J-6/Mescal Community Development Organization

TRI-COMMUNITY NEWS

Volume 5 Issue 07

July 2008

JULY 29TH PUBLIC HEARING MESCAL/ J-6 FIRE DISTRICT

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BE INFORMED!

BE INVOLVED!

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A District Impact Statement for the proposed Mescal-J6 Fire District has been filed and a Public Hearing by the Cochise County Board of Supervisors has been scheduled. The Public Hearing on the Impact Statement will be held on Tuesday, July 29, 2008, beginning at 6:00 p.m. at the Cochise College Campus in Benson, located at 1025 State Route 90 in Benson.

In filing the Impact Statement, the Organizing Board has indicated their intent and desire to form the Mescal-J6 Fire District for the purpose of sharing the costs among all property owners within the purposed district to provide fire and emergency medical services to the community. For full Legal Notice and map of the proposed district go to cdonewsletter.com.

At the Public Hearing on the Impact Statement, the Cochise County Board of Supervisors will hear those who appear for and against the proposed fire district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board so determines, it shall approve the district impact statement and authorize the persons proposing the district to circulate petitions.

For information regarding the formation of the district, please call Pat Viverto, Special Districts Coordinator at (520) 432-8974, for specific information about the proposed district, please contact Terri Jo Neff - (520) 508-3660 or email mescal-j6fire@hotmail.com.

NEW CHANGES MEAN LESS EXPENSE FOR PROPERTY OWNERS!

District Organizing Board has drafted four revisions to the Impact Statement being reviewed on July 29th.

- Assessor doubles the total assessed value of properties within proposed district boundaries.
- The proposed tax rate of 1.4% has been LOWERED to .7%.
- Based on a median property value, the average tax liability in the district will increase by only $45.50 instead of the $91.00 as listed originally. (Please note that this is just the *average* increase.)
- The 3-member Organizing Board will be replaced by a 5-member board elected in November 2010.

TRI-COMMUNITY ACTION ALERT

Be Aware, Be Informed, Be Active!

- **The most critical issue over all with MVFD is finances and the lack thereof; the department is slowly bleeding to death from a lack of funds; barring any major changes, it will likely be gone in a very few years.**
  1. Only 1/3 of the households in J-6, Mescal, and Skyline are supporting this critical service.
  2. The department is not always reimbursed for non-member calls. (For example, recent roll-over on I-10 cost the department $3,600 for which they did not get reimbursed.)
  3. The department will not be eligible for any further grants after 2009 if not a fire district.
  4. Current station does not meet OSHA standards even for a volunteer fire department. Currently they have no required shower, nor place to put contaminated clothing, no kitchen facilities or lockable lockers, heat or a/c.
  5. Department is needing more firefighters - have 13-14 who could possibly be available at night if they are in the area, but only 3-4 possible during the day.
- **In need of truck with greater water storage capacity to keep homeowners insurance rates from skyrocketing.**
  1. IOS (insurance rating agency) dropped department from 8B to 9 due to lack of equipment to haul minimum required amount of water to fire.
  2. Department at serious risk of being dropped to a 10 rating upon next visit by IOS. Rating would be the same as no fire coverage, causing home owners insurance to skyrocket and likely prevent approval of mortgages for new buyers/sellers.
- **Becoming fire district may be only viable solution.**
  1. Expected tax rate for fire district is .7% of assessed value; currently we pay .08% fire tax to state. NONE of the Pima County or Cochise County Fire District Tax comes to this area. The Mescal/J6 area RECEIVES NO FINANCIAL BENEFIT at all from those funds.
  2. A Fire District Budget with the opportunity to apply for grants would have better potential for sustainable funding than if 1200 more residents started paying dues.

CREATION OF A FIRE DISTRICT CHECKLIST:

- **Impact statement requesting formation of a district to be sent to the Board of Supervisors with a bond sufficient to cover any assistance, cost of expenses incurred by the County.**

