

ABANDONMENT REQUEST
OF STRIPS OF
PUBLIC RIGHT-OF-WAY
200 TO 600 N CHAPARRAL PINES DRIVE

Overview

The applicant, The Golf Club at Chaparral Pines, requests the abandonment of strips of public right-of-way of up to approximately 14' wide and a total area of 28,522 sq ft or .655 acres.

The current right-of-way is 80' wide and was dedicated to the Town of Payson by the Chaparral Pines Investors. The dedication was recorded on November 22, 1995. Previously, the right-of-way was a 54' wide easement granted on July 7, 1987 to Gila County for road maintenance yard access by the U.S. Forest Service.

The roadway was constructed by Chaparral Pines Investors and the road shoulder landscaping is maintained by Chaparral Pines HOA or Golf Club.

If a sidewalk or trail were to be constructed at this location, the more terrain friendly location would be on the east side of Chaparral Pines Dr, opposite of this abandonment request.

Abandonment Request

The applicant requests the abandonment of seven strips of up to approximately 14' of public right-of-way shown as areas A through G on attached key map. The applicant owns the adjacent parcels over most of the abandonment. This abandonment of right-of-way would leave 10' of right-of-way from the back of the curb on the west side of Chaparral Pines Dr and a total remaining width of 66'.

Abandonment Process

In accordance with Town of Payson Ordinance No. 606, the abandonment process requires notification of the proposed abandonment to all affected utility companies, Town of Payson Department Heads, and property owners within 300 feet of the easement to be abandoned. A letter containing the information concerning this request was mailed to 44 property owners on November 13, 2015. Affected department heads and utility companies were notified on October 27, 2015.

Responses to Request

The affected department heads indicated that they are in favor of the abandonment. The Town Manager and two utility companies were concerned about present and future utilities. For this reason, the town will retain a public utilities easement on the proposed abandonment. We have not received return comments from any of the 44 property owners within 300 ft on this issue.

Recommendation

Staff recommends the approval of this Abandonment Request.

Possible motions

I move to recommend to the Town Council approval of this abandonment request of seven strips of public right-of-way while retaining a public utilities easement between 200 and 600 N Chaparral Pines Dr.

OR

I move to recommend to the Town Council denial of this abandonment request of seven strips of public right-of-way between 200 and 600 N Chaparral Pines Dr.

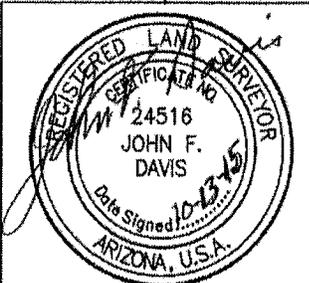
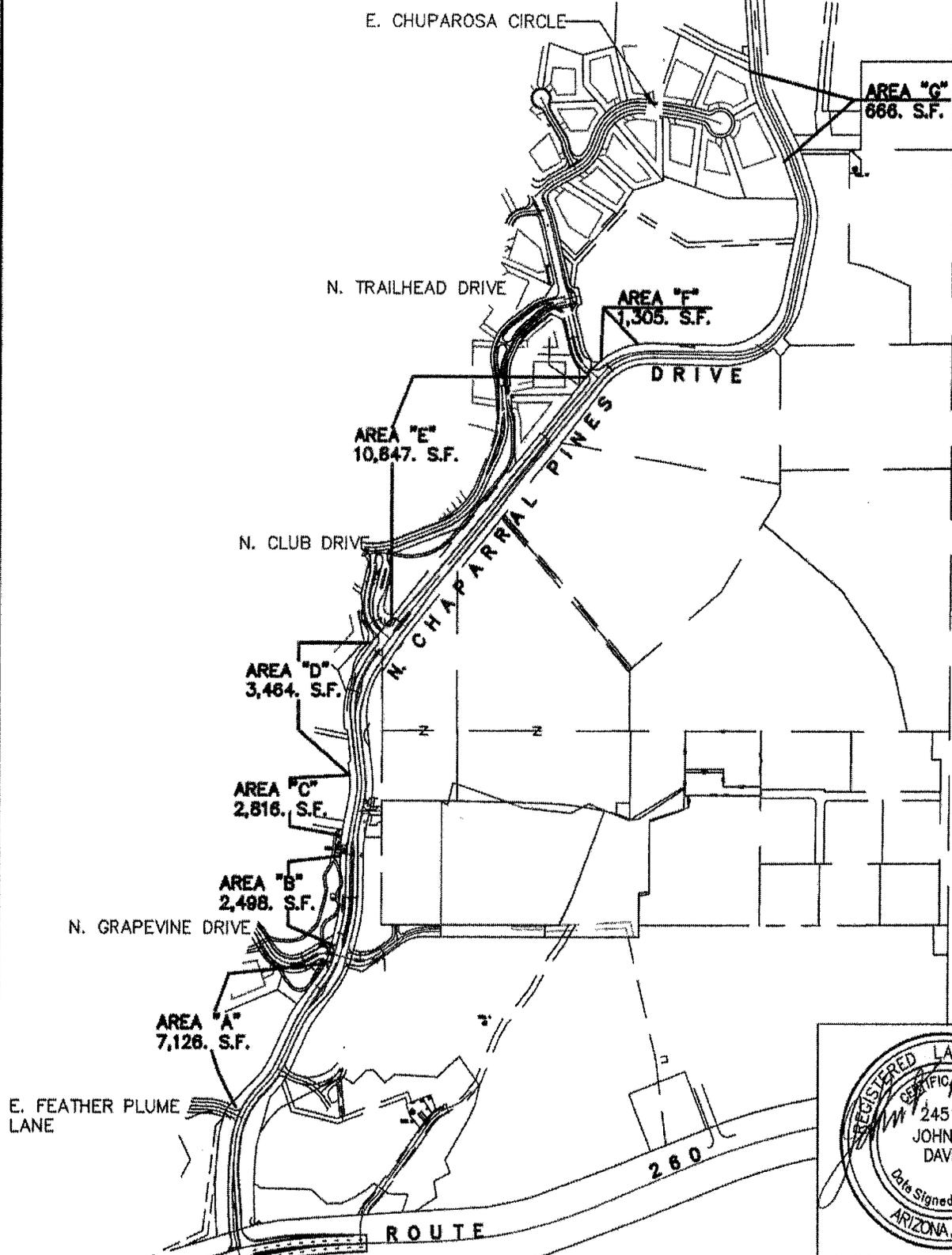
Attachments

Kep Map, Surveyor's Drawing, Legal Description

Report By:

Curtis Ward, Town Engineer 11/25/15

KEY MAP - RIGHT-OF-WAY ABANDONMENT OF A PORTION OF N. CHAPARRAL PINES DRIVE



EXPIRES 09-30-2017
 (928)-474-9646
 15-098 KEY
 PROJECT NO. 15-098

STATE

NORTHSTAR SURVEYING, INC.
 1100 N. BEELINE HWY., SUITE B
 PAYSON, ARIZONA 85541

SCALE 1" = 500'

RIGHT-OF-WAY ABANDONMENT OF A PORTION OF CHAPARRAL PINES DRIVE

AS SHOWN ON CHAPARRAL PINES, PHASE ONE, PLAT MAP NO. 668 THRU 668JJ, GILA COUNTY RECORDS. LOCATED IN A PORTION OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 10 EAST OF THE GILA & SALT RIVER MERIDIAN, TOWN OF PAYSON, GILA COUNTY, ARIZONA.

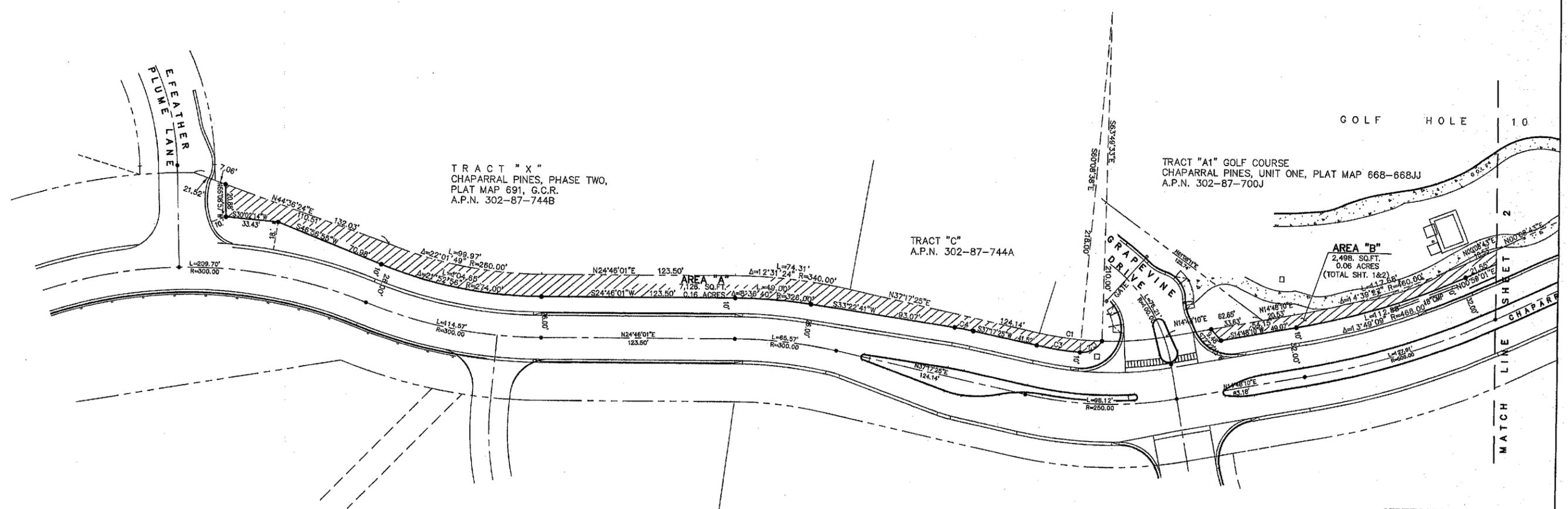
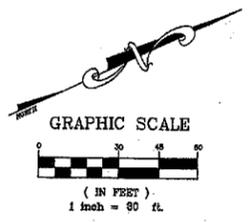
NOTES

1. BASIS OF BEARINGS = RECORD BEARINGS PER CHAPARRAL PINES PHASE ONE, PLAT MAP 668 THRU 668JJ, AND CHAPARRAL PINES DRIVE MAP OF DEDICATION, MAP NO. 1121-1121B, GILA COUNTY RECORDS.

LEGEND

- = SET 1/2" REBAR W/BRASS TAG L.S.#24516
- = PROPOSED NEW RIGHT OF WAY LINE
- ▨ = PROPOSED ABANDONMENT AREA

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD
C1	40.74'	210.00'	11°06'58"	N31°43'56"E	40.68'
C2	16.77'	15.00'	64°02'18"	S02°09'47"E	15.91'
C3	28.29'	218.00'	07°26'03"	S33°34'24"W	28.27'
C4	12.02'	176.00'	3°54'44"	S55°20'03"W	12.01'



CERTIFICATION
This is to certify that this map, consisting of five(5) sheets, correctly represents a survey made under my supervision during the Month of AUGUST-NOVEMBER, 2015.



