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ORIGINAL

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW

RECEIVED

P. O. Box 1448
TUBAC, ARIZONA 85646

2012 FEB 24 A 9:44

OF COUNSEL TO
MUNGER CHADWICK
ATTORNEYS AT LAW

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ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLUMBIA

ARIZONA CORP COMMISSION
DOCKET CONTROL

February 21, 2012

Arizona Corporation Commission
DOCKETED

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

FEB 24 2012

DOCKETED BY

Re: Ridgeline Water Company, L.L.C.
Docket No. W-20589A-08-0173
Decision No. 70748
Motion for Extension of Compliance Filing Date Deadline

To Whom It May Concern:

On December 2, 2011, Ridgeline Water Company, L.L.C. ("Ridgeline") filed a Motion for Extension of Compliance Filing Date Deadline ("Motion") in the above-referenced docket. At page 2, line 23 – page 3, line 2 of the aforesaid Motion, Ridgeline described the efforts to date of the developer of Ridgeline Estates (Pollux Properties, L.L.C.) to proceed with development of the single-family residential subdivision which Ridgeline proposes to serve.

In that regard, enclosed for filing in the above-referenced docket as a supplement to the aforesaid Motion are fourteen (14) copies of a February 16, 2012 letter and related attachments from the Arizona State Land Department to the developer of Ridgeline Estates attesting to continued progress in obtaining the Ingress and Egress Easement for Ridgeline Estates referred to in the aforesaid Motion.

Thank you for your assistance with respect to this matter and please let me know if you require any further information.

Sincerely,

Lawrence V. Robertson, Jr.

cc: Brian Bozzo
Carmel Hood
Shannon Kanlan

c:\users\angela\documents\larry\regvlvs properties llc\ridgeline water company\dekt cntrl ltr. 2-21-12.doc

PHOENIX OFFICE: 2398 E. CAMELBACK RD., STE 240, PHOENIX AZ 85016 PH: (602) 358-7348 FAX: (602) 441-2779

TUCSON OFFICE: 333 N. WILMOT RD, STE 300, TUCSON AZ 85711 PH: (520) 721-1900 FAX: (520) 747-1550

Janice K. Brewer
Governor

ARIZONA STATE  LAND DEPARTMENT

Maria Baier
State Land
Commissioner

February 16, 2012

Pollux Properties, LLC
6141 N. Pomona Road
Tucson, AZ 85704
Attn.: Pat Nikitenko

Re: Appraisal for Rights-of-Way Application No. # 16-114811-00-000

Dear Mr. Nikitenko:

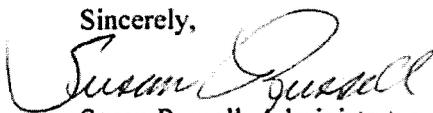
Enclosed please find one copy of the above-referenced application, one original and one copy of the Notice of Appraisal, followed by the Waiver to Appeal. If you desire to exercise your privilege of signing the Waiver to Appeal, in the interest of expediting your application, please return one copy of the waiver, signed and dated to this office at your earliest convenience. The extra copy may be retained for your records.

If you wish to appeal the appraised value, you must do so within 30 days from the date you receive this letter. The appraisal is available for review at the Arizona State Land Department, 1616 West Adams Street, Phoenix, Arizona, 85007.

If this appraisal is approved by the Board of Appeals, a public auction will be scheduled. Applicant is responsible for rendering to the Department within 30 days from the date of this letter a draft in the amount of \$2,500.00 for the estimated advertising expense. It is understood that this is only an estimate of the advertising cost. The successful bidder is also responsible for paying the Selling and Administrative Fees, not to exceed 3% of the purchase price, at the time of the auction. Any additional charges will be due and payable 30 days after the date of sale.

In order to assure us that you have read and understood these terms, please sign and date one copy of this letter and return it to our office as soon as possible.