  Statement includes legal description, accurate map with proposed boundaries, estimate of assessed valuation of property located with proposed district, list of all parcels with boundary including names and addresses, an estimate of the change in tax liability for a typical property, estimate of minimum and maximum revenues available to the district and the revenue sources, list of benefits that will result from the formation of the proposed district, list of injuries which will result from the formation of the purposed district, names and address and occupations of the members of the organizing board consisting of three individuals, and an outline which describes the types of service under consideration by the proponents of the proposed district.
- **County mails written notice of the statement and BOS public hearing date to each owner of taxable property and to each qualified elector in the proposed district, posting notice in 3 conspicuous public places in the proposed district and two published notices.**
- **At the hearing, BOS will decide to approve or deny request to circulate petitions that must be signed by the following in the proposed district:**
  a) **more than 1/2 of the property owners**
  b) **by people owning more than one-half of the assessed valuation of the area**
  c) **more than 1/2 the qualified electors in the area**
- **Within 30 days of receiving signed petitions, BOS will schedule hearing. If petitions are valid, BOS will approve an Order of Establishment of the District.**
- **The district is considered created 30 days after the BOS votes to create it.**

This page is reprinted from the June Issue. A PORTION OF JUNE PRODUCTION RUN WAS UNREADABLE DUE TO A FILE THAT WAS DAMAGED WHEN THE PRINTER'S EQUIP CRASHED.

BOB KERRY MOVING FORWARD WITH DEVELOPING RINCON VIEW SUBDIVISION - IMPACTS TO COMMUNITY

Developer Bob Kerry is moving subdivision plans forward for Rincon View Subdivision which, if approved, will alter traffic patterns on both Tequila Trail and Cherokee.

Both roads have been the focal point of many discussions with P & Z since both are substandard and present both visual and control hazards as they intersect with Meadow Lark Lane.

Since traffic patterns impact the entire community, J-6/Mescal CDO Board organized and reviewed many documents provided by residents before requesting an information gathering meeting with Supervisor Searle, Planning and Zoning Director Judy Anderson, and P & Z Staff. With additional information from Bill Harman, ADOT Engineer, it was possible to develop a historical record of events from the time the Consent Order was issued preventing Kerry from selling more lots until the current submitted proposal.

It quickly became evident that residents in the area who had maintained ongoing contact with P & Z were not aware that Kerry's new subdivision plans were ready to be presented to the Commissioners as early as 2007. Kerry's representative cited easement issues as the reason for temporarily tabling the 2007 plan.

It was also evident that residents were not aware that the 2007 plans were being reactivated and are now tentatively scheduled to be heard by the Commissioners in August. These plans purpose a tentative plat for the development of 27 lots belonging to Kerry, Carroll, and Madsen.

Circulation patterns are altered. Tequila Trails will be blocked approximately 3/4 miles north of the mail boxes. Those north of the blockage will access their properties from Cherokee onto Century Drive, a new 60' roadway that will connect to the 320 adjacent acres belonging to Jim Douglas. Once the road is developed, it will be turned over to the County who will be responsible for maintenance.

Tequila Trail north of the diversion will be improved to County Standards with a set of four culverts being placed approximately 380 yards north of Century Lane, and a set of 3 culverts 200 yards further north. These improvements are in addition to the 600 sq-yd rip rap structure to be added just south of Century Lane.

A portion of the northern Tequila easement approaching the railroad bed will be abandoned as a replacement cull-de-sac is proposed near the top of the rise. CDO review indicates the southern portion of Tequila Trail is not mentioned on the general notes of the plat.

The plan includes widening Cherokee Trail by 6' so that two cars traveling towards each other may pass without leaving the roadway. Cherokee Trail is expected to accommodate both the traffic from the adjacent 320 acres that is currently being subdivided, as well as the vehicles from the northern half of Tequila Trail.

Meadow Lark Lane is to be improved and widened to 60' while remaining a private road. Currently the public easement is only 30'. It is unclear how, or from where, the other 30' of property will be acquired.

Neither ADOT or P & Z addressed the control of congestion in this area by limiting special uses on adjacent properties, suggesting multiple mail box locations, lowering the above grade cattle guard, or broadening the angles of the "s" curve by purchasing a narrow strip of land between the convergence of Meadow Lark, Cherokee, the Frontage Road and I-10.

J-6/Mescal CDO concerns trigger P & Z to allow public input at August meeting before Commissioners.

The CDO Board submitted a fourteen-point questionnaire to P & Z Staff after purchasing and reviewing 7 pages of the plat. CDO is posting their submittal letter at cdonewsletter.com and are offering the plat for property-owner review. Call (520) 609-2738 to arrange.

The meeting before the Commissioners is not a Public Hearing. However, since this decision will impact existing property owners and the community, the Chair of the Commission has extended an opportunity for the public to be heard on this item before they make their decision.

Will existing property owners be financially responsible for maintaining improved roads for which they may no longer have access?