FOR:
THE GOLF CLUB AT
CHAPARRAL PINES
504 NORTH CLUB DRIVE
PAYSON, AZ. 85541

EXPIRES: 09-30-2017

TOWN OF PAYSON APPROVALS

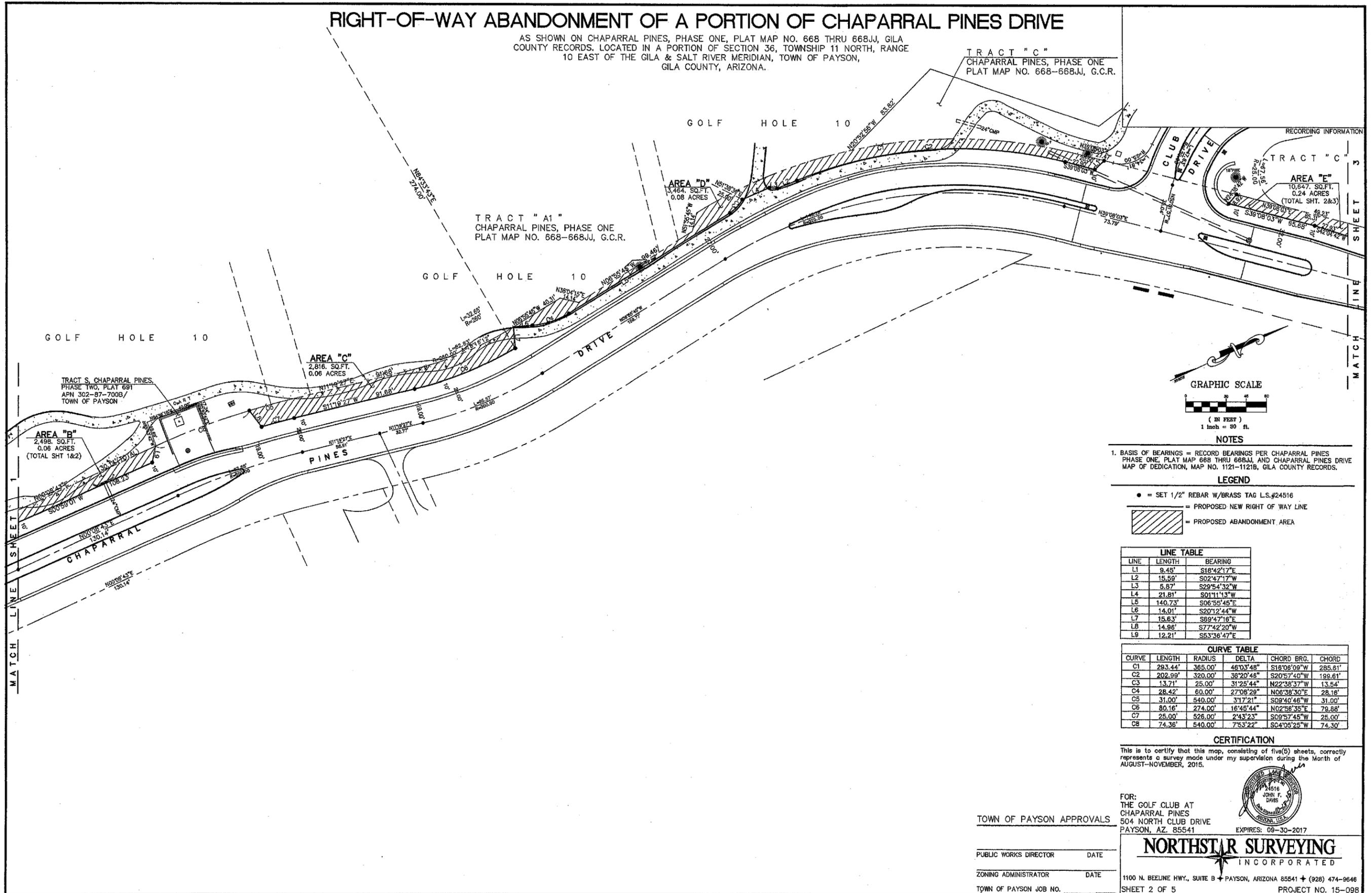
PUBLIC WORKS DIRECTOR _____ DATE _____
ZONING ADMINISTRATOR _____ DATE _____
TOWN OF PAYSON JOB NO. _____

NORTHSTAR SURVEYING
INCORPORATED

1100 N. BEELINE HWY., SUITE B + PAYSON, ARIZONA 85541 + (928) 474-9846
SHEET 1 OF 5 PROJECT NO. 15-098

RIGHT-OF-WAY ABANDONMENT OF A PORTION OF CHAPARRAL PINES DRIVE

AS SHOWN ON CHAPARRAL PINES, PHASE ONE, PLAT MAP NO. 668 THRU 668JJ, GILA COUNTY RECORDS. LOCATED IN A PORTION OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 10 EAST OF THE GILA & SALT RIVER MERIDIAN, TOWN OF PAYSON, GILA COUNTY, ARIZONA.



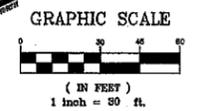
RECORDING INFORMATION
 TRACT "C"
 CHAPARRAL PINES, PHASE ONE
 PLAT MAP NO. 668-668JJ, G.C.R.
 AREA "E"
 10,647. SQ.FT.
 0.24 ACRES
 (TOTAL SHT. 2&3)

TRACT "A1"
 CHAPARRAL PINES, PHASE ONE
 PLAT MAP NO. 668-668JJ, G.C.R.

AREA "C"
 2,816. SQ.FT.
 0.06 ACRES

AREA "D"
 13,464. SQ.FT.
 0.08 ACRES

AREA "B"
 2,498. SQ.FT.
 0.06 ACRES
 (TOTAL SHT 1&2)



NOTES
 1. BASIS OF BEARINGS = RECORD BEARINGS PER CHAPARRAL PINES PHASE ONE, PLAT MAP 668 THRU 668JJ, AND CHAPARRAL PINES DRIVE MAP OF DEDICATION, MAP NO. 1121-1121B, GILA COUNTY RECORDS.

- LEGEND**
- = SET 1/2" REBAR W/BRASS TAG L.S.#24516
 - = PROPOSED NEW RIGHT OF WAY LINE
 - ▨ = PROPOSED ABANDONMENT AREA

LINE TABLE

LINE	LENGTH	BEARING
L1	9.45'	S18°42'17"E
L2	15.59'	S02°47'17"W
L3	5.87'	S29°54'32"W
L4	21.81'	S01°11'13"W
L5	140.73'	S06°55'45"E
L6	14.01'	S20°12'44"W
L7	15.63'	S89°47'16"E
L8	14.96'	S77°42'20"W
L9	12.21'	S53°36'47"E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD
C1	293.44'	365.00'	46°03'48"	S18°08'09"W	285.61'
C2	202.99'	320.00'	36°20'46"	S20°57'40"W	199.61'
C3	13.71'	25.00'	31°25'44"	N22°38'37"W	13.54'
C4	28.42'	60.00'	27°08'28"	N06°38'30"E	28.16'
C5	31.00'	540.00'	3°17'21"	S09°40'46"W	31.00'
C6	80.16'	274.00'	16°45'44"	N02°58'35"E	79.88'
C7	25.00'	526.00'	2°43'23"	S09°57'45"W	25.00'
C8	74.36'	540.00'	7°53'22"	S04°05'25"W	74.30'

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FOR:
 THE GOLF CLUB AT
 CHAPARRAL PINES
 504 NORTH CLUB DRIVE
 PAYSON, AZ. 85541

TOWN OF PAYSON APPROVALS _____

PUBLIC WORKS DIRECTOR _____ DATE _____

ZONING ADMINISTRATOR _____ DATE _____

TOWN OF PAYSON JOB NO. _____

NORTHSTAR SURVEYING
 INCORPORATED

1100 N. BEELINE HWY., SUITE B • PAYSON, ARIZONA 85541 • (928) 474-9646
 SHEET 2 OF 5 PROJECT NO. 15-098

RIGHT-OF-WAY ABANDONMENT OF A PORTION OF CHAPARRAL PINES DRIVE

AS SHOWN ON CHAPARRAL PINES, PHASE ONE, PLAT MAP NO. 688 THRU 688JJ, GILA COUNTY RECORDS. LOCATED IN A PORTION OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 10 EAST OF THE GILA & SALT RIVER MERIDIAN, TOWN OF PAYSON, GILA COUNTY, ARIZONA.

NOTES

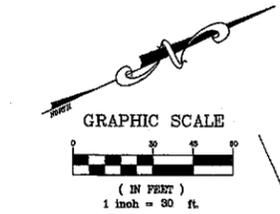
1. BASIS OF BEARINGS = RECORD BEARINGS PER CHAPARRAL PINES PHASE ONE, PLAT MAP 688 THRU 688JJ, AND CHAPARRAL PINES DRIVE MAP OF DEDICATION, MAP NO. 1121-1121B, GILA COUNTY RECORDS.

LEGEND

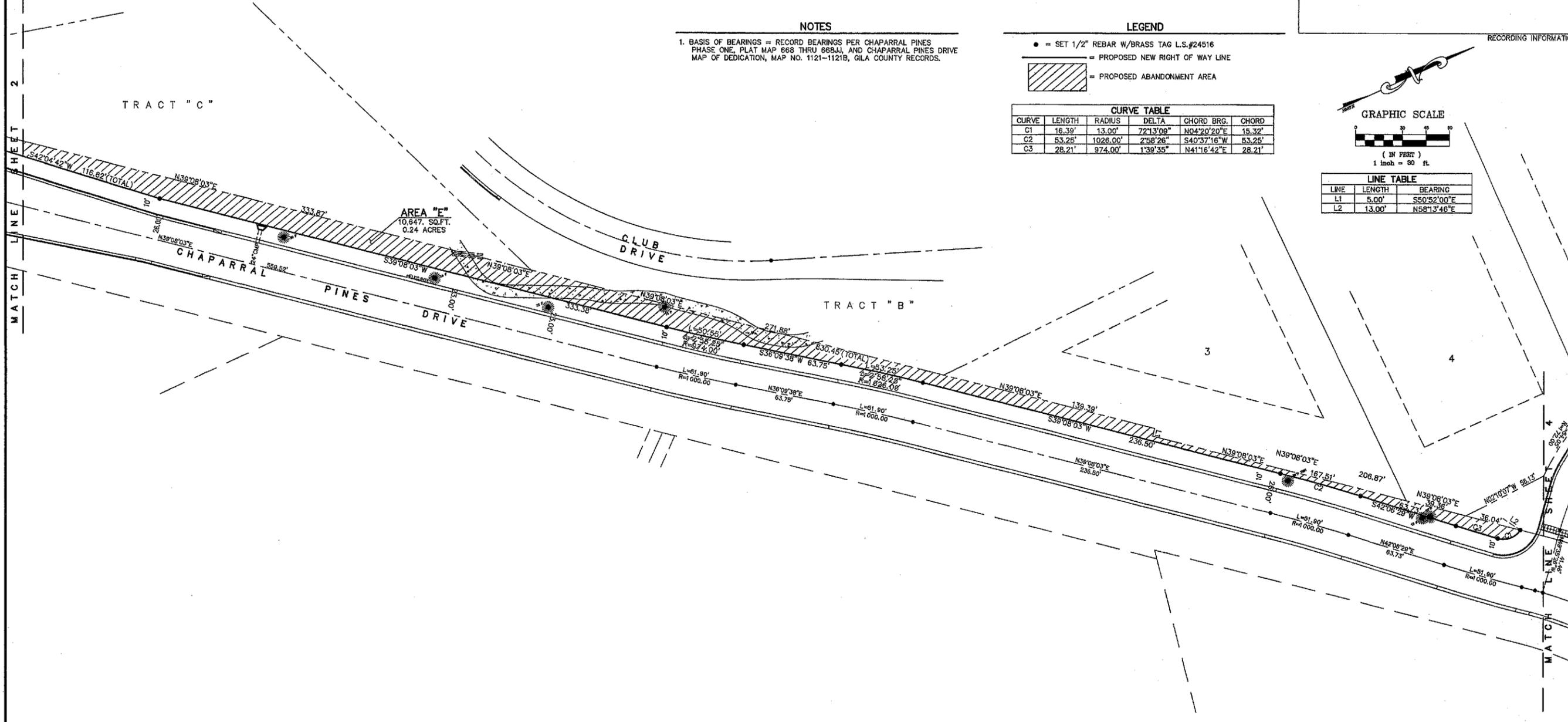
- = SET 1/2" REBAR W/BRASS TAG L.S.#24516
- = PROPOSED NEW RIGHT OF WAY LINE
- ▨ = PROPOSED ABANDONMENT AREA

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD
C1	16.39'	13.00'	72°13'09"	N04°20'20"E	15.32'
C2	53.25'	1026.00'	2°58'26"	S40°37'16"W	53.25'
C3	28.21'	974.00'	1°39'35"	N41°16'42"E	28.21'

RECORDING INFORMATION



LINE TABLE		
LINE	LENGTH	BEARING
L1	5.00'	S50°52'00"E
L2	13.00'	N58°13'46"E



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FOR:
THE GOLF CLUB AT
CHAPARRAL PINES
504 NORTH CLUB DRIVE
PAYSON, AZ. 85541