Sincerely,



Susan Russell, Administrator
Right of Way Section
(602) 542-3115

Enclosures

Signature



Date

2/21/12

Serving Arizona's Schools and Public Institutions since 1915

RETURN TO:

ARIZONA STATE LAND DEPARTMENT
PUBLIC COUNTER
1616 WEST ADAMS
PHOENIX, ARIZONA 85007

SUBMIT NON-REFUNDABLE FILING FEE:

New/Renewal: \$500
Amend: \$100

DEPARTMENTAL USE ONLY		ROLODEX # 15095	
ACCOUNTING	T&C	RECOMMENDATION/INITIAL	DATE
Filing Fee PAID New/Renewal: \$500 MAY 20 2010 Amend: \$100 ARIZONA STATE LAND DEPARTMENT (35) A(23)	Exam: <u>Thane</u> Exam #: _____ Int Title: _____ App Entry: <u>MAY 21 2010</u>	Approve _____ Deny _____ Reject _____ Withdraw _____	

APPLICATION FOR RIGHT OF WAY

Type or print in ink.

APPLICATION NO. 110 - 11484-00-000

Complete ALL questions, SIGN and SUBMIT application with appropriate NON-REFUNDABLE FILING FEE.

1. APPLICANT(S):

POLLUX PROPERTIES LLC
Name(s)

10141 N. POMONA RD

Mailing Address

TUCSON AZ 85704
City State Zip

PATRICK NIKITENKO 520-904-9621
Contact Person Phone No.

pat@kcbaltinc.com
E-Mail Address for Contact Person #17903

2. TYPE OF APPLICATION:

NEW
 RENEWAL
 AMEND

Reason for amendment:

ARIZONA STATE LAND DEPARTMENT
2010 MAY 20 PM 12:03

3. REQUEST FOR RIGHT OF WAY: Applicant hereby makes Right of Way application under A.R.S. § 37-461, for the purpose of

90' WIDE PERPETUAL NON-EXCLUSIVE ACCESS ROAD over and across the lands hereinafter described for a term of PERPETUAL years, in accordance with the laws of the State of Arizona and the rules of the State Land Department.

4. LEGAL DESCRIPTION: (Complete below and attach metes and bounds legal description, maps, surveys & plans)

TWN.	RNG.	SEC.	LEGAL DESCRIPTION	ACRES	COUNTY	SLD USE ONLY		
						CTY	GRT	PARCEL
<u>19S</u>	<u>14E</u>	<u>19</u>	<u>TO COME</u> <u>W 90' of SWNE</u>	<u>2.73</u>	<u>PMA</u>	<u>10</u>	<u>031</u>	<u>9000</u>

5. CONSTRUCTION SCHEDULE:

- a. If construction is required, when is the proposed construction anticipated to begin? OCTOBER, 2012
- b. Typical processing time for an application is 12-16 months. Does your construction schedule allow for this processing time? No Yes If no, please complete R/W Supplement "RW-CO" Conditional Right of Way Supplement.

6. TYPE OF RIGHT OF WAY – REQUIRED SUPPLEMENTS: (Complete supplement for each use marked) Required supplements are available at 1616 W. Adams or online at www.land.state.az.us

a. Municipal/Utility Rights of Way

- Public Roadway & Underground Utilities – (Complete supplement "RW-RU")
- Public Roadway – (Complete supplement "RW-R")
- Drainage Easement – (Complete supplement "RW-D")
- Service Road – (Complete supplement "RW-R")
- Underground Utility Easement – (Complete supplement "RW-U")
- Water Line, Reservoir or Lift Station – (Complete supplement "RW-U")
- Sewer Line or Lift Station – (Complete supplement "RW-U")
- Electrical Line or Substation – (Complete supplement "RW-U")
- Gas Line – (Complete supplement "RW-U")
- Temporary Construction Easement – (Complete supplement "RW-T")
- Other, Please specify _____

b. Telecommunications Rights of Way

- Communication Line – Distribution Line – (Complete supplement "RW-C")
- Communication Line – Single User – Transmission Corridor – (Complete supplement "RW-C")
- Communication Line – Multiple User – Transmission Corridor – (Complete supplement "RW-C")
- Service Road – (Complete supplement "RW-R")
- Temporary Construction Easement – (Complete supplement "RW-T")
- Other, Please specify _____

c. Private Individuals & Entities

- Non-Exclusive Access Road – (Complete supplement "RW-R")
- Haul Road – (Complete supplement "RW-R")
- Service Road – (Complete supplement "RW-R")
- Temporary Construction Easement – (Complete supplement "RW-T")
- Other, Please specify _____