READ NEXT PAGE FOR OTHER LEGAL QUESTIONS!

UNUSUAL SITUATION REQUIRES UNUSUAL ACTIONS: CDO WRITES LETTER TO DEVELOPER'S ATTORNEY

During the four years that J-6/Mescal CDO has been reviewing Subdivision Plans, Rezoning Applications, etc., the Board believes the Rincon View Subdivision to be the most complex and challenging.

This was a first time encounter with an illegal subdivision, written deeds of easements which appeared to be forfeited if plat was approved, ownership of private roads which were being altered without owner input, and CC&R's indicating a mechanism for filing liens on properties if necessary to recover maintenance costs on these private roads.

County Staff had no answers . We were directed to send these questions to Mr. Baade, the developer's attorney. Mr. Baade was the first to notify property owners of the circulation changes. The following is a copy of the CDO letter sent to Mr. Baade.

The CDO Board will also schedule a meeting with the Arizona Dept. of Real Estate to inquire how their services protect property owners, and maintain the integrity of deeds / legal documents, etc.

July 17, 2008

Dear Mr. Baade:

The Board of the J6-Mescal Community Development Organization (CDO) has been reviewing the proposed Rincon View Subdivision Tentative Plat and the communications between the parties involved-including Tequila Trail residents, Cochise County Planning and Zoning, the Arizona Department of Real Estate, engineers, and yourself representing Mr. Kerry. Several of our Board Members reside on Tequila Trail and are very familiar with the issues related to the long history of this development.

Our intent is to discover and disperse pertinent information to our community's residents and to point out issues that may have been overlooked and need resolution by the principles involved.

One of the big concerns that have surfaced during our review is the legal status of the easements held by the current residents of Tequila Trail once the proposed cul-de-sacs are constructed and a diversion obstructs those recorded easements. Those on the south end of Tequila Trail will no longer be able to directly access the north end and vice versa; this diversion becoming a particular inconvenience for those on the north end accessing their mail boxes at the intersection of southern Tequila Trail and Meadowlark Lane.

Former Planning and Zoning Director Judy Anderson, suggested we address the following questions to you. The term "cul-de-sacs" refers to those needed, one on each side of the barricade, as turn arounds for emergency vehicles if this proposal is accepted. Specific questions are:

1. Does not opposing the cul-de-sacs by the current individual residents imply an abandonment of the easement rights by those residents?

2. Is there reviewable documentation that supports your assertion that the current residents on Tequila Trail do not oppose the construction of the cul-de-sacs and curtailment of their easement rights?

3. Will any new official status of these easements be recorded?

4. Will the planned cul-de-sacs restrict only motorized vehicular traffic, including motorcycles and ATV's, while maintaining the ability of local pedestrian and equestrian traffic to pass?

5. Will the local residents holding the current easement rights still be responsible for the maintenance of Tequila Trail for the full length including those parts to which they no longer have access?

CDO WILL PROVIDE UPDATES

IT IS NO SUBSTITUTE FOR INFORMATION AND GUIDANCE FROM PERSONAL LEGAL COUNCIL.

6. Who will be responsible for paying for the relocation of utility infrastructure that is apparently in the easement area for the planned widening of Cherokee?

7. Meadowlark Lane between Cherokee and Tequila Trail at the southern end is currently only a 30 foot easement for the planned 60 foot roadway. From where is the other 30 feet coming?

8. There is no commitment stated in the plat to improve the full length of Tequila Trail from Meadowlark Lane to the proposed diversion. There is no commitment to bring the southern portion of Tequila Trail up to Cochise County standards, only the portion of the road north of the cul-de-sacs. Is Mr. Kerry making a commitment to in fact bring the southern portion up to Cochise County standards, and, if so, how is that commitment documented?

Discussions with the County have not provided clear answers to the above. The Board invites you to respond to the above concerns and questions as a courtesy to the community. We look forward to hearing from you.

Sincerely,

The J-6/Mescal Community Development Organization Board.

Cc: Britt Hansen, Cochise County Attorney

COUNTY 'S NEW TRANSPORTATION PLAN TO INCLUDE OUR AREA

Karen Lamberton, County Transportation Planner provided those in attendance at the June CDO Quarterly Meeting a status report of the Northwest Area Plan. The following are excerpts from that report:

Background: This planning effort will springboard from the smaller area studies that have been done in the last few years including the Northwest Cochise County Transportation Planning Study completed in 2004. (The NWCCTPS proposed an east-west corridor connecting the Airport with Mescal Road and a southern corridor connecting Highway 90 with J-6 Ranch Road).