EXPIRES: 09-30-2017

TOWN OF PAYSON APPROVALS

PUBLIC WORKS DIRECTOR _____ DATE _____

ZONING ADMINISTRATOR _____ DATE _____

TOWN OF PAYSON JOB NO. _____

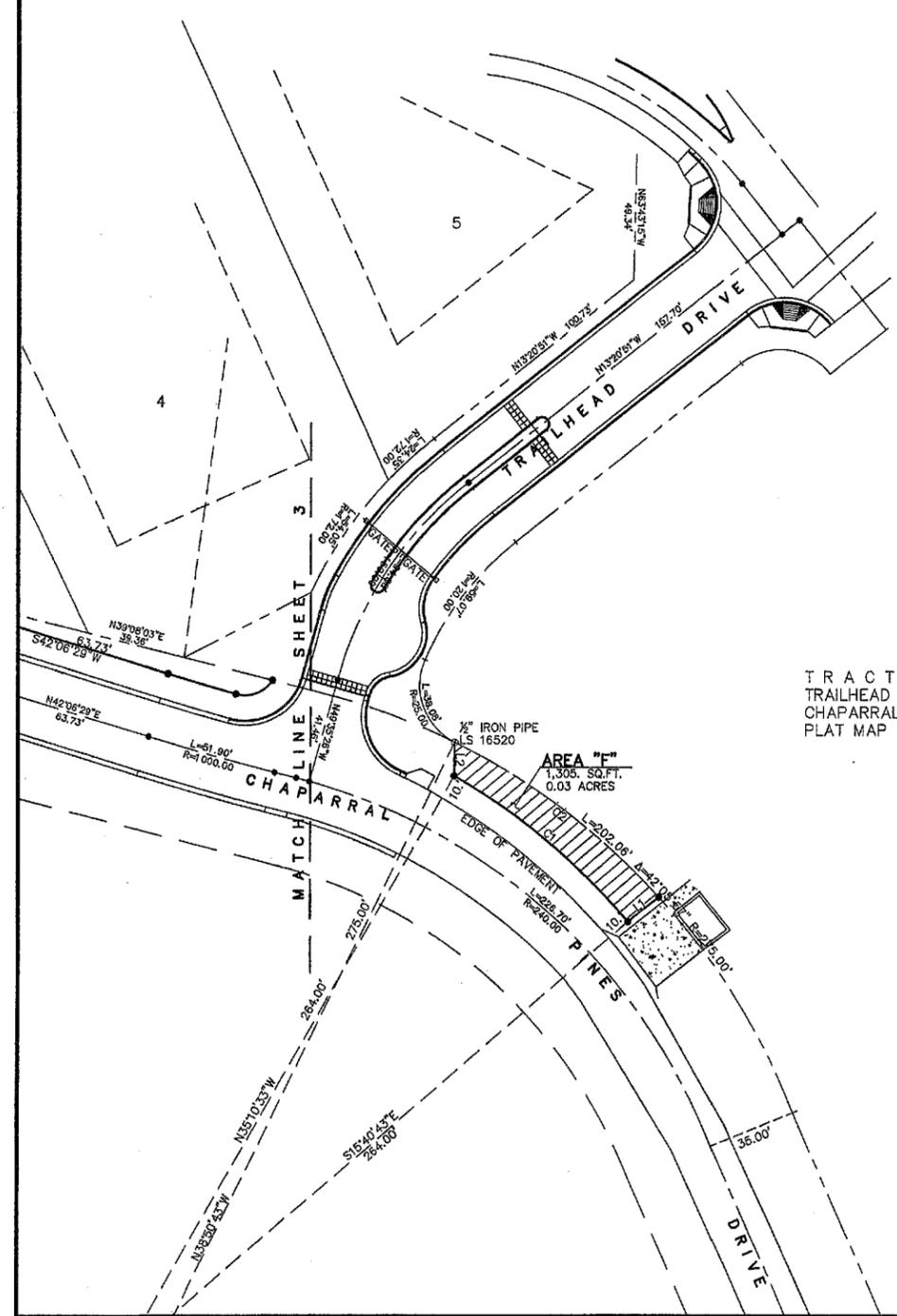
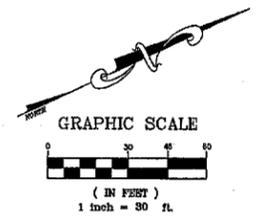
NORTHSTAR SURVEYING
INCORPORATED

1100 N. BEELINE HWY., SUITE B • PAYSON, ARIZONA 85541 • (928) 474-9646
SHEET 3 OF 5 PROJECT NO. 15-098

RIGHT-OF-WAY ABANDONMENT OF A PORTION OF CHAPARRAL PINES DRIVE

AS SHOWN ON CHAPARRAL PINES, PHASE ONE, PLAT MAP NO. 668 THRU 668JJ, GILA COUNTY RECORDS. LOCATED IN A PORTION OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 10 EAST OF THE GILA & SALT RIVER MERIDIAN, TOWN OF PAYSON, GILA COUNTY, ARIZONA.

RECORDING INFORMATION



TRACT "H"
TRAILHEAD RECREATION SITE
CHAPARRAL PINES, PHASE ONE
PLAT MAP NO. 668-668JJ, G.C.R.

LEGEND

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NOTES

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CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD
C1	89.84'	264.00'	19°29'50"	S64°34'22"W	89.40'
C2	101.66'	275.00'	21°10'49"	S61°44'41"W	101.08'

LINE TABLE

LINE	LENGTH	BEARING
L1	15.55'	S13°20'29"E
L2	13.17'	N64°29'25"W

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FOR:
THE GOLF CLUB AT
CHAPARRAL PINES
504 NORTH CLUB DRIVE
PAYSON, AZ, 85541

EXPIRES: 09-30-2017

TOWN OF PAYSON APPROVALS

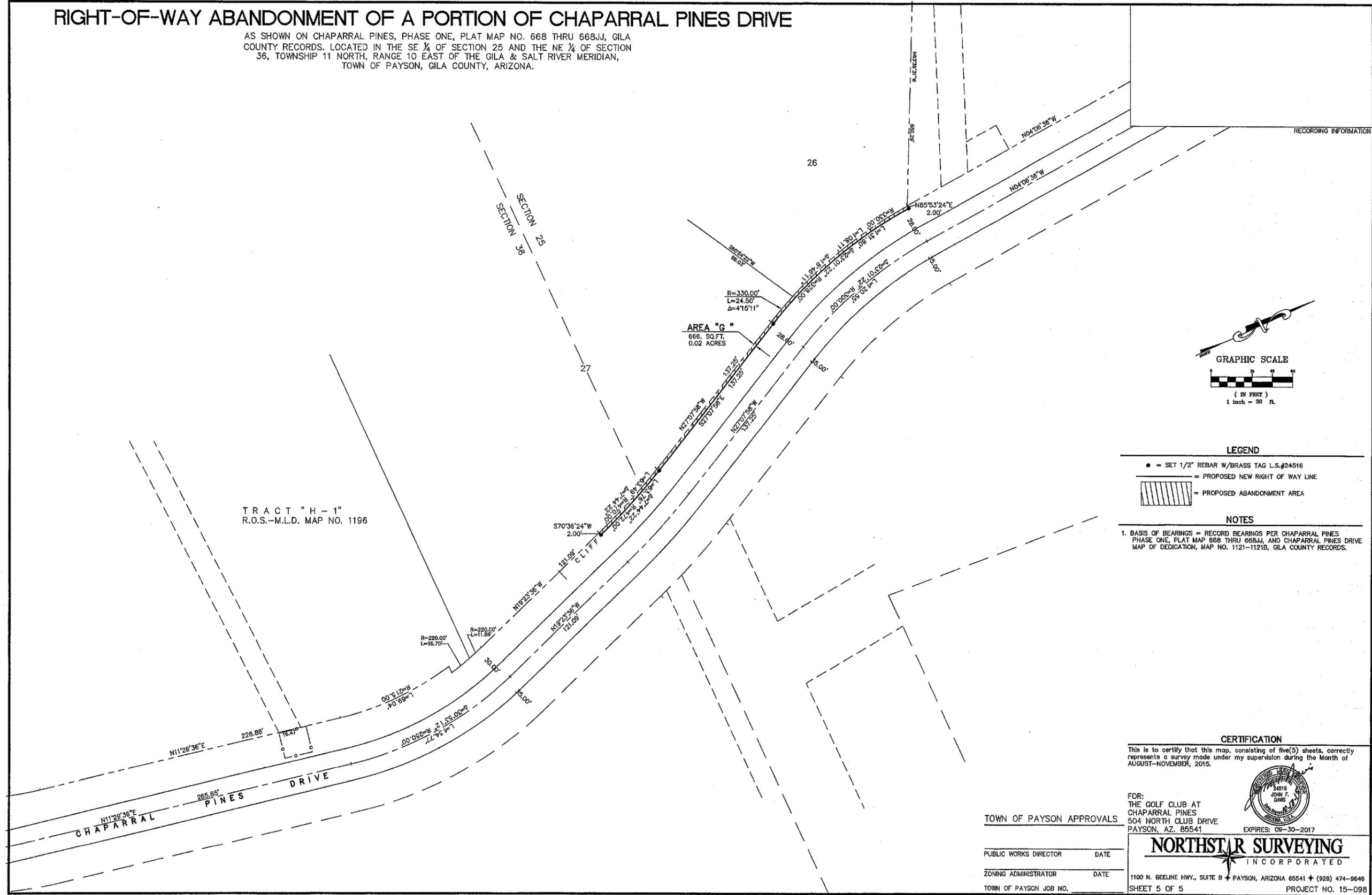
PUBLIC WORKS DIRECTOR _____ DATE _____
ZONING ADMINISTRATOR _____ DATE _____
TOWN OF PAYSON JOB NO. _____

NORTHSTAR SURVEYING
INCORPORATED

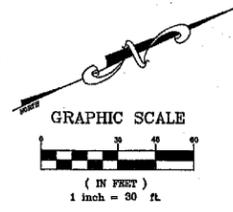
1100 N. BEELINE HWY., SUITE B + PAYSON, ARIZONA 85541 + (928) 474-9648
SHEET 4 OF 5 PROJECT NO. 15-098

RIGHT-OF-WAY ABANDONMENT OF A PORTION OF CHAPARRAL PINES DRIVE

AS SHOWN ON CHAPARRAL PINES, PHASE ONE, PLAT MAP NO. 668 THRU 668JJ, GILA COUNTY RECORDS. LOCATED IN THE SE ¼ OF SECTION 25 AND THE NE ¼ OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 10 EAST OF THE GILA & SALT RIVER MERIDIAN, TOWN OF PAYSON, GILA COUNTY, ARIZONA.



RECORDING INFORMATION



LEGEND

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FOR:
THE GOLF CLUB AT
CHAPARRAL PINES
504 NORTH CLUB DRIVE
PAYSON, AZ. 85541

EXPIRES: 09-30-2017

NORTHSTAR SURVEYING
INCORPORATED

1100 N. BEE LINE HWY., SUITE B • PAYSON, ARIZONA 85541 • (928) 474-9646
SHEET 5 OF 5 PROJECT NO. 15-098

TOWN OF PAYSON APPROVALS

PUBLIC WORKS DIRECTOR DATE
ZONING ADMINISTRATOR DATE
TOWN OF PAYSON JOB NO.

Citizen Correspondence

DeSchaaf, Sheila

From: Donald Ostrowski [drostrowski@ameritech.net]
Sent: Sunday, November 29, 2015 10:33 AM
To: DeSchaaf, Sheila
Cc: c.mineart.cpc@gmail.com; c.meyer.cpc@gmail.com; c.harrison.cpc@gmail.com;
j.wood.cpc@gmail.com; johnory2@gmail.com; melissar@ogdenre.com;
s.laybourne.cpc@gmail.com; tomjimerson@aol.com; jim.hamilton@buffalogolfgmt.com
Subject: Easement along Chaparral Pines Drive

To: Planning & Development Director - Sheila Deschaaf

Ms Deschaaf:

I am asking that you support the easement for the fence along Chaparral Pines Drive.

The increasing elk population in Chaparral Pines is fast becoming a public health and safety issue. For the health of the herd and the safety of the public, we must do all we can to reduce their numbers. They don't migrate anymore because everything they need, food, water and lack of predators is artificially supplied right here. As a result, the elk have become so accustomed to humans, they no longer fear us. According to Arizona Game and Fish, this feeding of the elk is dangerous. There's also the possibility of disease transmission when wildlife exist in unnaturally high densities in such a small area. Some diseases, such as Chronic Wasting Disease, are transmitted through saliva, so feeding from the same food source can decimate herds.