7. BASIS FOR APPLICATION:

a. Why are you applying for this right of way? (Mark all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Public Works Project | <input type="checkbox"/> Pending Sale |
| <input type="checkbox"/> Pending Private Development | <input type="checkbox"/> Loss of Alternative Access |
| <input type="checkbox"/> Required by City, County, etc. | <input type="checkbox"/> Other, Please specify: _____ |
| <input type="checkbox"/> Necessary to provide infrastructure | _____ |
| <input checked="" type="checkbox"/> Necessary to provide access | _____ |
| <input type="checkbox"/> Trespass/Encroachment | _____ |

b. Does this right of way serve a specific property? No Yes If yes, complete R/W Supplement "RW-1" (Dominate Estate Supplement). If no, complete R/W Supplement "RW-2" (Easement in Gross Supplement).

c. Is the proposed right of way to be used in conjunction with any application for a state lease, permit or sale (commercial, mineral, etc.)? No Yes If yes, provide the application number: _____

8. EXISTING LESSEE – IMPROVEMENTS:

- a. Are there any improvements that would be disturbed if this application is approved (water tanks, wells, fences, building, etc.)? No Yes If yes, list below:

- b. If approved, will the construction and the maintenance of the right of way interfere with or intrude upon the existing lessee's rights under any existing lease? No Yes If yes, describe in detail:

CATTLE GRAZING

- c. Have you contacted the Lessee to discuss this application? No Yes N/A

9. JURISDICTIONAL WASHES:

- a. Will the right of way cross any known washes, waterways, or other Waters of the U.S.? No Yes If yes, list the numbered washes or indicate "unnamed wash" below:

10. APPLICANT COMPLETE AND SIGN PAGE 4.

ARIZONA STATE LAND DEPARTMENT ENVIRONMENTAL DISCLOSURE QUESTIONNAIRE

These two pages are part of the application - DO NOT DETACH.

The purpose of this questionnaire is to give the Department an opportunity to detect proposed land uses that may have potential environmental impacts and risks, and to consider these impacts and risks in the processing of the application.

If you have questions regarding this questionnaire, please contact the State Land Department, Environmental Section at (602) 542-2119. Other Federal, State, County and local agencies may also need to be contacted regarding environmental regulations.

PLEASE INDICATE BELOW THE TYPE(S) OF POTENTIAL ENVIRONMENTAL IMPACTS FROM YOUR CURRENT OR PROPOSED USE:

YES	NO	WILL YOUR USE INVOLVE:	TYPE OF ENVIRONMENTAL IMPACT
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>WASTE TIRES</u> The collection of waste tires? If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>LEAD ACID BATTERIES</u> The sale and disposal of lead acid batteries? If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DISCHARGE IMPACTING GROUNDWATER</u> Generating a discharge that may potentially impact groundwater? If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PESTICIDES?</u> If yes, explain use: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DRY WELLS?</u> If yes, ADEQ Registration #(s): _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>POTABLE WATER (DRINKING WATER) SYSTEMS?</u> If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>WASTEWATER COLLECTION AND TREATMENT SYSTEMS</u> Wastewater collection and/or treatment? If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>AIR CONTAMINANTS/AIR POLLUTION CONTROL</u> Air contaminant emissions? If yes, explain: _____	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>SOLID WASTE - GENERAL</u> Solid waste generation, transportation, treatment, recycling, storage or disposal? If yes, explain: <u>TRANSPORT BY LICENSED RESIDENTIAL GARBAGE COLLECTION SERVICE, WEEKLY</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SOLID WASTE - MEDICAL WASTE</u> Medical waste generation, transportation, treatment, recycling, storage or disposal? If yes, explain: _____	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>SOLID WASTE - SEWAGE SLUDGE/SEPTAGE (Septic Tank Waste)</u> Sewage sludge/septage generation, transportation, treatment, storage, use or disposal? If yes, explain: <u>TRANSPORT BY SEPTIC PUMPING SERVICE FOR MAINTENANCE OF RESIDENTIAL SEPTIC SYSTEMS</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>USED OIL</u> Used oil generation, transportation, storage, recycling, use, disposal, marketing or burning? If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>RECYCLING ACTIVITIES?</u> If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SPECIAL WASTE</u> Special waste (asbestos, motor vehicle shredding waste) generation, transportation, treatment, recycling, storage or disposal? If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>HAZARDOUS WASTE GENERATOR</u> Generating hazardous waste? If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL?</u> If yes, explain: _____	