Next Steps:

Summer 2008: Completion of Joint Partnership Agreement with the ADOT and BOS approval of the Agreement and tentative Scope of Work.

Fall of 2008: Solicitation of qualified consultants, review and selection of a principal consultant for the Northwest Area Plan Project.

Winter of 2008: Notice to Proceed issued, key stakeholders identified, refinement of the Work Plan and convening of a Technical Advisory Committee.

Tentative Work Plan:

Updates to the data collected for these previous studies will be completed to establish current conditions in the Northwest Plan Area including environmental constraints. Projections of future conditions will include population and employment growth, committed and planned infrastructure improvements and traffic forecasts.

These will assist in determining future transportation needs. The final phases of the planning process will include prioritizing potential solutions, estimating project costs and identifying funding sources.

Lamberton assured those attending that public input will be desired at all stages of this planning effort. Opportunities to review and comment on the plan will be provided and will include public open houses, small area meetings and formal presentation to the County Board of Supervisors.

Cochise County Contact:

Karen L. Lamberton

County Transportation Planner

Phone: 520-432-9240

Candidate Forums in the Area:

July 23rd 5:30 p.m.	The League of Women Voters is hosting **a forum for the District 3 Board of Supervisors**. Benson city Hall
July 26th 10:00 a.m.- noon	The four **Democratic candidates running for the three open seats on the Arizona Corporation Commission** have been invited to speak at the regular NCCDC meeting at the TA Truck Stop, 1501 N. Ft. Grant Rd. in Wilcox.
Aug. 7th 6:00 - 9:00 p.m.	Benson Chamber of Commerce is hosting a **Board of Supervisors Candidates Forum** at Cochise College-Benson Campus.

NEWS BRIEFS

DAMAGED FILES: 350 residents out of 1180 received newsletter copies that had been printed from damaged electronic files after high temperatures in Tucson contributed to a major equipment crash at our printer. Since the damaged copies were distributed with the mass bulk, it was impossible for CDO to identify residents who needed corrections. Your patience and understanding are greatly appreciated.

EASTER MOUNTAIN RANCH: Residents have notified CDO that representatives from Easter Mountain have contacted members of the community to host individual home or small gatherings where the benefits to the proposed development can be presented and questions answered. P & Z reports there is no current movement on the proposed rezoning of 556 acres from RU-4 to SR-87 (site built homes on 2 acre lots if conservation bonus is not applied).

PEDESTRIAN OBSTACLE: At the CDO Quarterly Meeting, residents requested assistance from Bill Harmon, ADOT Engineer, to open up pedestrian access to the Quick Pic from the frontage road. Currently pedestrians mus scale the cattle guard.

CORRECTION BY DEPUTY ADMINISTRATOR: Jim Vlahovich sent corrected information that the Call to the Audience at P & Z Meetings remains at beginning of the agenda.

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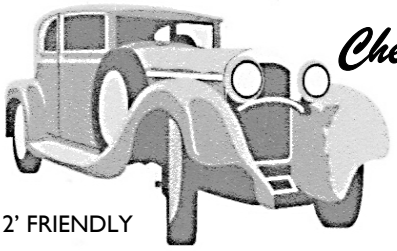

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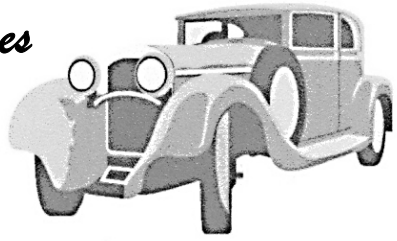


STRETCH YOUR STIMULUS CHECK with discounts
Xpress Lube is offering……See Store for Details!!

SKYLINE BAPTIST CHURCH

2858 W. Skyline Road

Ph. 586-2973

Pastor Brian Kelly **Ph. 520-990-6978**
Pastor Bill Galloskas **Ph. 520-221-9231**

Sunday Services

Sunday School 9:00 a.m. Service 10:30 a.m.