When I am walking in the neighborhood, the elk will stand their ground and not move, forcing me to cross the street or wait until they decide to move on. I no longer feel safe from the elk, even in my own yard. Earlier this year, as I walked out of my back door to go over to my garage, I saw two baby elk stand up and run away. That's not unusual as numerous elk (10-20) are typically eating and resting in my rear yard almost every day. When I started down the stairs to the garage, a cow elk stood up and faced me. She was about 50 feet away, down a hill. I recall having a bad feeling at that point because they typically wander off. As I continued down the stairs, the elk charged up the hill towards me. I was able to get in the garage and slam the door behind me. When I looked out of the window, the elk was less than 20 feet away, she then turned around and walked back down the hill. I don't know how, but either when trying to get the garage door open or slamming it behind me, I injured my wrist, which still is painful today.

Thank you

Donald Ostrowski
2103 E Filaree Cir
Payson, AZ 85541

928-478-6217

DeSchaaf, Sheila

From: Carol Mineart [c.mineart@gmail.com]
Sent: Saturday, November 28, 2015 6:00 AM
To: DeSchaaf, Sheila
Subject: Chaparral Pines Fence
Attachments: 1-IMG_1899.jpg; 1-IMG_1898.jpg

Sheila DeSchaff,
Planning & Development Director Town of Payson

I have been a resident of Chaparral Pines for 8 years and have owned property here for 15 years. I have seen the Elk population increase dramatically and also have seen the incidents of property damage and contact with humans increase dramatically. My husband and I have had thousands of dollars of landscape damage over the years. This summer we planted 4 tall cypress trees and after returning from a short vacation we saw all trees damaged. (See pictures attached.) Two trees had some damage but two were almost completely eaten to the bark and will almost certainly be permanently deformed in shape. As you can see from the photos we have since encircled with wire with the hope they will at least survive, but this was a \$1,500 investment including the planting of these large trees. Just this morning we had to chase two Elk away from a 20' plus Blue Spruce that they were eating on also.

When you do try to protect your property you are also at risk, as about one week ago I attempted to scare several out of our driveway that were eating shrubs. Most ran away but two would not move and when I took one more step toward them and clapped my hands they came running toward me – not away from me and it was me that had to run.

I have been charged more than once by Elk while I am walking my dog on the sidewalks and through the trails. You no longer feel safe in our community. I enjoy animals and seeing Elk, but seeing them in the wild would be a much better and a more realistic viewing. I am definitely in favor of a fence around Chaparral Pines in order to protect property and improve safety in the community. This is just one of many examples of incompatibility between humans and the herds of elk as you hear numerous examples every day.

Carol Mineart
504 N. Grapevine Drive
Payson, AZ 85541





DeSchaaf, Sheila

From: john.pajerski@cox.net
Sent: Thursday, December 17, 2015 5:30 PM
To: DeSchaaf, Sheila
Cc: chappinesmatters@gmail.com
Subject: Fwd: Letter for Payson P & Z Commissioners - Deny Right of Way (ROW) along CP Drive

Dear Sheila,

My name is John Pajerski, my wife Lynn and I live in Chaparral Pines and have done so since 2010. For a number of years, there has been a contingent of CP residents who have been pushing our HOA Board members to erect a fence around the community. There is also a number of concerned owners in CP who have raised concerns about the logic of building a fence that will never be fully completed because there are a number of home owners who refuse to give easements to put a fence in their back yards. Ostensibly, the purpose of the fence is to keep elk off of the golf course and to provide security for CP residents. Therefore, due to the fact the there will always be huge holes in the fence, the fence will be useless. Moreover, when my wife and I made the decision to buy and live in Chaparral Pines we did so because we liked what we saw. We feel that erecting a fence along the main corridor that all CP residents must pass by to get to our homes would be patently unfair to those of us who bought property here in it's pristine state without a fence. We have lived in the Phoenix area for over 30 years and if we wanted to look at fences we could have stayed there. Sheila, ask yourself if you think it is fair for a select group of people to force their will on the entire community with no obvious benefit to anyone. Thanks for your consideration.

Best regards,

John and Lynn Pajerski

DeSchaaf, Sheila

From: Tom Thompson [tommyjt@mac.com]
Sent: Wednesday, December 16, 2015 7:33 AM
To: DeSchaaf, Sheila
Subject: Right of Way

Categories: Orange Category

To The Planning and Zoning Commissioners for the Town of Payson.

My wife and I are property owners in Chaparral Pines. We feel that it's in the best interest of this community for the elk fence to be completed. To that end we are writing to respectfully ask that the request for a Right of Way along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be approved.

Thank you,

Tom and Lori Thompson

DeSchaaf, Sheila

From: Marlene Lawrence [mulligan1943@gmail.com]
Sent: Tuesday, December 15, 2015 4:23 PM
To: DeSchaaf, Sheila
Subject: Chaparral Pines Drive

I am concerned about the easement along CP Drive. It is already a busy street without the additional traffic that once CP is built out and fully developed will bring. To grant an easement along that road is ridiculous. You may at some time need to widen the road or put a sidewalk along the road to handle the traffic for the development. I am looking at a long range plan situation and that is also what the Planning and Development Commission should be looking at.

If the golf course needs a fence to protect their property they should put it on their own property and leave the street alone. I am against the easement for Chaparral Pines, I think that the traffic flow is important enough not to grant an easement for the fence.

Please put my objection in the packet for all of the Commissioners. They should really vote no on the easement that is being requested by Chaparral Pines. If their job is to do the long range planning their should be no question on how they should vote, which would be a no.

Thank you.

Marlene Lawrence, a concerned property owner in Chaparral Pines

DeSchaaf, Sheila

From: ronni Farese [ronninjaz@gmail.com]
Sent: Tuesday, December 15, 2015 1:38 PM
To: DeSchaaf, Sheila
Subject: Grant of Right away

Categories: Orange Category

Hello:

I am a homeowner at Chapparel Pines and I am writing this letter of objection regarding the grant for a right of way. I totally object to the right of way along Chapparel Pines Drive. The amount of traffic flow and safety is my biggest concern and do NOT want this to go through.

Thank you for reading this and please consider my decision going forward.

Sincerely,
Ronni Farese

Sent from my iPad

DeSchaaf, Sheila

From: Jacque Keller [jacque@quantumartinc.com]
Sent: Tuesday, December 15, 2015 5:30 PM
To: DeSchaaf, Sheila
Subject: Chap Pines Drive Easement

Dear Sheila, Planning and Zoning, and Town Council,

As a homeowner in the lovely community of Chaparral Pines, I would like to go on record as disapproving of the town abandonment of the easement along Chaparral Pines Drive. We bought our home in CP for the natural setting, the wildlife, and the quaint town of Payson. I am sorry our inept HOA board is insisting on bringing this to the town while they are wasting our hard earned funds, ruining the open natural-look of our neighborhood, and reducing our property values.

That said I am fully hopeful that you will deny any easements for which Chaparral Pines or Steve Loy are asking. They have muffled our voices and think they can do it on this platform, too. People who live here have been bullied and called names like "Nazis", "Fruitcakes", and "Idiots". And it is shameful. I am sorry you all have been pulled into this contentious debate, and for that I apologize.

Thank you for all you do for our beautiful community...

Always,
Jacque L Keller
926 N. Scenic Drive
Payson, AZ 85541
602-618-0350

DeSchaaf, Sheila

From: Murphyabbott@aol.com
Sent: Tuesday, December 15, 2015 6:39 PM
To: DeSchaaf, Sheila
Subject: Denial for request of ROW - CP Drive

To The Planning and Zoning Commissioners for the Town of Payson:

We are writing to respectfully ask that the request for a Right of Way (ROW) along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be denied.

The focus for this denial request lies in the town's best interest to maintain this easement in anticipation of responding to the future needs of the public. Safety and transportation are two of the needs. Chaparral Pines has 809 lots. Four hundred and eighty have homes built on them. That is 59% of the community. Forty one percent of the community (or 329 lots) have yet to be built and with that comes an increase in ingress and egress issues. Another 329 homes will equal a minimum of one car per home not to mention visiting guests and golfers. There are currently homes being built along Chaparral Pines Drive outside of CP which also increase the amount of traffic along CP Drive.

The stretch of ROW being requested is extremely close to highway 260 and a placing a fence in this area will cause a change in the current elk roaming patterns. This may very well have an adverse affect on traffic/elk collisions. If the HOA and Golf Club at Chaparral Pines are so concerned about the safety of Chaparral Pines residents and their guests, why do they continue to build elk attractions (seven ponds and other water features) around the community? The HOA and Golf Club want the right of way for aesthetic reasons only. They want a straight fence that doesn't intrude on the golf course.

Let's not worry about The Golf Club. Let's worry about the safety of Chaparral Pines residents, their guests, surrounding residents and neighborhoods. The Golf Club needs to take care of the course without involving the HOA. The Golf Club has the option, without needing easements from homeowners, to fence in the golf course and ponds eliminating two significant resources the elk are seeking.

At the last Planning & Zoning meeting, Commissioner Jennifer Smith asked if the fence would ever be complete. The answer is no. We are one several perimeter homeowners refusing to grant an easement.

As of 12/09/15 there 29 of the 60 requested perimeter easements obtained as recorded by the Gila County Assessor Office. Less than 50%. The HOA has been attempting to gain these easements for nearly three years.

It was stated at the December 2015 P & Z meeting by Mr. Steve Loy that "20 or so" homeowners are against the fence. Simply not true. There has never been a vote for the entire community to have a voice.

There are several breaches in sections of the fence already installed. In areas where natural waterways occur along the perimeter of Chaparral Pines, the fence in some places is five feet above ground level of the waterway where elk easily go underneath to seek out resources. As it becomes more difficult to obtain resources of food, water and shelter, elk stay near their resources, rather than roaming.

Granting a ROW to Chaparral Pines HOA and The Golf Club would not be in the best interest for The Town of Payson and its residents.

We respectfully ask for the Planning and Zoning Commissioners to do what is best for the entire community and deny a ROW along Chaparral Pines Drive.

Chris and Kathy Abbott

Payson residents

DeSchaaf, Sheila

From: Jane Myrick [arizonajem@cox.net]
Sent: Wednesday, December 16, 2015 5:53 AM
To: DeSchaaf, Sheila
Cc: chappinesmatters@gmail.com
Subject: Re: Letter for Payson P & Z Commissioners - Deny Right of Way (ROW) along CP Drive

>

> To The Planning and Zoning Commissioners for the Town of Payson:

> We are writing to respectfully ask that the request for a Right of Way (ROW) along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be denied.

> The focus for this denial request lies in the town's best interest to maintain this easement in anticipation of responding to the future needs of the public. Safety and transportation are two of the needs. Chaparral Pines has 809 lots. Four hundred and eighty have homes built on them. That is 59% of the community. Forty one percent of the community (or 329 lots) have yet to be built and with that comes an increase in ingress and egress issues. Another 329 homes will equal a minimum of one car per home not to mention visiting guests and golfers. There are currently homes being built along Chaparral Pines Drive outside of CP which also increase the amount of traffic along CP Drive.

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>

>

> Jane Myrick

> arizonajem@cox.net

> 602-910-4617

DeSchaaf, Sheila

From: Linda Goodman [lvtheword@gmail.com]
Sent: Wednesday, December 16, 2015 10:26 AM
To: DeSchaaf, Sheila
Subject: Chaparral Pines opposition
Attachments: Chaparral opposition.pdf

Please add my opposition vote to the Chaparral Pines Matter as attached.
Gail G Goodman, full-time resident

To The Planning and Zoning Commissioners for the Town of Payson:

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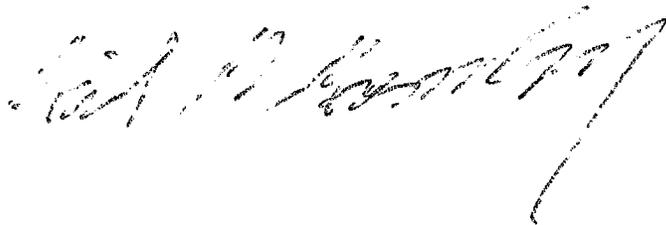
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Granting a ROW to Chaparral Pines HOA and The Golf Club would not be in the best interest for The Town of Payson and its residents.

We respectfully ask for the Planning and Zoning Commissioners to do what is best for the entire community and deny a ROW along Chaparral Pines Drive.

