Claim;

thence North 32 ° 40' 44" East ( North 32 ° 40' East record), a distance of 605.00 feet along the line of said Claim;

thence South 64 ° 28' 15" East, a distance of 300.25 feet;

thence South 32 ° 40' 43" West, a distance of 605.02 feet;

thence North 64 ° 28' 00" West, a distance of 300.25 feet along the line of said Claim to the Point of Beginning.

PARCEL II:

An easement for ingress, egress and utilities over the northerly 25 feet of the following described property:

That portion of the CHANCE PATENTED LODE MINING CLAIM, Mineral Survey #794, in Section 16, Township 20 South, Range 22 East of the Gila and Salt River Base & Meridian, Cochise County, Arizona;

COMMENCING at corner number 5 of the Chance Mining claim being a found mound of stone and post, from which corner number 3 of the Chance claim being a found mound of stone and post bears North 64 ° 28' 00" West, 600.86 feet said point being the POINT OF BEGINNING;

thence North 64 ° 28' 00" West, a distance of 330.43 feet upon the South line of the Chance Mining Claim to a point;

thence North 32 ° 39' 42" East a distance of 605.00 feet to a point;

thence South 64 ° 28' 15" East, a distance of 300.25 feet to a point on the southerly line of the Chance claim;

thence South 32 ° 38' 40" West, a distance of 605.00 feet upon the Southerly line of the Chance claim to the Point of Beginning.

Each of them, individually and jointly as Grantees, declare that it is their intention to accept the conveyance and acquire all interest in the real property as community property with right of survivorship, and not as a community property estate and not as tenants in common.

By the execution and delivery of this "Acceptance of Community Property With Right of Survivorship" they direct

Escrow No.: FNT0800147-FT70

and authorize Escrow Agent to attach this "Acceptance of Community Property With Right of Survivorship" to the deed upon its execution and delivery and to record this "Acceptance of Community Property With Right of Survivorship" together with the deed.

Dated: March 6, 2009

Russell L. Jennings  
Russell L. Jennings

Carol E. Jennings  
Carol E. Jennings

**NOTARY ACKNOWLEDGMENT(S) TO ACCEPTANCE OF COMMUNITY PROPERTY**

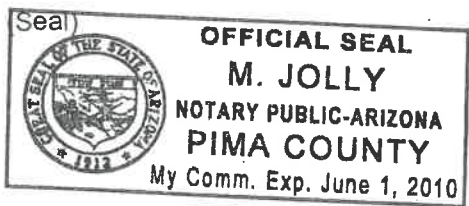
State of Arizona

County of Pima

The foregoing document was acknowledged before me this 10<sup>th</sup> day of March, 2009

by Russell L. Jennings and Carol E. Jennings

M. Jolly  
Notary Public



3/20/2020

I STUART E HAWKINS Parcel # 60905020K

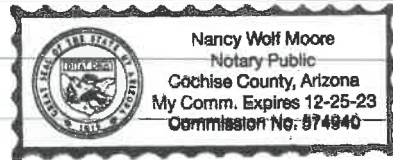
Do Give Permission to Russ Jennings To

Handle the Rezoning of this Property

3-19-20

Stuart E Hawkins J. D. S. Trust Trustee

State of : Arizona  
County of: Cochise  
This instrument was acknowledged before me this  
day of March, 2020  
by Stuart E Hawkins  
In witness whereof I hereby set my hand and official seal.  
Nancy Wolf Moore  
(notary public)







245.2  
245.2  

---

490.4

4 acres = 600' x 490.4



971231334

at the request of Pioneer Title Agency, Inc.

When recorded mail to

**Stuart Hawkins**

**Delores Hawkins**

**P.O. Box 372**

**Tombstone, AZ 85638**

70902192-KLB

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Tax Parcel No.: 609-05-020H-5

### WARRANTY DEED

#### Community Property With Right Of Survivorship

For the consideration of Ten Dollars, and other valuable considerations,

Russell L. Jennings and Carol E. Jennings, Husband and Wife, as Community Property with Right of Survivorship

do/does hereby convey to

Stuart Hawkins and Delores Hawkins, Husband and Wife, as Community Property with Right of Survivorship

not as tenants in common nor as a community property estate nor as joint tenants with right of survivorship, but as community property with right of survivorship, the following real property situated in Cochise County, Arizona, together with all rights and privileges appurtenant thereto:

See Exhibit A attached hereto and made a part hereof.