(OVER)

<u>YES</u>	<u>NO</u>	<u>WILL YOUR USE INVOLVE:</u>	<u>TYPE OF ENVIRONMENTAL IMPACT</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>HAZARDOUS WASTE TRANSPORTATION?</u> If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>UNDERGROUND STORAGE TANK (UST)?</u> If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ABOVEGROUND STORAGE TANK (AST)?</u> If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>HAZARDOUS SUBSTANCES?</u> If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CURRENTLY UNCLASSIFIED WASTE</u> Will your use involve currently unclassified waste containing the following? (A.R.S. §49-854). If yes, check appropriate waste category:	
<input type="checkbox"/>	<input type="checkbox"/>	<u>Polychlorinated biphenyls (PCBs)</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Incinerator ash</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Petroleum refining waste</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Slag and refractory material</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Precious metals recycling</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Aluminum dross</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Oil and gas exploration drilling muds</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Categorical industrial pretreatment sludge</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Radioactive waste</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Uranium ore tailings</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Industrial catalysts</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Industrial sands (excluding mining or mineral processing operation)</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Petroleum contaminated soil</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Commercial/industrial septage</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Used Antifreeze</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Contaminated process equipment</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Industrial Sludges</u>	<input type="checkbox"/>
		If checked, explain waste generation process: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>SUPERFUND SITES</u> Is the State Trust land located in a National Priority List (NPL, Federal Superfund) area or in a Water Quality Assurance Revolving Fund (WQARF, State Superfund) study area? If yes, NP or WQARF area name: _____	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>LAND DISTURBANCE</u> If land disturbance will occur, will it be on previously undisturbed land? If yes, explain: <u>NEW ROAD CONSTRUCTION</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>WATER WELLS</u> Are there open and/or abandoned water wells on the property? If yes, submit a site diagram showing location(s) and use(s).	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ADJACENT LAND USES</u> To the best of your knowledge, are adjacent lands subject to any of the above-referenced environmental impacts? If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ON-SITE INSPECTION/ENVIRONMENTAL ASSESSMENT</u> To the best of your knowledge, has an on-site inspection and/or an environmental site assessment been performed at this location? If yes, explain: _____	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PREVIOUS ENVIRONMENTAL IMPACT</u> To the best of your knowledge, has any environmental impact been reported previously to ADEQ? If yes, explain: _____	

ADDITIONAL COMMENTS:

**FORM (RW-R)
ROADWAY
SUPPLEMENTAL INFORMATION REQUEST**

APPLICANT NAME:	<u>POLLUX PROPERTIES LLC</u>	APPLICATION NUMBER: <u>16-114811-00-000</u>
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1. ROADWAY IMPROVEMENTS

