



Development Services

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Bisbee, Arizona 85603

MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Christine McLachlan, AICP, Development Services Director
FOR: Sharon Gilman, County Administrator
SUBJECT: SUB 24-02 (Rolling Hills Partial Plat Abandonment)
DATE: June 20, 2025, for the July, 1 2025, Meeting

APPLICATION FOR A PARTIAL PLAT ABANDONMENT (SU 24-02 Rolling Hills Partial Plat Abandonment)

The County has received a partial plat abandonment request from Tax Lien Group I, LLC (applicant). The applicant requests the plat abandonment of an undeveloped portion of a subdivision west of Benson in the Mescal area of Cochise County (District 3). This Rolling Hills subdivision was a 4-phased subdivision that was originally approved in 2002. It included an assurance agreement to secure various improvements, such as road paving within the subdivision, that was required prior to the lot release in each phase. An assurance agreement extension was approved in 2006 and 2014. Another extension was initiated in 2022, but ultimately withdrawn in order to pursue this abandonment.

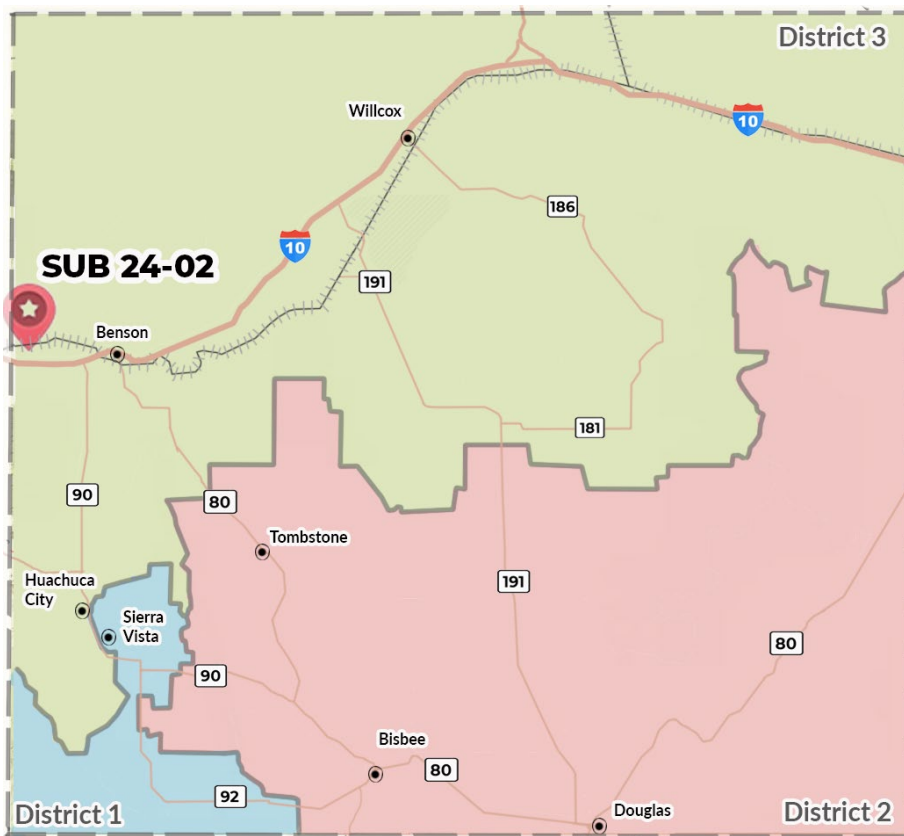
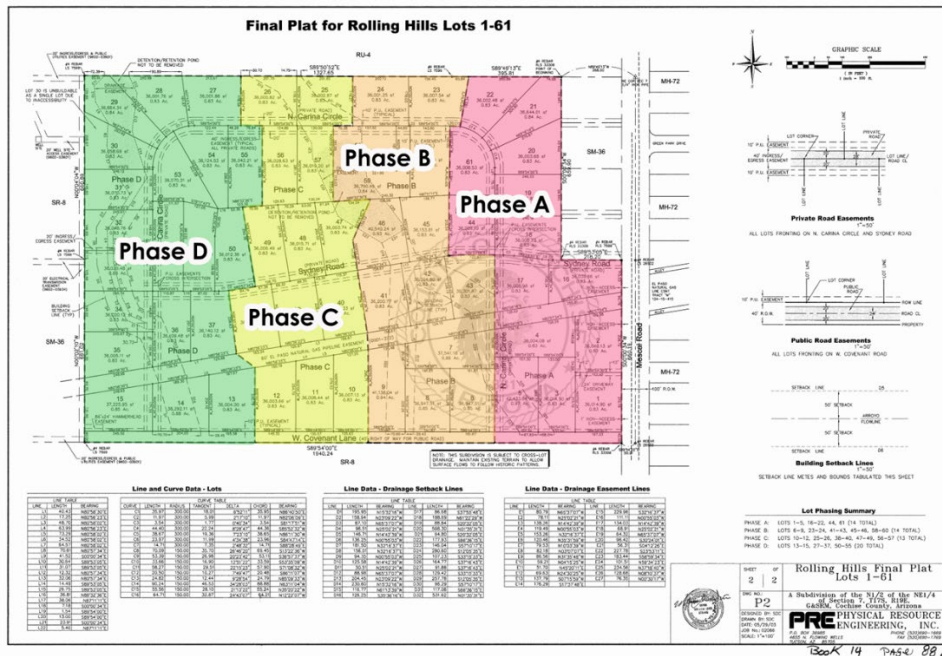
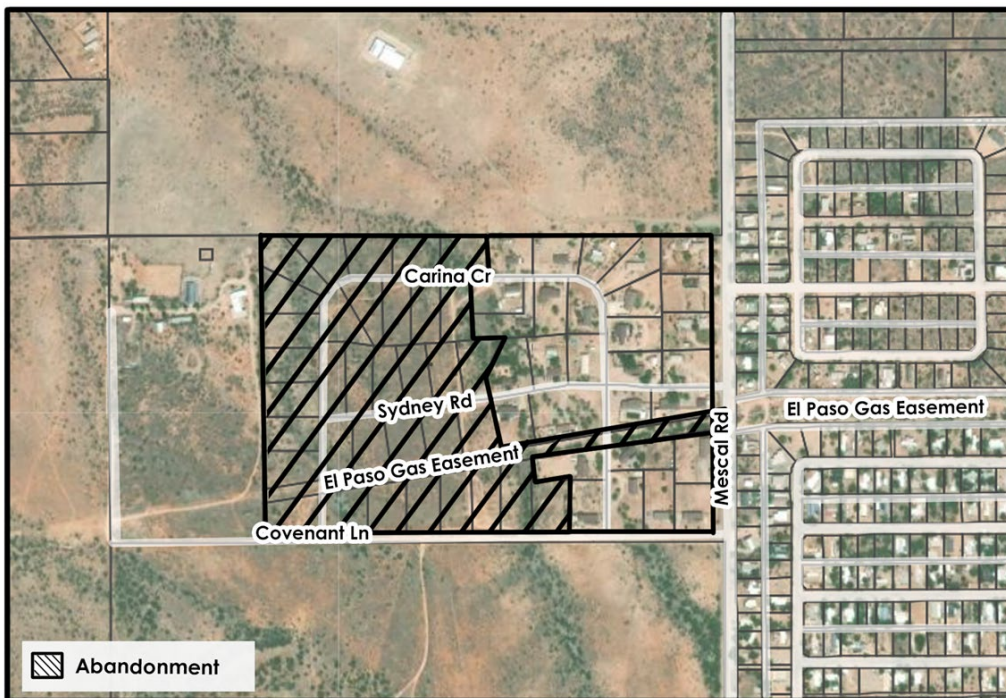


Figure 1: Request Location



To date, phases A and B are complete. This request is to abandon the portion of the plat that includes all parcels in phase C and D (above) as further indicated in the aerial below.