**SUBJECT TO:** Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

The Grantor warrants the title against all persons whomsoever.

The Grantees by signing the acceptance below evidence their intention to acquire said premises as community property with right of survivorship.

Dated: June 13, 2018

Accepted and approved:

  
\_\_\_\_\_  
**Stuart Hawkins**

  
\_\_\_\_\_  
**Russell L. Jennings**

  
\_\_\_\_\_  
**Delores Hawkins**

  
\_\_\_\_\_  
**Carol E. Jennings**

Exhibit A

Parcel I:

The Westerly one half of the following described property:

A portion of the Southerly 605.00 feet of THE CHANCE PATENTED LODE MINING CLAIM, Lot No. 187, U.S.M.S. #794, Tombstone Mining District, and granted by Patent recorded May 4, 1987, in Book 11 of Mines, page 550, records of Cochise County, Arizona, said parcel lying within Section 16, Township 20 South, Range 22 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;

BEGINNING at a 4x4 inch scribed post monument in stone mound for Corner 3 of said Claim;  
thence North  $32^{\circ}40'44''$  East (North  $32^{\circ}40'$  East record), a distance of 605.00 feet along the line of said claim;  
thence South  $64^{\circ}28'15''$  East, a distance of 300.25 feet;  
thence South  $32^{\circ}40'43''$  West, a distance of 605.02 feet;  
thence North  $64^{\circ}28'00''$  West, a distance of 300.25 feet along the line of said Claim to the POINT OF BEGINNING.

Parcel II:

An easement for ingress, egress and utilities over the Northerly 25 feet of the following described property:

That portion of the CHANCE PATENTED LODE MINING CLAIM, Mineral Survey #794, in Section 16, Township 20 South, Range 22 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;

COMMENCING at corner number 5 of the Change Mining claim being a found mound of stone and post, from which corner number 3 of the Chance claim being a found mound of stone and post bears North  $64^{\circ}28'00''$  West, a distance of 600.86 feet said point being the POINT OF BEGINNING;  
thence North  $64^{\circ}28'00''$  West, a distance of 330.43 feet upon the South line of the Chance Mining Claim to a point;  
thence North  $32^{\circ}39'42''$  East, a distance of 605.00 feet to a point;  
thence South  $64^{\circ}28'15''$  East, a distance of 300.25 feet to a point on the Southerly line of the Chance claim;  
thence South  $32^{\circ}38'40''$  West, a distance of 605.00 feet upon the Southerly lien of the Chance claim to the POINT OF BEGINNING.

Parcel III:

An easement for ingress, egress and utilities over the Northerly 25.00 feet of the following described property:

COMMENCING at corner number 5 of the Change Mining claim being a found mound of stone and post, from which corner number 3 of the Chance claim being a found mound of stone and post bears North  $64^{\circ}28'00''$  West, a distance of 600.86 feet said point being the POINT OF BEGINNING;  
thence North  $64^{\circ}28'00''$  West, a distance of 330.43 feet upon the South line of the Chance Mining Claim to a point;  
thence North  $32^{\circ}39'42''$  East, a distance of 605.00 feet to a point;

thence South 64°28'15" East, a distance of 300.25 feet to a point on the Southerly line of the Chance claim;