EXISTING ROAD EASEMENT WIDTH:	<u>NONE</u>	PROPOSED ROAD EASEMENT WIDTH:	<u>90'</u>
EXISTING ROAD SURFACE (please mark appropriate item & width)	<input type="checkbox"/> Pavement ___ ft. <input type="checkbox"/> Gravel ___ ft. <input type="checkbox"/> Dirt ___ ft. <input type="checkbox"/> Other: ___ ft.	PROPOSED ROAD SURFACE (please mark appropriate item & total width of existing & proposed)	<input checked="" type="checkbox"/> Pavement <u>24</u> ft. <input type="checkbox"/> Gravel ___ ft. <input type="checkbox"/> Dirt ___ ft. <input type="checkbox"/> Other: ___ ft.
OTHER EXISTING IMPROVEMENTS: (please mark appropriate items)	<input type="checkbox"/> Curb <input type="checkbox"/> Gutter <input type="checkbox"/> Median <input type="checkbox"/> Sidewalks <input type="checkbox"/> Street Lights <input type="checkbox"/> Turn Lanes <input type="checkbox"/> Trails <input type="checkbox"/> Other:	OTHER PROPOSED IMPROVEMENTS: (please mark appropriate items)	<input type="checkbox"/> Curb <input type="checkbox"/> Gutter <input type="checkbox"/> Median <input type="checkbox"/> Sidewalks <input type="checkbox"/> Street Lights <input type="checkbox"/> Turn Lanes <input type="checkbox"/> Trails <input type="checkbox"/> Other: <u>4' UNPAVED SHOULDER</u>

2. FUNDING

HOW WILL PROPOSED ACQUISITION & CONSTRUCTION BE FUNDED? (please mark appropriate items)	<input checked="" type="checkbox"/> Private Developer <input type="checkbox"/> City Funds <input type="checkbox"/> County Funds <input type="checkbox"/> State Funds <input type="checkbox"/> Federal Funds <input type="checkbox"/> Other:	ADDITIONAL FUNDING CONSIDERATIONS: (please mark appropriate items & provide copies)	<input type="checkbox"/> Impact Fees/Credits <input type="checkbox"/> Development Agr. <input type="checkbox"/> Payback Agr. <input type="checkbox"/> Grant/Bond <input type="checkbox"/> Other:
--	--	--	--

3. MAINTENANCE & OPERATION

WHO WILL MAINTAIN & OPERATE THE ROADWAY?	<u>HOME OWNERS ASSOCIATION</u>	WILL THE EASEMENT BE ASSIGNED?	<input type="checkbox"/> Yes, to: <hr/> <input checked="" type="checkbox"/> No
---	--------------------------------	---------------------------------------	---

4. ACCESS TO STATE TRUST LANDS

ARE THERE ADJACENT STATE TRUST LANDS THAT ARE LANDLOCKED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, WILL APPLICANT DEDICATE PUBLIC EASEMENTS OR PROVIDE STATE TRUST WITH ACCESS?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	--	---	--

**FORM (RW-RU)
PUBLIC ROADWAY & UNDERGROUND UTILITIES
SUPPLEMENTAL INFORMATION REQUEST**

**APPLICANT
NAME:**

POLLUX PROPERTIES LLC

APPLICATION NUMBER:

16-114811-00-000

**1. EXISTING INFRASTRUCTURE ITEMS
WITHIN PROPOSED RIGHT OF WAY AREA**

**PLEASE MARK
ALL EXISTING
ITEMS WITHIN
PROPOSED RIGHT
OF WAY AREA AND
NOTE SIZE TO THE
RIGHT.**

ROADS:

- Paved Roadway, Roadway Width _____
- Gravel Road, Roadway Width _____
- Unimproved Dirt Roadway, Roadway Width _____
(road width should be average overall width including associated slopes and drainage)

UTILITIES:

- Underground Elec Line(s), Size _____ Provider _____
- Water Lines(s), Diameter _____ Provider _____
- Sewer Line(s), Diameter _____ Provider _____
- Electrical, Line(s) kV _____ Provider _____
- Communication Line(s), Type/Size: _____ Provider _____

MISC:

- Other (Please List) _____

**2. INFRASTRUCTURE TO BE CONSTRUCTED & ADDITIONAL REQUIRED
SUPPLEMENTS**

**PLEASE MARK ALL
IMPROVEMENTS TO BE
CONSTRUCTED WITHIN 24
MONTHS OF ISSUANCE OF
THE RIGHT OF WAY.**

**PLEASE COMPLETE
ADDITIONAL
SUPPLEMENTS LISTED TO
RIGHT OF ALL ITEMS
MARKED.**

- Paved Roadway, "RW-R" _____
- Gravel Roadway, "RW-R" _____
- Improved Dirt Roadway, "RW-R" _____
- Electrical Line(s), "RW-U" Provider TRICO
- Water Lines(s), "RW-U" Provider PRIVATE WATER COMPANY
- Sewer Line(s), "RW-U" Provider _____
- Natural Gas Line(s), "RW-U" Provider _____
- Communication Line(s), "RW-C" Provider _____
- Other (Please List) _____

**IF CONSTRUCTION IS NOT
TO BE COMPLETED
WITHIN 24 MONTHS OF
ISSUANCE OF RIGHT OF
WAY, PLEASE LIST WHAT
WILL NOT BE
COMPLETED AND WHY:**

Construction completion due to
delays or market conditions

ARIZONA STATE LAND DEPARTMENT
REAL ESTATE DIVISION

ADDENDUM TO APPLICATION
REQUIRED PRELIMINARY APPLICATION INFORMATION

This completed form, signed and dated by the Real Estate Division, must accompany every New Right of Way or Right of Entry Application. The Department will not accept an application for a right of way or a right of entry without this form being completed.

APPLICANT INFORMATION

Applicant Name: POLLUX PROPERTIES LLC
Contact Name: PATRICK NIKITENKO
Mailing Address: 6141 N. POMONA RD
City: TUCSON
State & Zip Code: AZ, 85704
Phone: 520-904-9621 Fax: _____
E-Mail: pat@C.KOBALTINC.COM

PARCEL INFORMATION

Section/Township/Range: 19 / 19S / 14E
Political Jurisdiction: PIMA COUNTY
Existing Zoning: RH
General Plan Designation: _____
Existing Adjacent Land Uses: CATTLE CORAZONIA
North: "
East: "
South: "
West: "

Proposed Project Description, purpose and/or need for the requested right of way?

RURAL SUBDIVISION, ACCESS

What is your opinion of the value of the right-of-way you wish to acquire the rights to, per acre, and if appropriate, per square foot?

3,000 PER ACRE

What are the funding mechanisms that will assist and or pay for this right of way? Are there constraints, stipulations or deadlines with the funding?

CASH PAYMENT NO CONSTRAINTS

Is access an improved dedicated public street? Yes No

Describe access and identify road names: UNNAMED GRAVEL ROAD

Are there any drainage and/or flood plain constraints or requirements for the use or proposed project? If yes, what are the proposed plans to address them and how or will they impact the proposed use?

NO

Are there any waterways/washes in along or within the project area? If yes, what are the sizes and what constraints and/or issues may they generate?

NO

Has the proposed use or proposed project been presented and/or vetted through the local, State or Federal jurisdiction? If yes, what was the jurisdiction's position? Please include any letter of support and/or stipulations imposed on the project.

YES, PIMA COUNTY

Are there any pending projects associated with this use or proposed project? If yes, do they require other rights of ways or acquisitions to complete the project? Please explain.

YES, FINAL PLAT

Are there any extraordinary issues affecting the use or proposed project that you are aware of, such as the existence of endangered species, cultural resources, topographic constraints, etc.?

NO

What, local, State or Federal approvals, if any, are necessary for this use or proposed project? If a Certificate of Environmental Compatibility (CEC) by the Arizona Corporation Commission is required, when are you planning to file the application? If filed, please provide a copy of the application.

PIMA COUNTY LOCAL STREET RURAL RESIDENTIAL
SUBDIVISION BUILDING STANDARDS

Why are you requesting that this parcel be encumbered with a right of way at this time? Please provide supporting data.