Location
SUB24-02 (Rolling Hills Partial Plat Abandonment)



VICINITY MAP

ABANDONMENT PLAT OF A PORTION OF ROLLING HILLS

ABANDONMENT OF THOSE LOTS 8 THROUGH 16, LOTS 25 THROUGH 45, AND LOTS 47 THROUGH 57 OF ROLLING HILLS, ACCORDING TO RECORDED MAP/PLAT BOOK 15, PAGE 83 & 83A, RECORDS OF COCHISE COUNTY, ARIZONA, LINES A IN A PORTION OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST OF THE SIX AND SEVEN MERIDIAN, COUNTY OF COCHISE, STATE OF ARIZONA.

NOTES:
 RESOLUTION AND ORDER PROVIDING FOR THE ABANDONMENT OF SHARED PORTIONS OF STREETS AND DRAINAGEWAYS AND EASEMENTS, ABANDONMENT OF WELL LOTS 8 THROUGH 16, LOTS 25 THROUGH 45, AND LOTS 47 THROUGH 57 OF ROLLING HILLS, ACCORDING TO RECORDED MAP/PLAT BOOK 15, PAGE 83 & 83A, RECORDS OF COCHISE COUNTY, ARIZONA, LINES A IN A PORTION OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST OF THE SIX AND SEVEN MERIDIAN, COUNTY OF COCHISE, STATE OF ARIZONA.
 ACCESS EASEMENTS ARE GRANTED HEREIN FOR ROADWAY PURPOSES. DRAINAGE EASEMENTS ARE GRANTED HEREIN FOR DRAINAGE AND RETENTION BASIN PURPOSES.
 ZONING IS SM-36 AND SHALL REMAIN.
 THERE ARE 2387.63 FEET IN LENGTH OF ROADWAY PROPOSED WITHIN THE ABANDONMENT LIMITS.

LEGAL DESCRIPTION
60' WIDE EASEMENT (CARINA CIRCLE)
 A 60.00 foot wide access and utilities easement over, under and across a portion of Rolling Hills Subdivision according to Recorded Map/Plat Book 15, Page 83 & 83A of Official Records of Cochise County, Arizona, and lying in a portion of Section 7, Township 17 South, Range 19 East of the Six and Seven Meridian, County of Cochise, State of Arizona, more particularly described as follows:
 Beginning at the Southwest corner of Lot 17 of said Rolling Hills, thence South 00°00'34" East, 167.00 feet to the Northwest corner of Lot 6 of said Rolling Hills, thence South 80°58'15" West, 60.75 feet to the Northeast corner of Lot 7 of said Rolling Hills, thence North 00°00'34" East, 60.75 feet to the Southeast corner of Lot 42 of said Rolling Hills, thence North 80°58'15" East, 60.75 feet to the East Line of Beginning.

LEGAL DESCRIPTION DRAINAGE EASEMENT LOT 47
 A drainage easement over, under and across a portion of Lot 47 of Rolling Hills Subdivision according to Recorded Map/Plat Book 15, Page 83 & 83A of Official Records of Cochise County, Arizona, and lying in a portion of Section 7, Township 17 South, Range 19 East of the Six and Seven Meridian, County of Cochise, State of Arizona, more particularly described as follows:
 Beginning at the Northwest corner of Lot 46 of said Rolling Hills, thence along the Eastern boundary of said Lot 47, South 07°07'34" West, 233.23 feet to the Southwest corner of Lot 47, thence South 80°58'15" West, 113.27 feet, thence North 07°07'34" East, 60.75 feet, thence North 23°31'31" West, 29.19 feet to a point on the north line of said Lot 47, thence along the north line thereof, North 80°58'15" East, 118.83 feet to the East Line of Beginning.