CP resident

Gail G Goodman Jr.



DeSchaaf, Sheila

From: Weiser, Bryan [Bryan_Weiser@fmi.com]
Sent: Wednesday, December 16, 2015 11:14 AM
To: DeSchaaf, Sheila
Subject: 1/4/16 Planning and Zoning Meeting - Request for ROW along Chaparral Pines Drive
Attachments: 20151216105558.pdf

Ms. Sheila DeSchaaf,

I wish to submit the attached letter for consideration by the Planning and Zoning Commissioners for the town of Payson at their January 4th meeting relating to a request by The Chaparral Pines HOA and The Golf Club at Chaparral Pines for a right of way along Chaparral Pines Drive.

Please let me know if you have any questions or require anything else from me and I would appreciate your confirming your receipt of this email by return email to me if you don't mind.

Thanks Sheila and best wishes for the holidays,

Bryan Weiser
2000 E. Columbine Circle
Payson, AZ
bryan_weiser@fmi.com

Planning and Zoning Commission
Town of Payson, Arizona

December 16, 2015

Re. Request for a ROW along Chaparral Pines Drive

It is my understanding that at its January 4th meeting the Planning and Zoning Commission will again consider a request by The Chaparral Pines HOA and The Golf Club at Chaparral Pines for a Right of Way (ROW) along Chaparral Pines Drive. The purpose of this letter is to ask that you decline this request.

As you are aware, the request for this ROW relates to a plan by the HOA and Club to build a fence around the community of Chaparral Pines to eliminate the access by elk into the community. However, the facts are that there are currently 31 perimeter lot owners on the western and northern sides of the community who have refused to grant easements to build a fence on their properties. Therefore the fence will never be completed and will instead tend to trap elk along the eastern and southern boundaries of Chaparral Pines which are owned by the HOA. There are also many residents other than perimeter lot owners who do not support the building of this fence.

Regardless of the underlying reason for the requested ROW, it simply is not in the best interest of the town of Payson or the residents on either side and further down the length of Chaparral Pines Drive for the Planning and Zoning Commission to permanently give up its ROW along the majority of the length of this winding two lane road. There are 329 lots within Chaparral Pines on which homes remain to be built and more growth should be expected along the eastern side as well. By giving up its ROW the town of Payson would severely limit its future options for dealing with the traffic resulting from this growth.

Therefore, I ask that the Planning and Zoning Commission deny the requested ROW along Chaparral Pines Drive.

Respectfully,



Bryan Weiser
(Chaparral Pines)
2000 E. Columbine Circle
Payson, AZ

DeSchaaf, Sheila

From: mypunkin2@aol.com
Sent: Wednesday, December 16, 2015 12:34 PM
To: DeSchaaf, Sheila
Cc: chappinesmatters@gmail.com
Subject: Chaparral Pines

Categories: Orange Category

Hello, my name is Joan Sturm. I am currently a renter here at Chaparral Pines and was intending to buy a home here until we heard about the ROW. I support your decision to vote against the ROW. My main reason for wanting to live here was to see nature of all sizes. I wasn't concerned about the golf course and the price it may cost to repair any damages, due to animals, golf carts, dogs and so on.

A natural migration, especially for the elk, is more important than changing their route, towards the 260 highway and possibly causing accidents.

It's selfish really that some owners/gofers want a smoother course, just to play a game. A game! I've talked with at least 15 golfers, in the evening, when I'm out watching the elk, and in every case they have said "its the most magical course because of the elk."

Please keep Payson natural and open, the fence is ugly in every way. If you do vote for the ROW, we'll move to Star valley or another county and my money/taxes will go to them instead. I thank you for your time.

Sincerely,

Joan Sturm

Sent from my iPad

DeSchaaf, Sheila

From: mcole@colewealthmanagement.com
Sent: Wednesday, December 16, 2015 3:32 PM
To: DeSchaaf, Sheila
Subject: Payson Planning and Zoning Commissioners ROW vote for Chaparral Pines Drive.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mrs DeSchaaf and Planning & Zoning Commission:

I ask that you consider denying the request by Chaparral Pines HOA for a ROW along Chaparral Pines Dr. I believe I'm a sensible person, but cannot seem to comprehend why they are asking for such an easement. First of all, over 50% of the perimeter lot owners have stated they will not sign easements. If only one easement is refused, the fence is useless and lot owners cannot be forced to sign easements. Consequently this project is a lost cause, and an expensive one to the homeowners at that! Secondly, should any work need to be done by the city/county in the easement, the fence would need to be removed and replaced by the CP HOA. Another significant cost to the homeowners and roadblock to city/county workers! Considering that only half the lots have homes on them, it would only make sense that additional work be needed as the population grows.

As you can imagine, with these thoughts in mind, a significant amount of homeowners are against this fence. I ask that you not approve the easement, and force the HOA and residents to work this out amicably.

Thank you for your consideration! Sincerely,

Marty

Martin T. Cole, CFP, ChFC, CLU, AAMS
Cole Wealth Management
14301 N 87th St. STE 307
Scottsdale, AZ 85260
(480) 275-6354
(480) 275-6372 - fax
(480) 205-7435 - cell
mcole@colewealth.com
<http://www.colewealth.com>



DeSchaaf, Sheila

From: BOWEC@aol.com
Sent: Wednesday, December 16, 2015 3:51 PM
To: DeSchaaf, Sheila
Cc: wdgolf12@hotmail.com; kdinaz@hotmail.com
Subject: Chaparral Pines Fence

To The Planning and Zoning Commissioners for the Town of Payson:

I know that you will be getting a lot of emails from the vocal minority within Chaparral Pines to not allow the fence to be put up on Chaparral Pines Drive, but I wanted to send you an email telling you why it should be put up.

We have a major issue with the amount of elk that are in the community. There are estimates, that I have heard, that there are 300-400 elk living within the development. So what you ask? They are creating significant damage to the golf course and home owner lots within the community. The golf course, I have heard, spends up to \$200,000 per year to repair the damage caused by the elk. They have folks that are out all evening chasing the elk to get them from destroying areas of the course. The golf course is the main attraction of the community and if the elk are not controlled it will negatively impact property values. The other issue is that unless the elk are controlled, someone is going to get injured. I was playing golf a month ago on the 17th hole and came upon 20-30 elk on that hole alone. I hit a ball into the trap by the green and upon reaching the green found an elk laying in the trap eating the grass alongside of it. As I approached the bull elk moved out of the trap, but took an aggressive stance as I came up on the green. Teeth were bared and at the point, I just left my ball and moved onto the next hole. My yard has been rampaged by elk moving through the lot knocking over lighting etc.... This cannot continue as it is out of control! As I am sure you know, the Rim Club has a fence on it's border and none of the issues I am describing exist at the Rim Club.

Originally I was sympathetic to the homeowners that opposed the fence, but now that I have had a house in the development for the past couple of years and can see the damage caused by the elk I have changed my mind. The group I referenced, continues to change their logic around why the fence shouldn't be put it. It has gone from 1) It won't work 2) To much money 3) Destroy the ambience of CP to now they say it will be a safety issue by having the elk take different trails causing more to cross CP Drive and 260. None of it makes sense to me and if they want to see wildlife, I would suggest they go to the zoo! Chaparral Pines is not a good habitat for the elk to be living in, since it is not forest and I believe will have a deteriorating effect on the herd if they are allowed to exist within this unnatural habitat.

For the reasons I have outlined in this email, I am asking you to vote to allow the association to put in the fence along Chaparral Pines Drive

Respectfully.

Curt & Kim Bowe
702 Elk Run Circle
Payson

DeSchaaf, Sheila

From: William Mastin [pharmdocjpn@yahoo.com]
Sent: Thursday, December 17, 2015 1:12 PM
To: DeSchaaf, Sheila
Subject: letter requesting denial of ROW to Chaparral Pines Community Assoc
Attachments: Mayor Evans-ET-AL-STOP-THE-FENCE-v2.doc; P-Z-request to deny-1-4-16 meet.doc

Hello Sheila,

I am Bill Mastin, a resident of Chaparral Pines who is concerned regarding the proposed granting of right of way along Chaparral Pines drive.

I would appreciate it very much if you would place the two attached documents in the packets of your Commissioners who will be voting at the upcoming meeting. It is my hope that the opinions that I am expressing will be of value to them in making their decision.

Your help is greatly appreciated.

Best wishes for a very happy and safe holiday season.

Bill Mastin

Mayor Evans: kevans@paysonaz.gov,

Town Council

Sue Connell: sconnell@paysonaz.gov

Fred Carpenter: fcarpenter@paysonaz.gov

Rick Croy: rcroy@paysonaz.gov

Chris Higgins: chiggins@paysonaz.gov

Michael Hughes: mhughes@paysonaz.gov

John Wilson: jwilson@paysonaz.gov

Planning & Zoning:

Sheila DeSchaaf: sdeschaaf@paysonaz.gov

Public Works Director:

LaRon Garrett: lgarrett@paysonaz.gov

TO: Mr. Mayor, Ladies and Gentlemen of the Town Council, the Director of Planning and Zoning and the Director of Public Works,

RE: **Request to deny Chaparral Pines HOA an easement along Chaparral Pines Drive for a perimeter fence.
Request to deny Chaparral Pines HOA an easement along any and all other Property interfaces for a perimeter fence.**

I, and my wife Judith are residents of Chaparral Pines in the Feather Plume area and we are seeking your support in denying the Chaparral Pines HOA Board an easement along Chaparral Pines Drive for an eight foot perimeter fence as well as an easement along any and all other property interfaces for a perimeter fence.

There are several reasons we oppose this fence and feel it would be the best interest of the entire community to deny an easement.

COMMUNITY PARTICIPATION

While gating the entrances to the private roads of Chaparral Pines, maintained by Chaparral Pines and not the public funds indeed does makes sense, fencing the Chaparral Pines community only servers to further isolate this area from the rest of the community. We feel this sense of isolation is not productive, and not in keeping with the spirit of the Payson I chose to make my home.

NIMBY

Should Chaparral Pines ever achieve a 100% perimeter (which is very unlikely), the elk will become and increased problem (for those people who see elk as a problem) for homeowners outside the fence (such as PineGate), campers, hikers and motorists.

Elk are an asset to the Tonto National Forest that must be shared and supported by all. If herd control is warranted, there are many options available to achieve that goal. Darting females with long acting contraceptives is one such option.

SAFETY

The "planned" fence project, which is still incompletely defined both in scope and in funding by the HOA, serves to disrupt the natural habitat of resident wildlife. Addressing elk specifically, it is our experience as Feather Plume area homeowners that some elk are now fenced in while others are fenced out due to the fencing along the north side of Route 260.

For residents within the Chaparral Pines property, this has, again in our experience, resulted in a greater exposure to the elk. Some people are just not smart enough to give the animals their space, which could lead to injuries.

For motorists along Route 260, this has presented as a greater likelihood of elk encounter on the roadway. We can clearly hear the truckers blowing their horns, especially at night, as animals are encountered on the roadway. A collision between a motor vehicle and a large animal such as elk has been previously and could again be deadly. Additional fencing only enhances this likelihood.

HOA VOICE IS NOT REPRESENTATIVE

In the population of Chaparral Pines there is no clear evidence of an overwhelming voice of support for this fencing project. There never has been. A community wide vote by ballot was never held.

To date there is no proactive financial disclosure that is demonstrative of a solid financial plan. Timelines for completion of various phases of this fencing have often changed.

The quality of the fencing material has often been misstated. Decorative fencing, chain link fencing and other alternatives are touted, but one look at the fence along the North side of Route 260 tells the true tale. It is a disgrace to Payson for all who care to look. It does not speak well for all of us.

There is no proactive disclosure from CP HOA regarding ongoing maintenance. This is an expense item that will recur and must be clearly defined.

Chaparral Pines HOA has engaged in a strongarm campaign to compel homeowners on the Northern edge of the property to grant easements to their property. This is unacceptable.

IT IS ALL ABOUT THE GOLF COURSE

It's all about the golf course. A nice course to be sure, but not Pebble Beach, or Torrey Pines or Augusta.

Why not PROMOTE the elk on the course as a reason for golfers to come visit our town **and "golf with the elk"**. This might be a boon for local businesses. If so, we all benefit.

Rather than fence the area at the disadvantage of other residents, 260 motorists and the elk, why not turn lemons into lemonade.