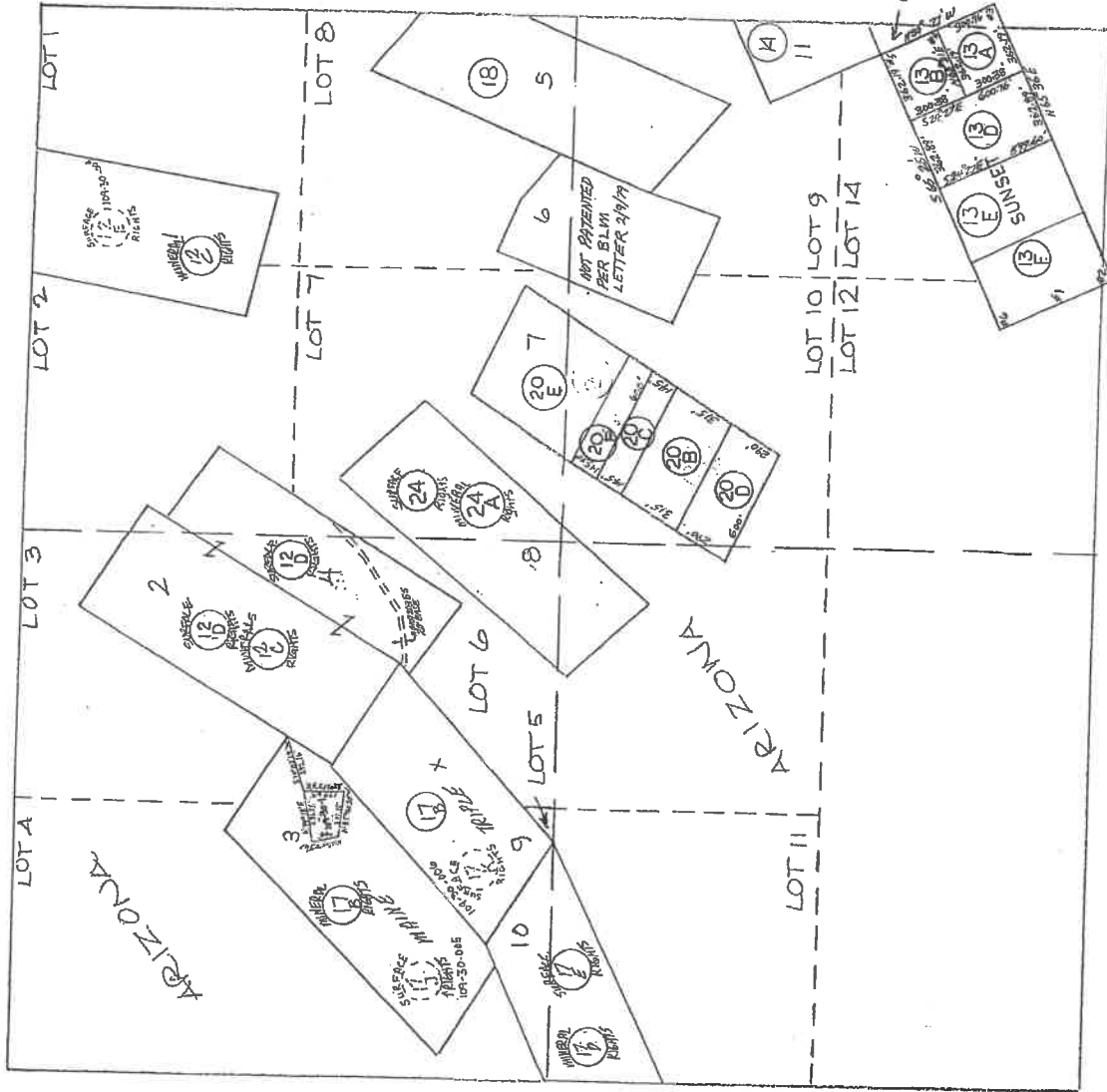
thence South 32°38'40" West, a distance of 605.00 feet upon the Southerly lien of the Chance claim to the POINT OF BEGINNING;

EXCEPT any portion lying within Parcel I herein.



TOMBSTONE DISTRICT

NO	NAME	SURVEY
1	RED TOP	LOT 55
2	MERRIMAC	" 51
3	MAINE	MS 575
4	CLIPPER	" 273
5	MAMIE	" 618
6	FRANKLIN	" 404
7	CHANCE	" 794
8	MAY	" 317
9	TRIPLE EX	" 577
10	BRO. JONATHAN	" 578
11	JUNETTA	" 447
12	SUNSET	" 607



SCALE 1"=100'

THE DESCRIPTION IN RECORDS AND SURVEY RECORDS DOES NOT CONSTITUTE A SURVEY.