LEGAL DESCRIPTION DRAINAGE EASEMENT LOT 57
 A drainage easement over, under and across a portion of Lot 57 of Rolling Hills Subdivision according to Recorded Map/Plat Book 15, Page 83 & 83A of Official Records of Cochise County, Arizona, and lying in a portion of Section 7, Township 17 South, Range 19 East of the Six and Seven Meridian, County of Cochise, State of Arizona, more particularly described as follows:
 Beginning at the Northeast corner of Lot 57 of said Rolling Hills, thence along the East line of said Lot 57, South 07°07'34" West, 233.23 feet to the Southwest corner of Lot 57, thence South 80°58'15" West, 113.27 feet, thence North 07°07'34" East, 60.75 feet, thence North 23°31'31" West, 29.19 feet to a point on the north line of said Lot 57, thence along the north line thereof, North 80°58'15" East, 118.83 feet to the East Line of Beginning.

LEGAL DESCRIPTION "T" ACCESS EASEMENT LOT 40 & 47
 An access easement over, under and across Lots 40 and 47 of Rolling Hills, Recorded as Map Plat Book 15, Page 83 and 83A, Official Records of Cochise County, Arizona, and lying in a portion of Section 7, Township 17 South, Range 19 East of the Six and Seven Meridian, County of Cochise, State of Arizona, more particularly described as follows:
 Beginning at the Southwest corner of Lot 47 of said Rolling Hills, thence along the Eastern boundary of said Lot 47, South 07°07'34" East, 19.90 feet to the beginning of a tangent 20.00 foot radius curve, (curvature Southwesterly), thence along said curve through a central angle of 89°00'07", a distance of 39.37 feet, thence tangent to said curve, South 09°52'31" East, 15.00 feet, thence South 80°58'15" West, 14.00 feet, thence North 09°52'31" East, 15.00 feet, thence North 80°58'15" West, 14.00 feet, thence South 09°52'31" East, 15.00 feet to the beginning of a tangent 20.00 foot radius curve, (curvature Northwesterly), thence along said curve through a central angle of 89°00'07", a distance of 39.37 feet to a point on the East line of said Lot 45, thence along said East line, South 09°52'31" East, 20.10 feet to the East Line of Beginning.

LEGAL DESCRIPTION "T" ACCESS EASEMENT LOT 25 & 57
 An access easement over, under and across Lots 25 and 57 of Rolling Hills, Recorded as Map Plat Book 15, Page 83 and 83A, Official Records of Cochise County, Arizona, and lying in a portion of Section 7, Township 17 South, Range 19 East of the Six and Seven Meridian, County of Cochise, State of Arizona, more particularly described as follows:
 Beginning at the Southwest corner of Lot 25, thence along the South line thereof, North 07°07'34" West, 70.36 feet, thence along the East line of said Lot 57, South 07°07'34" West, 233.23 feet, thence North 80°58'15" West, 24.43 feet to the beginning of a 100-foot radius curve, the radius point of which bears North 09°00'07" East, thence along the arc of said curve through a central angle of 247°52'31" a distance of 224.25 feet to the point of tangency, the radius point of which bears North 09°11'12" East, thence along the arc of said curve through a central angle of 247°52'31" a distance of 224.25 feet, thence South 00°00'34" East, 20.00 feet to the East Line of Beginning.

LEGAL DESCRIPTION 24' ACCESS EASEMENT
 A 24' wide access easement over, under and across Rolling Hills, Recorded as Map Plat Book 15, Page 83 and 83A, Official Records of Cochise County, Arizona, and lying in a portion of Section 7, Township 17 South, Range 19 East of the Six and Seven Meridian, County of Cochise, State of Arizona, the West line of which is more particularly described as follows:
 Beginning at the Southwest corner of Lot 15, thence North 00°00'34" West, 24.00 feet to the East Line of Beginning.