Florida golfers deal with alligators, Georgia and Carolina golfers deal with snakes, Alaska golfers deal with moose and sometimes bear, so why can't Payson golfers deal with elk? They were here first.

Judy and I ask that you please take in to consideration the above valid reasons for denying an easement along Chaparral Pines Drive for a fence.

Your support will reward the entire community and be appreciated.

V/R

William D and Judith A. Mastin

William D. & Judith A. Mastin
123 N. Feather Plume Circle
Payson, AZ 85541

December 16, 2015

TO: Planning & Zoning Commission:

Sheila DeSchaaf: sdeschaaf@paysonaz.gov

Jennifer Smith

Clark Jones

Lori Underwood

Eric Martindale

Dan Yaeger

John Swenson

Joe Klein

Public Works Director:

LaRon Garrett: lgarrett@paysonaz.gov

Town Engineer

Curtis Ward, PE: cward@paysonaz.gov

RE: REQUEST TO DENY Chaparral Pines Community Association's request to the Town of Payson to abandon narrow portions of Town owned right of way road shoulders between 200 and 600 N Chaparral Pines Drive.

REQUEST TO DENY any and all Chaparral Pines Community Association's requests for any easement or any abandonment of right of way along any and all other property interfaces that would preferentially compromise the Town of Payson and or the residents of Payson that do not live specifically within Chaparral Pines and that accrue benefit to the Chaparral Pines Community Association exclusively.

Dear Ms. Sheila DeSchaaf

Thank you Sheila for offering to accept our correspondence regarding the issue mentioned above and to include these materials in the packets for the P&Z Commission meeting planned for January 4, 2016 at which time this matter will be considered.

My wife Judith and I have previously voiced our objections regarding this issue of the Chaparral Pines Community Association's quest to build what was previously called a decorative fence, then a perimeter fence and now being called the "deterrent fence improvement project" (source: Shaw & Lines LLC, attorneys for Chaparral Pines Community Association). Interestingly the Chaparral Pines Community Association still persists in calling it a decorative fence.

The reasons for our objection were previously stated in a letter to Mayor Evans, the Town Council, yourself and LaRon Garrett, dated August 9, 2015 and is being sent to you again with a request that you will allow it to also be included in the packets for the committee. Every basis for objection contained in that letter remains valid in our opinion.

Judy and I ask that you please take in to consideration the content of this letter as well as valid reason for denying the request by the Chaparral Pines Community Association to the Town of Payson to abandon narrow portions of Town owned right of way road shoulders as described above.

Your support and the support of the Commission will reward the entire Payson community and be greatly appreciated.

This request by the Chaparral Pines Community Association selfishly considers only the integrity of the golf course and neglects to take into account the longer-term effect that this planned fence would have on Chaparral Pines Drive and the future population growth both within Chaparral Pines and in adjacent properties. This now becomes an even greater safety issue.

Chaparral Pines is within the town of Payson, is a part of the Payson fabric and the actions of this Chaparral Pines Community Association do in fact have an effect on all of Payson as well as surrounding areas. Elk movement restriction affects all of Payson's residents, campers, wildlife photographers, hikers, bikers, motorists on the public roads, and adjacent property owners.

Establishing a fence to accommodate a golf course in a manner that effectively narrows a public street only serves the few golfers and disadvantages all other Payson residents. As traffic grows on Chaparral Pines Drive the resulting congestion can reasonably be expected to become a safety issue.

The Chaparral Pines Community Association has, in our opinion, in the past, acted in a manner inconsistent with the overall betterment of the entire community in pushing this fence issue.

The Chaparral Pines Community Association has, in our opinion as dues paying homeowners, failed to exercise due diligence in exercising full disclosure to the property owners of Chaparral Pines and has moved the entire project forward under the protection of CCR section 5.1, ("all rights and powers of the Association may be exercised by the Board without a vote of the membership."), thus avoiding a vote of all residents on this issue. Previous attempts to get this fence approved and built failed, and for good reason; the residents overwhelmingly did not want it. A vote would have again doomed the effort.

This compulsion to get this fence built at all costs has, in our opinion, demonstrated a serious flaw in the integrity of the Board of Directors and has demonstrated to us that they value a golf course much more than the homeowner residents of Chaparral Pines and now, sadly, the residents of the town of Payson.

By example I would like to offer my brief observations and personal opinions on the last P&Z Commission meeting because there are numerous inconsistencies and misstatements of fact.

In the order of speaking, my observations are as follows:

CLARK JONES made the valid point that a 7 foot fence, or a 7 ½ foot fence is inadequate to contain elk. Although this point is hotly debated I find it troubling that there is no consensus on exactly how high this fence will be.

This demonstrates to me the lack of full disclosure and effective communication by the Chaparral Pines Community Association.

JIM HAMILTON stated that elimination of all elk cannot be attained. Then WHY is over \$700K being spent to build fence known to be inadequate?

JIM HAMILTON also stated that the fence is “crucial to our operations” This is complete nonsense. Is Jim asserting that the operation will close down unless the community is surrounded by fencing?

Jim Hamilton’s operation is of no concern to the Planning and Zoning Commission with regards to the safety of all Payson residents.

JIM HAMILTON played to the safety issue. Interestingly, all those who attempt to justify the fence on the basis of safety to residents and pets fail to produce any verifiable documentation from the Payson Police Department of harm due to elk encounters.

JIM HAMILTON, with a brief powerpoint presentation, claimed the need for a fence to reduce or eliminate elk damage to the golf course.

Damage to the golf course is of no concern to the Planning and Zoning Commission with regards to the safety of all Payson residents.

JIM HAMILTON, under questioning from Jennifer Smith, maintained the fence must be on the easement to be seen and that if it were built on the golf course property it would be “invisible”. Yes, invisible. An invisible fence is a new one on me.

CHARLIE MEYERS, chair of the fence committee and now gone from Chaparral Pines, seemed confused as to whether the fence was in fact 7 ½ feet or 8 feet high.

CHARLIE MEYERS claimed he saw 30-50 elk between holes 11 & 12 @0630 when walking his dog and had to “wade through 50 elk just to walk dog”.

This is most certainly a gross overstatement based on Charlie’s assertion that Fish and Game estimated the herd in Chaparral Pines to be 100-200. Are we to believe that 25% to 50% of the estimated elk population were all congregating near Charlie’s property?

And who would attempt to walk at or through a large herd, if there was such a herd?

CHARLIE MEYERS claimed that the intersection of Tyler Parkway / 260 had 11 auto collisions in 2014 with wild life and only 1 in 2015 and thus concluded that the fence along 260 is working. No verifiable documentation was presented. His conclusion is questionable.

CHARLIE MEYERS, in response to Jennifer Smith's correct assessment that only a 100% perimeter is an effective fence stated that as the current owners of homes that refuse to grant easements move away, new owners will come in and easements will be obtained, thus solving the known current gaps.

This assumes that current owners will move away and also assumes the new owners will be granting easements.

No verifiable documentation to support these claims was presented.

A fence with gaps is nothing more than a corral with many openings.

CHARLES MEYERS, in response to Jennifer Smith's questioning regarding the willingness of the Chaparral Pines Community Association to buy the land, affirmed that the land will be purchased at \$1.00 / sq foot totaling \$28000.00 and further offered that costs of buried utility repairs will be borne by the Chaparral Pines Community Association.

This has not been made known to the homeowners of Chaparral Pines to the best of my knowledge. I know that I was unaware of the additional expense.

JOHN DOW

A resident of Chaparral Pines for over 10 years by his admission stated that he drafted a petition to support board and that the petition was signed by 307 people.

It is important to note that this petition was not presented to the Commission. If I had done the work of obtaining over 300 signatures on a petition, I most certainly would want to share it as part of my argument.

Also important is to note that 307 signatures might represent 307 homes, or possibly 307 individuals. If husband and wife then the 307 homes shrinks to 154 homes out of 480 homes built (32%). That does not sound like a groundswell of support to me.

JOHN DOW claims that maybe 10-15 people are unhappy.

This is a completely unsupported claim. Mr. Dow is entitled to his opinion but he is not entitled to his own set of facts.

While the board claims a groundswell of support for the deterrent fence project they have yet to produce evidence of such support. The claim of such support would have been demonstrated by a vote of all residents that was avoided by the board, thus leading some, myself included, to conclude that no such groundswell of support exists and a vote of membership would have quashed the project.

They instead chose to invoke the powers granted to it by section 5.1 of the CCRs ("all rights and powers of the Association may be exercised by the Board without a vote of the membership."), which allows the board to act in the manner they did.

KATE RONDEAU

A non-resident of Chaparral Pines is a person who utilizes Chaparral Pines Drive to access her 5 acre property. Her concern is that the elk will be forced to concentrate into less space if a fence along the easement is built and that may affect her horse property.

A valid point and a good example of just how selfish this fence fiasco has become.

Dr. ALFONSO MUNOZ

Fence will impact aesthetics of community negatively

Fence will reduce property values per realtor friends

Beauty of unencumbered natural setting will be lost

Fence will never be 100% containment – 21 property owners will not grant easement

Cost of fence project is ridiculously extravagant

Requests denial of granting right of way to HOA to allow for time to try to negotiate a harmonious agreement between property owners and CP ownership

TED PETTIT

Lives east of CP drive and is concerned that fence will create a narrower corridor for wildlife and affect those people east of the fence.

He accurately observes that Chaparral Pines Drive serves people other than just Chaparral Pines residents.

STEVE LOY states, at great length, that he is the owner of the Chaparral Pines property, the Rim Club property, the golf courses, and the real estate offices on the properties.

STEVE LOY is apparently a very bright and successful businessman who bought these properties (presumably) with full knowledge that resident wildlife exist.

Yet, Mr. Loy complained about elk damage to his properties and the resultant costs to fix and maintain these properties.

STEVE LOY played to the safety issue. Interestingly, all those who attempt to justify the fence on the basis of safety to residents and pets fail to produce any verifiable documentation from the Payson Police Department of harm due to elk encounters.

STEVE LOY stated, as I recall, that elk relocation costs will be astronomical and cannot be accomplished. Then WHY is over \$700K being spent to build fence known to be inadequate?

STEVE LOY stated that the #10 hole is narrow and golfers will not like it if the fence is put on the golf course, concluding then that the fence must be put on the easement. The width of the #10 hole on the golf course is of no concern to the Planning and Zoning Commission with regards to the safety of all Payson residents.

STEVE LOY stated that Rim club only have 3-4 elk because of their fence.

STEVE LOY states that only 21 people of the 810 residents oppose the fence, presumably referring to easement issue.

There are many more people opposed to this incredibly expensive fence other than the homeowners who are refusing to grant easements.

The number of Chaparral Pines residents who either support or oppose the fence

CAROL MINERT (BOARD MEMBER)

States cost of fence @ \$750K is affordable

States that more easements will be obtained

States that property values will not be adversely affected.

States that a well maintained golf course is a plus for property values

No supporting documentation was offered for any of the above controversial points.

The validity of any of the above points is of no concern to the Planning and Zoning Commission with regards to the safety of all Payson residents.

JENNIFER SMITH

Opines that long term planning is about traffic

No studies yet done to take into account the planned high density housing planned for east side of CP Drive

JENNIFER SMITH

States that the fence should be built on the golf course property and not on an easement closer to the road.

CONCLUDE

Arguments presented to justify granting an easement for this fence are narrow in scope and are often based on unsupportable statements. These arguments fail to take into consideration long term planning with the safety of all Payson residents in mind.

The advise of Dr. Munoz to deny this request to allow time for discussion and compromise on alternate solutions should be taken seriously by the Chaparral Pines Community Association.

We urge the Commission to DENY the Request To Abandon.

DeSchaaf, Sheila

From: John Dow [John@tmib.com]
Sent: Thursday, December 17, 2015 2:29 PM
To: DeSchaaf, Sheila
Subject: FW: Granting right of way Chaparral Pines Drive

Hi Sheila, please include below letter in your packets to all planning and zoning commissioners for meeting January 4th. Thank you, and have a wonderful holiday season. john

Sheila DeSchaff, Planning & Development Director Town of Payson

There is a small group claiming that installation of the the fence is a hazard to the community and not supported by the majority of the property owners in Chaparral Pines. This is completely false. The facts are that in January 2014, the board held a town hall meeting regarding the perimeter fence, which was attended by 100 plus owners. In February 2014 the board held a community workshop on the fence issue, which was attended by 200 plus owners. At both meetings, property owners overwhelming supported a fence being constructed as recommended by the forest service. As a result, the H.O.A. board had their mandate to begin construction of a security/elk fence. The last two elections for board of directors were won exclusively by candidates who were running on a pro fence stance.