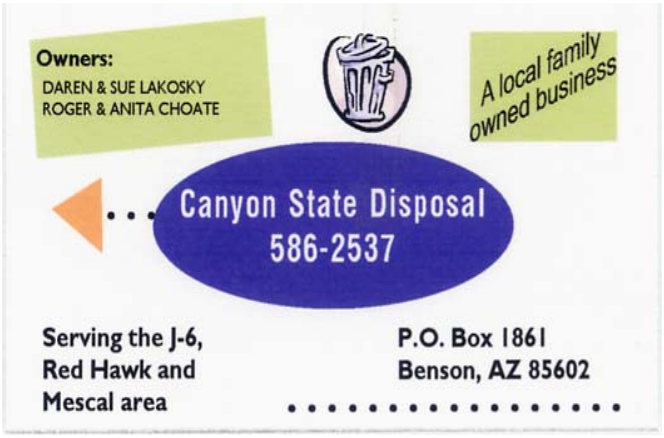
Wednesday Service

Adult and Youth Bible Study 7-8:30 p.m.

CALENDAR

COME JOIN US

Check out our new web-site at www.skylinebaptistchurch.net



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- **Reliable**
- **Good References**
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All New Equipment

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TEXAS HOLD'EM POKER

BOBBY JOE'S IRISH PUB
Every Thurs. 6 & 8 P.M.
Every Sun. 3 & 6 P.M.

MESCAL BAR & GRILL
Monday & Wednesday
6 & 8 P.M.

ARENA BAR
Every Tuesday
6 & 8 P.M.

TRIANGLE T GUEST RANCH
Tuesday and Thursday
5:30 & 7:30 P.M.

Fastest growing FREE poker League in Cochise County!

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TRIPS TO VEGAS

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Contact: Dawn Allen 586-4748
Website: www.wellworthit.us

IT'S ALL ABOUT COMMUNITY!!!!

During the recent Cumaro and Distillery Fires, members from our community responded not only as volunteer fire fighters but respondents to a call for animal rescues.

A local volunteer list was activated late one Saturday night to rescue horses near the wildfire in Happy Valley.

Thanks goes to Bill Roberts, John Hobson, and Kelly & Al Turk, and Joyce Hostetter for their concerned response and thoughtful, unselfish gift of their time and equipment.

Five others remained on standby.

Fifteen of the 24 horses were evacuated. Those left behind mere moved to paddocks that would be safe from fire.

Joyce Hostetter, owner of the J-6 Equestrian Center, says:

"Our wishes for everyone is for safety and fun with your horses. We would like there never to be an emergency in anyone's lives, but in case of the need for evacuation, there is a wonderful horse community out here!"

(Joyce may be reached at (520) - 586-7551.)

J-6 / Mescal Community Development Organization

MEMBERSHIP FORM - CALENDAR YEAR 2008

Name of members for given address:

_____

_____

_____

_____

Physical Address:

_____

_____ZIP_____

Email Address:

_____

Phone: _____

All residents and property owners within the J-6, Mescal, Skyline and surrounding areas are eligible to join.

Households may have more than one member. Each member must be at least 18 years old.

Each membership is $ 10.00

Each member is entitled to cast 1 vote for meeting action items.

MEMBERSHIP DUES PAY FOR:

- Operating expenses such as copies, postage, printing, phone bills, and office supplies
- Production costs for the Tri-Community Newsletter

Bring to next meeting or mail to : Nancy Upp, 412 S. Many Winds Rd., Benson, Az

TRI-COMMUNITY NEWS

JG/Mescal CDO
3111 Clark Road
Benson, Arizona 85602

JULY ISSUE

Volume 5 Issue 7

ECRWSS
BOXHOLDER
HC 2/3
BENSON, ARIZONA 85602

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POSTAGE PAID
PERMIT # 16
BENSON, ARIZONA

FIRE DISTRICT PUBLIC HEARING
WITH BOARD OF SUPERVISORS
6:00 P.M. COCHISE COLLEGE

See Inside for Important Details

DON'T BE LEFT IN THE DARK!

THIS ISSUE IS A MUST READ!!!

SUPPORT THIS NEWSLETTER BY JOINING CDO OR MAKING A DONATION!!!

Inside this Issue:

- **PUBLIC HEARING FOR FIRE DISTRICT**
- **CHEROKEE AND TEQUILA TRAIL**

  WILL PROPERTY OWNERS BE PAYING FOR ROADS FOR WHICH THEY MAY NO LONGER HAVE ACCESS?
- **WILL RESIDENTS HAVE INPUT INTO THE COUNTY'S NEW TRANSPORTATION PLAN FOR THE AREA?**