CERTIFICATION
 I HEREBY CERTIFY THAT THIS PLAT CONSISTING OF (S) SHEET(S) REPRESENTS A SURVEY MADE UNDER MY DIRECTORSHIP AND THAT THE ACCESS PROPERTY CORNERS AND SURVEY MONUMENTS ACTUALLY EXIST AS SHOWN HEREON.
 J. O. HALE REGISTERED LAND SURVEYOR NO. 51967

COUNTY RECORDER
 STATE OF ARIZONA
 COUNTY OF COCHISE
 FILED FOR RECORD AT THE REQUEST OF JESSICA J. HALE ON THE _____ DAY OF _____, 2024, IN BOOK _____ OF SURVEY MAPS AT PAGE _____ HEREOF.
 WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.
 COCHISE COUNTY RECORDER DEPUTY COUNTY RECORDER
 FEB 24 2024

LEGAL DESCRIPTION
10' UTILITIES EASEMENT
 A 10' wide access easement over, under and across Lots 8 and 9 of Rolling Hills, Recorded as Map Plat Book 15, Page 83 and 83A, Official Records of Cochise County, Arizona, and lying in a portion of Section 7, Township 17 South, Range 19 East of the Six and Seven Meridian, County of Cochise, State of Arizona, the South line of which is more particularly described as follows:
 Beginning at the Southwest corner of Lot 8, thence North 89°54'00" West, 295.67 feet to the Southwest corner of Lot 9 of said Rolling Hills, and the East Line of Beginning.

LEGAL DESCRIPTION DRAINAGE EASEMENT LOT 25 & 26
 A drainage easement over, under and across a portion of Lots 25 & 26 of Rolling Hills, Recorded as Map Plat Book 15, Page 83 and 83A, Official Records of Cochise County, Arizona, and lying in a portion of Section 7, Township 17 South, Range 19 East of the Six and Seven Meridian, County of Cochise, State of Arizona, the West line of which is more particularly described as follows:
 Beginning at the Southwest corner of Lot 24 of said Rolling Hills, thence along the South line thereof, North 89°54'00" West, 160.50 feet, thence along said South line, North 02°24'00" West, 23.21 feet, thence North 00°00'34" East, 120.22 feet, thence North 81°22'39" West, 18.10 feet, thence along said North line thereof, South 89°52'31" East, 185.70 feet, thence North 89°52'31" East, 185.70 feet, thence South 81°22'39" East, 15.26 feet, thence North 00°00'34" East, 37.24 feet to the East Line of Beginning.

ABANDONMENT PLAT OF A PORTION OF ROLLING HILLS

ABANDONMENT OF THOSE LOTS 8 THROUGH 16, LOTS 25 THROUGH 45, AND LOTS 47 THROUGH 57 OF ROLLING HILLS, ACCORDING TO RECORDED MAP/PLAT BOOK 15, PAGE 83 & 83A, RECORDS OF COCHISE COUNTY, ARIZONA, LINES A IN A PORTION OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST OF THE SIX AND SEVEN MERIDIAN, COUNTY OF COCHISE, STATE OF ARIZONA.

LEGEND
 ● INDICATES SURVEY MARKER AS DESCRIBED ON MAP/PLAT BOOK 15, PAGE 83A
 ▲ INDICATES SURVEY MARKER AS DESCRIBED ON MAP/PLAT BOOK 15, PAGE 83A
 ○ INDICATES SURVEY MARKER AS DESCRIBED ON MAP/PLAT BOOK 15, PAGE 83A
 ○ INDICATES PROPOSED "T" ACCESS TURNAROUND EASEMENT, SEE "DETAIL"