Homes in phase three of Chaparral Pines have been vandalized over 10 times in the last few years by, as the police believe, intruders coming in from Underwood, a street in the development north of phase three, which has no perimeter fence.

Over the past several weeks, we have collected documentation from the owners of over 307 properties in Chaparral Pines. These property owners expressed their support for the completion of the fence and the granting of a right of way on Chaparral Pines Drive.

The portion of the fence already completed has had a positive effect on public safety by reducing the number of elk vs vehicle crashes on 260. According to A.D.O.T and the Payson Police Department, in the year prior to the installation of the fence (2014) along 260, adjacent to Chaparral Pines, there were 11 crashes involving elk. In the year following the installation of the fence (2015), there has been only 1 crash. That is a dramatic decrease.

We, the overwhelming majority here at Chaparral Pines, urge you to support the granting of a right of way on Chaparral Pines Drive.

Thank you for your consideration

John G Dow
Donald Ostrowski

DeSchaaf, Sheila

From: Marlene Lawrence [mulligan1943@yahoo.com]
Sent: Friday, December 18, 2015 9:07 AM
To: DeSchaaf, Sheila
Subject: ROW along Chaparral Pines Drive

I am a resident of Chaparral Pines and I am writing to request that you deny the right of way. It lies in the town's best interest to maintain this easement for future public needs. I ask that the Planning and Zoning Commissioners do what is best for the entire community and deny the ROW easement.

A concerned homeowner in Chaparral Pines.

Thank you,

Tom Thornton

To The Planning and Zoning Commissioners for the Town of Payson:

12/21/2015

We are writing to respectfully ask that the request for a Right of Way (ROW) along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be denied. The focus for this denial request lies in the town's best interest to maintain this easement in anticipation of responding to the future needs of the public. Safety and transportation are two of the needs. Chaparral Pines has 809 lots. Four hundred and eighty have homes built on them. That is 59% of the community. Forty one percent of the community (or 329 lots) have yet to be built and with that comes an increase in ingress and egress issues. Another 329 homes will equal a minimum of one car per home not to mention visiting guests and golfers. There are currently homes being built along Chaparral Pines Drive outside of CP which also increase the amount of traffic along CP Drive.

The stretch of ROW being requested is extremely close to highway 260 and a placing a fence in this area will cause a change in the current elk roaming patterns. This may very well have an adverse affect on traffic/elk collisions. If the HOA and Golf Club at Chaparral Pines are so concerned about the safety of Chaparral Pines residents and their guests, why do they continue to build elk attractions (seven ponds and other water features) around the community? The HOA and Golf Club want the right of way for aesthetic reasons only. They want a straight fence that doesn't intrude on the golf course.

Let's not worry about The Golf Club. Let's worry about the safety of Chaparral Pines residents, their guests, surrounding residents and neighborhoods. The Golf Club needs to take care of the course without involving the HOA. The Golf Club has the option, without needing easements from homeowners, to fence in the golf course and ponds eliminating two significant resources the elk are seeking.

At the last Planning & Zoning meeting, Commissioner Jennifer Smith asked if the fence would ever be complete. The answer is no.

As of 12/09/15 there 29 of the 60 requested perimeter easements obtained as recorded by the Gila County Assessor Office. Less than 50%. The HOA has been attempting to gain these easements for nearly three years.

It was stated at the December 2015 P & Z meeting by Mr. Steve Lov that "20 or so" homeowners are against the fence. Simply not true. There has never been a vote for the entire community to have a voice.

There are several breaches in sections of the fence already installed. In areas where natural waterways occur along the perimeter of Chaparral Pines, the fence in some places is five feet above ground level of the waterway where elk easily go underneath to seek out resources. As it becomes more difficult to obtain resources of food, water and shelter, elk stay near their resources, rather than roaming.

Granting a ROW to Chaparral Pines HOA and The Golf Club would not be in the best interest for The Town of Payson and its residents.

We respectfully ask for the Planning and Zoning Commissioners to do what is best for the entire community and deny a ROW along Chaparral Pines Drive.

Tomve Tierney - 12/21/2015

Tomve Tierney (Owner)

2701 E. Morning Glory Drive, Chaparral Pines, Payson, AZ

DeSchaaf, Sheila

From: Scott Rennard [caffeboa1@msn.com]
Sent: Sunday, December 20, 2015 10:51 PM
To: DeSchaaf, Sheila
Subject: Chaparral Pines

To The Planning and Zoning Commissioners for the Town of Payson:

We are writing to respectfully ask that the request for a Right of Way (ROW) along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be denied. The focus for this denial request lies in the town's best interest to maintain this easement in anticipation of responding to the future needs of the public. Safety and transportation are two of the needs. Chaparral Pines has 809 lots. Four hundred and eighty have homes built on them. That is 59% of the community. Forty one percent of the community (or 329 lots) have yet to be built and with that comes an increase in ingress and egress issues. Another 329 homes will equal a minimum of one car per home not to mention visiting guests and golfers. There are currently homes being built along Chaparral Pines Drive outside of CP which also increase the amount of traffic along CP Drive.

The stretch of ROW being requested is extremely close to highway 260 and a placing a fence in this area will cause a change in the current elk roaming patterns. This may very well have an adverse affect on traffic/elk collisions. If the HOA and Golf Club at Chaparral Pines are so concerned about the safety of Chaparral Pines residents and their guests, why do they continue to build elk attractions (seven ponds and other water features) around the community? The HOA and Golf Club want the right of way for aesthetic reasons only. They want a straight fence that doesn't intrude on the golf course.

Let's not worry about The Golf Club. Let's worry about the safety of Chaparral Pines residents, their guests, surrounding residents and neighborhoods. The Golf Club needs to take care of the course without involving the HOA. The Golf Club has the option, without needing easements from homeowners, to fence in the golf course and ponds eliminating two significant resources the elk are seeking.

At the last Planning & Zoning meeting, Commissioner Jennifer Smith asked if the fence would ever be complete. The answer is no.

As of 12/09/15 there 29 of the 60 requested perimeter easements obtained as recorded by the Gila County Assessor Office. Less than 50%. The HOA has been attempting to gain these easements for nearly three years.

It was stated at the December 2015 P & Z meeting by Mr. Steve Loy that "20 or so" homeowners are against the fence. Simply not true. There has never been a vote for the entire community to have a voice.

There are several breaches in sections of the fence already installed. In areas where natural waterways occur along the perimeter of Chaparral Pines, the fence in some places is five feet above ground level of the waterway where elk easily go underneath to seek out resources. As it becomes more difficult to obtain resources of food, water and shelter, elk stay near their resources, rather than roaming.

Granting a ROW to Chaparral Pines HOA and The Golf Club would not be in the best interest for The Town of Payson and its residents.

We respectfully ask for the Planning and Zoning Commissioners to do what is best for the entire community and deny a ROW along Chaparral Pines Drive.

Sincerely,
Scott Rennard

DeSchaaf, Sheila

From: pmattouk@aol.com
Sent: Sunday, December 20, 2015 9:07 PM
To: DeSchaaf, Sheila
Cc: chappinesmatters@gmail.com
Subject: Chaparral Pines Dr. ROW

To The Planning and Zoning Commissioners for the Town of Payson:

We are writing to respectfully ask that the request for a Right of Way (ROW) along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be denied.

The focus for this denial request lies in the town's best interest to maintain this easement in anticipation of responding to the future needs of the public. Safety and transportation are two of the needs. Chaparral Pines has 809 lots. Four hundred and eighty have homes built on them. That is 59% of the community. Forty one percent of the community (or 329 lots) have yet to be built and with that comes an increase in ingress and egress issues. Another 329 homes will equal a minimum of one car per home not to mention visiting guests and golfers. There are currently homes being built along Chaparral Pines Drive outside of CP which also increase the amount of traffic along CP Drive.

The stretch of ROW being requested is extremely close to highway 260 and a placing a fence in this area will cause a change in the current elk roaming patterns. This may very well have an adverse affect on traffic/elk collisions. If the HOA and Golf Club at Chaparral Pines are so concerned about the safety of Chaparral Pines residents and their guests, why do they continue to build elk attractions (seven ponds and other water features) around the community? The HOA and Golf Club want the right of way for aesthetic reasons only. They want a straight fence that doesn't intrude on the golf course.

Let's not worry about The Golf Club. Let's worry about the safety of Chaparral Pines residents, their guests, surrounding residents and neighborhoods. The Golf Club needs to take care of the course without involving the HOA. The Golf Club has the option, without needing easements from homeowners, to fence in the golf course and ponds eliminating two significant resources the elk are seeking.

At the last Planning & Zoning meeting, Commissioner Jennifer Smith asked if the fence would ever be complete. The answer is no.

As of 12/09/15 there 29 of the 60 requested perimeter easements obtained as recorded by the Gila County Assessor Office. Less than 50%. The HOA has been attempting to gain these easements for nearly three years.

It was stated at the December 2015 P & Z meeting by Mr. Steve Loy that "20 or so" homeowners are against the fence. Simply not true. There has never been a vote for the entire community to have a voice.

There are several breaches in sections of the fence already installed. In areas where natural waterways occur along the perimeter of Chaparral Pines, the fence in some places is five feet above ground level of the waterway where elk easily go underneath to seek out resources. As it becomes more difficult to obtain resources of food, water and shelter, elk stay near their resources, rather than roaming.

Granting a ROW to Chaparral Pines HOA and The Golf Club would not be in the best interest for The Town of Payson and its residents.

We respectfully ask for the Planning and Zoning Commissioners to do what is best for the entire community and deny a ROW along Chaparral Pines Drive.

Sincerely,

Holly and Pierre Mattouk
480-326-1929

Chaparral Pines owners of
2613 E. Pine Island Lane
and
2609 E. Pine Island Lane
Payson, 85541

DeSchaaf, Sheila

From: Bill Clearhout [billinpines@centurylink.net]
Sent: Sunday, December 20, 2015 8:34 PM
To: DeSchaaf, Sheila
Subject: Chaparral Pines Drive Easement

Town of Payson
Planning and Zoning Commission

Re: Easement along Chaparral Pines Drive

Ladies and Gentlemen:

Before making a decision to abandon and sell the easement along Chaparral Pines Drive, the commission should consider if the applicant (1) has presented information showing its request outweighs the public interest in the easement to be abandoned, and (2) whether the applicant (HOA Board of seven people) has lawful authority from the CC&Rs or membership, to build a big fence along an increasingly busy two lane public street.

Apparently, the main reason to fence is to protect the corporate owned golf course near the street from elk which have been drawn to the lush grass since the course was created eighteen years ago. The proposed tall iron fence close to the street will likely affect the public interest adversely in bad weather, when accidents happen, and when emergency and public service vehicles need clear passage without obstruction where the easement now exists. While the fence might benefit the golf club business (lower maintenance, increased profit, and enhancement of asset value), those are woefully weak arguments on which to vacate a town easement along a narrow street.

In addition, it appears the applicant, (Directors of a nonprofit entity), has produced no credentials showing its authority under its CC&Rs to build a fence at all, and who, engaging in construction costing about \$750,000, are acting contrary to the lawful vote of the HOA membership, when, in 2007 the members did not approve HOA funds to build a fence! In spite of that, the Board now repeatedly admits it is without support of the membership because "We were elected to make these kinds of decisions [keeping the community secure from elk], and therefore do not see the need for a special vote for us to do our job." That's another way to say the Board believes it has unlimited powers when it comes to constructing a fence for the golf business using involuntary payments from the HOA membership. The CC&Rs and the HOA records do not support what the applicant is attempting to do.

Based on the foregoing, it would be prudent for the commission to seek guidance from the Town Legal Counsel before making any decision to grant the application to abandon and sell the Chaparral Pines Drive easement to anyone.

Sincerely,

Bill Claerhout
1907 E. Horizon Circle
Payson, AZ 85541

DeSchaaf, Sheila

From: Beverley Danusis [bev@aboutwisdom.com]
Sent: Sunday, December 20, 2015 5:21 PM
To: DeSchaaf, Sheila
Cc: chappinesmatters@gmail.com
Subject: Re: Our letter regarding the ROW along Chaparral Pines Drive by the HOA and The Golf Club

To The Planning and Zoning Commissioners for the Town of Payson:

We are writing to respectfully ask that the request for a Right of Way (ROW) along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be denied.