WE HAVE A PURCHASE APPLICATION IN ON THIS
PARCEL FOR OVER 3 YEARS S3-110894-00. IT HAS
BEEN DETERMINED THAT WE MUST MOVE ON WITH THE
PROTECT AND ABANDON FOR AN EASEMENT

For Real Estate Division Use Only

Preliminary Application Conference Took Place with: _____

Real Estate Division Signature: _____ (Date)

See next page

Are there any pending projects associated with this use or proposed project? If yes, do they require other rights of ways or acquisitions to complete the project? Please explain.

YES, FINAL PLAT

Are there any extraordinary issues affecting the use or proposed project that you are aware of, such as the existence of endangered species, cultural resources, topographic constraints, etc.?

NO

What, local, State or Federal approvals, if any, are necessary for this use or proposed project? If a Certificate of Environmental Compatibility (CEC) by the Arizona Corporation Commission is required, when are you planning to file the application? If filed, please provide a copy of the application.

PIMA COUNTY LOCAL STREET RURAL RESIDENTIAL SUBDIVISION BUILDING CONDELINES.

Why are you requesting that this parcel be encumbered with a right of way at this time? Please provide supporting data.

POLLUX SUBMITTED A PURCHASE APPLICATION ON THIS PARCEL 53-110894-00 DATED 4/11/2006. IT HAS BEEN DETERMINED THAT THE COMPANY MUST MOVE FORWARD WITH THE PROJECT THIS IS WHY WE ARE SUBMITTING THE APPLICATION AT THIS TIME.

For Real Estate Division Use Only

Preliminary Application Conference Took Place with: RUBEN OJEDA
Real Estate Division Signature: [Signature] 5/13/10
(Date)

Janice K. Brewer
Governor

Maria Baier
State Land
Commissioner

NOTICE OF APPRAISAL

Date: February 16, 2012

In the matter of Right of Way Application No: 16-114811-00-000 submitted by Pollux Properties, on May 20, 2010, for 1.05 acres, more or less in Section 19, Township 19 South, Range 14 East, G&SRB&M, Pima County, Arizona.

You are hereby noticed that the Commissioner appraises the Right of Way at a total appraised price of \$3,712.00.

Conditions that are made a part of this Right of Way are on file at the Arizona State Land Department and are available for viewing Monday through Friday from 8:00 a.m. to 4:30 p.m. with the exception of holidays.

This appraisal does not include the appraisal fee, vegetation charges, advertising fees, administrative auction fee, nor is it a final determination of the merits of the application.


Administrator: Susan Russell


Ruben Ojeda, Rights of Way Section Manager
For: STATE LAND COMMISSIONER

This is an appealable agency action. Pursuant to A.R.S. § 41-1092.03 and A.R.S. § 37-215(A), if you are directly or adversely affected by this decision, you may appeal and request a hearing by giving notice in writing to the Land Board of Appeals within thirty days from the date of receipt of this Notice, stating your name and address, the specific action or actions of the Department which are the basis of the hearing request, and a concise statement of the reasons for the appeal. Pursuant to Rule 31(a) and (b), Rules of the Arizona Supreme Court, in administrative proceedings before the agency, a corporation or other legal entity must be represented by counsel, but individuals may appear with or without assistance of counsel.

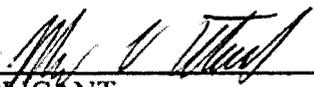
Only written appeals with original signatures will be accepted, pursuant to A.R.S. § 37-215. Send your request to the State Land Department, Attention: Board of Appeals, 1616 West Adams, Phoenix, AZ 85007.

The applicant may waive his appeal by signing and returning one copy of the following waiver and by so doing expedites the processing of this application. Please send the signed waiver to the Arizona State Land Department, Real Estate Division, at the above address.

I/We waive my/our right to appeal the appraisal of the Right of Way in the subject application.

I/We assume full responsibility for payment of all advertising and archaeological fees.

2/21/12
DATE


APPLICANT

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