DETAIL NO. CC209-2

LINE AND CURVE DATA - LOTS

LINE NO.	LINE BEARING	LINE DISTANCE	CURVE DATA
L1	N 00°00'34" E	24.00	
L2	S 07°07'34" W	233.23	
L3	N 80°58'15" W	60.75	
L4	N 00°00'34" E	60.75	
L5	S 80°58'15" E	60.75	
L6	N 07°07'34" W	233.23	
L7	S 80°58'15" W	113.27	
L8	N 07°07'34" E	60.75	
L9	N 23°31'31" W	29.19	
L10	N 80°58'15" E	118.83	
L11	S 07°07'34" E	19.90	
L12	S 07°07'34" E	19.90	
L13	S 07°07'34" E	19.90	
L14	S 07°07'34" E	19.90	
L15	S 07°07'34" E	19.90	
L16	S 07°07'34" E	19.90	
L17	S 07°07'34" E	19.90	
L18	S 07°07'34" E	19.90	
L19	S 07°07'34" E	19.90	
L20	S 07°07'34" E	19.90	
L21	S 07°07'34" E	19.90	
L22	S 07°07'34" E	19.90	
L23	S 07°07'34" E	19.90	
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L25	S 07°07'34" E	19.90	
L26	S 07°07'34" E	19.90	
L27	S 07°07'34" E	19.90	
L28	S 07°07'34" E	19.90	
L29	S 07°07'34" E	19.90	
L30	S 07°07'34" E	19.90	
L31	S 07°07'34" E	19.90	
L32	S 07°07'34" E	19.90	
L33	S 07°07'34" E	19.90	
L34	S 07°07'34" E	19.90	
L35	S 07°07'34" E	19.90	
L36	S 07°07'34" E	19.90	
L37	S 07°07'34" E	19.90	
L38	S 07°07'34" E	19.90	
L39	S 07°07'34" E	19.90	
L40	S 07°07'34" E	19.90	
L41	S 07°07'34" E	19.90	
L42	S 07°07'34" E	19.90	
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L51	S 07°07'34" E	19.90	
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L55	S 07°07'34" E	19.90	
L56	S 07°07'34" E	19.90	
L57	S 07°07'34" E	19.90	
L58	S 07°07'34" E	19.90	
L59	S 07°07'34" E	19.90	
L60	S 07°07'34" E	19.90	
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L67	S 07°07'34" E	19.90	
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L90	S 07°07'34" E	19.90	
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L92	S 07°07'34" E	19.90	
L93	S 07°07'34" E	19.90	
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L95	S 07°07'34" E	19.90	
L96	S 07°07'34" E	19.90	
L97	S 07°07'34" E	19.90	
L98	S 07°07'34" E	19.90	
L99	S 07°07'34" E	19.90	
L100	S 07°07'34" E	19.90	

LINE DATA DRAINAGE EASEMENT LINES

LINE NO.	LINE BEARING	LINE DISTANCE
D1	S 07°07'34" E	19.90
D2	S 07°07'34" E	19.90
D3	S 07°07'34" E	19.90
D4	S 07°07'34" E	19.90
D5	S 07°07'34" E	19.90
D6	S 07°07'34" E	19.90
D7	S 07°07'34" E	19.90
D8	S 07°07'34" E	19.90
D9	S 07°07'34" E	19.90
D10	S 07°07'34" E	19.90
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D85	S 07°07'34" E	19.90
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D87	S 07°07'34" E	19.90
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D94	S 07°07'34" E	19.90
D95	S 07°07'34" E	19.90
D96	S 07°07'34" E	19.90
D97	S 07°07'34" E	19.90
D98	S 07°07'34" E	19.90
D99	S 07°07'34" E	19.90
D100	S 07°07'34" E	19.90

LINE DATA DRAINAGE EASEMENT LINES

LINE NO.	LINE BEARING	LINE DISTANCE
E1	S 07°07'34" E	19.90
E2	S 07°07'34" E	19.90
E3	S 07°07'34" E	19.90
E4	S 07°07'34" E	19.90
E5	S 07°07'34" E	19.90
E6	S 07°07'34" E	19.90
E7	S 07°07'34" E	19.90
E8	S 07°07'34" E	19.90
E9	S 07°07'34" E	19.90
E10	S 07°07'34" E	19.90
E11	S 07°07'34" E	19.90
E12	S 07°	

EL PASO NATURAL GAS EASEMENT

There is a 60’ wide El Paso Natural Gas Easement that traverses east west through the subdivision. While it was a part of the original subdivision, the applicant has proposed removing it as part of the partial abandonment. The original plat did not create the El Paso Easement. By including it within the abandonment, the easement will remain intact, continuing to grant specific usage rights to its holder, but it will abandon the underlying fee title of land from the subdivision.

SUBSTITUTE ASSURANCE AGREEMENT

An assurance agreement (third party trust agreement) is the most commonly used method of providing assurances for associated subdivision improvements.

1. The Board of Supervisors approves assurance agreements at the time of final plat approval.
2. The title to the subdivided property is placed in trust with a third-party escrow agency or trust company authorized to do business in the State of Arizona along with an agreement between the trustee and the County that title to any lot or parcel within the subdivision will not be transferred until written approval is given by the County for the release or partial release of property held in trust. The County will not authorize any such release until the necessary improvements have been completed.
3. The agreement must contain an accurate legal description of the subdivision.
4. Special conditions or improvements unique to the subdivision shall be listed in an attached exhibit.
5. The agreement must be recorded at the time of final plat recordation.

This Assurance Agreement, effective July 2025, binds Pioneer Title (Trustee), two trust beneficiaries (PL 183, LLC and Tax Lien Group I, LLC), and Cochise County to ensure construction of a cul-de-sac and T-turnaround for the Rolling Hills subdivision. The Trustee cannot sell or transfer the property without County approval unless transferring to a single successor under a new agreement, and any financing transfers must be reconveyed. The improvements must be finished within five years (unless delayed by uncontrollable events or extended by mutual consent), inspected and certified by a licensed engineer, with all taxes paid before any release of assurances. Partial releases are allowed for independently functioning phases, but if work isn’t completed on time, the County may replat and abandon undeveloped lots after 30 days’ notice, with all costs charged to the beneficiaries. Successor jurisdictions, if incorporated, also inherit these obligations.

An Improvement Payment Agreement is attached to the Assurance Agreement. This document appoints Pioneer Title Agency as escrow agent to manage funds deposited by the Owners for constructing the infrastructure specified in the Assurance Agreement. Beneficiary One (PL 183, LLC) is responsible for 31/35ths of the improvement costs, while Beneficiary Two (Tax Lien Group I, LLC) covers the remaining 4/35ths. Funds can either be paid directly to contractors or deposited into the respective trust accounts. No parcels may be released from the Assurance Agreement until all improvements are completed and fully released by Cochise County. When Beneficiary Two sells a parcel, they must provide legal descriptions and again use Pioneer Title Agency to manage escrow for the resale.

SUMMARY AND CONCLUSION

This is a request to approve the partial abandonment of a plat, encompassing 35 parcels and right-of-way and easements, equating to 31.9 acres, and to approve the substitute assurance agreement.

Factors in Favor of Approval

1. The subdivision regulations, section 4.21.040, provide the legal requirements for a partial abandonment request. The applicant has followed the proper procedures.
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2. Proper road turnarounds, in compliance with Cochise County Road standards, will be constructed.

Factors Against Approval

1. Planned subdivision growth ensures that there is adequate utilities and infrastructure in place prior to development. In general, it promotes more a more sustainable and orderly form of development. The applicant will still need to apply for a minor land division permit in the future and lot release prior to development.

XI. RECOMMENDATIONS

Staff recommends approval for the partial abandonment of the Rolling Hills Subdivision, totaling approximately 31.9 acres, including all lot lines, with the exception of the common property boundary between the property owners, and the abandonment of all rights of way within the abandonment area with the exception of the turnaround and cul-de-sac that are subject to the assurance agreement.

Sample Motion: *I move to approve Docket SUB24-02 without conditions, abandoning a portion of the approved Rolling Hills subdivision plat noted in the exhibit and substituting the Assurance Agreement.*