The focus for this denial request lies in the town's best interest to maintain this easement in anticipation of responding to the future needs of the public. Safety and transportation are two of the needs. Chaparral Pines has 809 lots. Four hundred and eighty have homes built on them. That is 59% of the community. Forty one percent of the community (or 329 lots) have yet to be built and with that comes an increase in ingress and egress issues. Another 329 homes will equal a minimum of one car per home not to mention visiting guests and golfers.

There are currently homes being built along Chaparral Pines Drive outside of CP which also increase the amount of traffic along CP Drive. The stretch of ROW being requested is extremely close to highway 260 and a placing a fence in this area will cause a change in the current elk roaming patterns. This may very well have an adverse affect on traffic/elk collisions. If the HOA and Golf Club at Chaparral Pines are so concerned about the safety of Chaparral Pines residents and their guests, why do they continue to build elk attractions (seven ponds and other water features) around the community? The HOA and Golf Club want the right of way for aesthetic reasons only. They want a straight fence that doesn't intrude on the golf course.

Let's not worry about The Golf Club. Let's worry about the safety of Chaparral Pines residents, their guests, surrounding residents and neighborhoods. The Golf Club needs to take care of the course without involving the HOA. The Golf Club has the option, without needing easements from homeowners, to fence in the golf course and ponds eliminating two significant resources the elk are seeking.

At the last Planning & Zoning meeting, Commissioner Jennifer Smith asked if the fence would ever be complete. The answer is no. As of 12/09/15 there 29 of the 60 requested perimeter easements obtained as recorded by the Gila County Assessor Office. Less than 50%. The HOA has been attempting to gain these easements for nearly three years.

It was stated at the December 2015 P & Z meeting by Mr. Steve Loy that "20 or so" homeowners are against the fence. Simply not true. There has never been a vote for the entire community to have a voice. There are several breaches in sections of the fence already installed. In areas where natural waterways occur along the perimeter of Chaparral Pines, the fence in some places is five feet above ground level of the waterway where elk easily go underneath to seek out resources. As it becomes more difficult to obtain resources of food, water and shelter, elk stay near their resources, rather than roaming.

Granting a ROW to Chaparral Pines HOA and The Golf Club would not be in the best interest for The Town of Payson and its residents.

We respectfully ask for the Planning and Zoning Commissioners to do what is best for the entire community and deny a ROW along Chaparral Pines Drive.

Most Sincerely yours,

Beverley and Martin Hussey

260.602.7855 (Bev)

2601 E. Pine Island Lane, Payson, AZ

To The Planning and Zoning Commissioners for the Town of Payson:

We are writing to respectfully ask that the request for a Right of Way (ROW) along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be denied.

The focus for this denial request lies in the town's best interest to maintain this easement in anticipation of responding to the future needs of the public. Safety and transportation are two of the needs. Chaparral Pines has 809 lots. Four hundred and eighty have homes built on them. That is 59% of the community. Forty one percent of the community (or 329 lots) have yet to be built and with that comes an increase in ingress and egress issues. Another 329 homes will equal a minimum of one car per home not to mention visiting guests and golfers. There are currently homes being built along Chaparral Pines Drive outside of CP which also increase the amount of traffic along CP Drive.

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It was stated at the December 2015 P & Z meeting by Mr. Steve Loy that "20 or so" homeowners are against the fence. Simply not true. There has never been a vote for the entire community to have a voice.

There are several breaches in sections of the fence already installed. In areas where natural waterways occur along the perimeter of Chaparral Pines, the fence in some places is five feet above ground level of the waterway where elk easily go underneath to seek out resources. As it becomes more difficult to obtain resources of food, water and shelter, elk stay near their resources, rather than roaming.

Granting a ROW to Chaparral Pines HOA and The Golf Club would not be in the best interest for The Town of Payson and its residents.

We respectfully ask for the Planning and Zoning Commissioners to do what is best for the entire community and deny a ROW along Chaparral Pines Drive.

DeSchaaf, Sheila

From: Cathy Semmens [csemmens@npgcable.com]
Sent: Monday, December 21, 2015 9:10 AM
To: DeSchaaf, Sheila
Cc: chappinesmatters@gmail.com
Subject: ROW

It is my understanding that the ROW requested along Chaparral Pines Drive is to exclusively install a 7-7.5 foot fence to keep ELK OUT of Chaparral Pines Gated Community. The AZ Game & Fish recommend an 8ft fence is needed to be effective in keeping Elk OUT and the fence must be placed so it completely surrounds Chaparral Pines Gated community not just along the stretch on Chaparral Pines Drive. If the HOA doesn't receive the ROW, they could (would) still be able to install the fence, but it would be on the 10th Fairway, which could upset golfers.

It was stated at the December 2015 P & Z meeting by Mr. Steve Loy that "20 or so" homeowners are against the fence. Simply not true. There has never been a vote for the entire community to have a voice. There are several 'breaches' in sections of the fence already installed in areas where natural waterways occur along the perimeter of Chaparral Pines with the fencing in some places five feet above ground level of the waterway where elk easily go underneath to seek out resources. As it becomes more difficult to obtain resources of food, water and shelter elk stay nearer to these resources, rather than roaming.

Granting a ROW to Chaparral Pines HOA and The Golf Club would not be in the best interest for The Town of Payson and its residents. If I am not mistaken, the city of Payson, the Rim , and Chaparral Pines has/have been named in law suits for having to changed the ELK's natural game trails thus causing them to use Highway 260 and Tyler Parkway as their new trails for crossing between the Rim and Chaparral Pines. Granting the ROW will only increase the use of the roadways and increasing the number of accidents to both Human and Elk. I respectfully ask for the Planning and Zoning Commissioners to do what is best for the entire community and deny a ROW along Chaparral Pines Drive.

Respectfully submitted,
Catherine Semmens
2213 E. Filaree Circle
Payson

DeSchaaf, Sheila

From: John Dow [John@tmib.com]
Sent: Wednesday, December 02, 2015 7:48 AM
To: DeSchaaf, Sheila
Subject: FW: Granting right of way Chaparral Pines Drive

Good morning Ms. DeSchaaf, I assume you received below email? I was wondering what the protocol will be, in order to speak at the 12/07/15 meeting at 3:00pm. Thank you, john

From: John Dow
Sent: Friday, November 27, 2015 7:09 AM
To: 'sdesschaaf@paysonaz.gov'

Sheila DeSchaff, Planning & Development Director Town of Payson

There is a small group claiming that installation of the the fence is a hazard to the community and not supported by the majority of the property owners in Chaparral Pines. This is completely false. The facts are that in January 2014, the board held a town hall meeting regarding the perimeter fence, which was attended by 100 plus owners. In February 2014 the board held a community workshop on the fence issue, which was attended by 200 plus owners. At both meetings, property owners overwhelming supported a fence being constructed as recommended by the forest service. As a result, the H.O.A. board had their mandate to begin construction of a security/elk fence. The last two elections for board of directors were won exclusively by candidates who were running on a pro fence stance.

Homes in phase three of Chaparral Pines have been vandalized over 10 times in the last few years by, as the police believe, intruders coming in from Underwood, a street in the development north of phase three, which has no perimeter fence.

Over the past several weeks, we have collected documentation from the owners of over 307 properties in Chaparral Pines. These property owners expressed their support for the completion of the fence and the granting of a right of way on Chaparral Pines Drive.

The portion of the fence already completed has had a positive effect on public safety by reducing the number of elk vs vehicle crashes on 260. According to A.D.O.T and the Payson Police Department, in the year prior to the installation of the fence (2014) along 260, adjacent to Chaparral Pines, there were 11 crashes involving elk. In the year following the installation of the fence (2015), there has been only 1 crash. That is a dramatic decrease.

We, the overwhelming majority here at Chaparral Pines, urge you to support the granting of a right of way on Chaparral Pines Drive.

Thank you for your consideration

John G Dow
Donald Ostrowski

DeSchaaf, Sheila

From: danbolen@cox.net
Sent: Monday, December 07, 2015 10:29 AM
To: DeSchaaf, Sheila
Subject: Opposition to fence in Chaparral Pines

Importance: High

Categories: Orange Category

To Whom It May Concern:

I have been a homeowner on the 10th hole of Chaparral Pines golf course the past seven years. I vehemently opposed to the homeowners association trying to force us to build a security/elk fence.

You received an email the end of July 2015 from Chris and Kathy Abbott, homeowners on the perimeter where fence is to be built, who also oppose the fence. I completely concur with all the issues they raised. There is no need for me to restate these issues as you all have copies.

I would like to add several other concerns:

1. The fence will need 20 more easements by property owners who will never give the board easements for their property. You will have 20 holes in the fence where elk will get through and congest the area causing harm to people around those gaps in the fence.
2. Those of us who live on the perimeters of the fence will see our home values plunge as confirmed by real estate agents.
3. The board (on their own) has decided to go ahead and spend over \$700,000 on a fence that won't work and have refused to get the community of 837 to vote. The fence has been voted down twice in the past and now the board (all golf members) have pushed ahead on this with the support of golfers who do not live on the border and won't see the fence. It should be noted that of the 837 residents in Chaparral Pines, 57% are "Trailhead" members and not golf club members.
4. Not only will the fence have impact on our community, but the surrounding communities are at risk. The fence will create more elk on Tyler Parkway and Hwy 260, causing serious auto accidents and/or more forcing elk into surrounding communities.

Unfortunately, my wife and I are out of town so we cannot attend the meeting today. We ask that you please take into consideration all the above issues and those the Abbots and many others who oppose the installation of the fence have voiced. Of great concern is the board refuses to have the community vote on the fence. Our hope is you will make the decision to not give easements for the installation of this fence on Chaparral Pines Drive.

Thank you in advance for your consideration of this serious matter.

Dan Bolen
Lot #2 Chaparral Pines
Cell: 602-418-0002

DeSchaaf, Sheila

From: Murphyabbott@aol.com
Sent: Tuesday, July 28, 2015 4:04 PM
To: Evans, Kenny; Carpenter, Fred; Connell, Su; Croy, Rick; Higgins, Chris; Hughes, Michael; Wilson, John; DeSchaaf, Sheila; Garrett, LaRon
Subject: Chaparral Pines Drive Elk Fence - Proposed Eastment Denial Request
Categories: Orange Category

To Mayor Evans, The Town of Payson Planning and Zoning Committee and The Town Council:

We are residents of Chaparral Pines and would like to ask for your support in denying the Chaparral Pines HOA Board an easement along Chaparral Pines Drive for an eight foot perimeter fence.

There are several reasons we oppose this fence and feel it would be the best interest of the community to deny an easement.

- **First and foremost is the safety for Payson residents, guests, and wildlife.** The fence will become a barrier to wildlife. With the installation of the fence on the north side of highway 260 this past year, we notice what seems to be an increase in elk roaming between the fence and highway 260. If an easement is given along CP Drive, this will yet be another barrier for the natural flow of the wildlife, potentially causing congestion on or near CP Drive and highway 260. They have a natural migration in the evening to roam to the ponds, one of which is on the tenth hole along CP Drive. Currently, when a car approaches elk that are on CP Drive, the elk are able to go either east or west to get off the street and out of traffic. When this pattern is disrupted by a fence, the elk numbers along CP Drive and highway 260 will be greater than ever because they will be limited on which way they can go. The chance of traffic injuries and accidents will definitely increase, possibly resulting in death. There are a number of children that play and fish at the tenth hole in the evenings. We are very concerned that an eight foot fence will be viewed to them as a "jungle gym" for climbing and playing on. Serious injury could occur when a child falls eight feet, possibly in to traffic.
- There are other homeowners that live on Chaparral Pines Drive besides Chaparral Pines residents. Pine Gate on the south side of CP Drive is a gated community, but not fenced. There are several additional private homes as well. We should be sensitive to their views and property values. The disruption in natural flow of the wildlife will have a direct impact on their neighborhood, properties, and the potential for car accidents along CP Drive while going to and from their homes.
- The fence could restrict the Town of Payson's efforts to repair any road, water, sewer, drainage and/or utility work needed to be performed along Chaparral Pines Drive.
- The fence will obstruct the beautiful entrance to Chaparral Pines.
- The fence would also be in clear view of the homes along the tenth fairway and those facing Chaparral Pines Drive. This will reduce their property values.

The Chaparral Pines HOA board is doing everything they can (at the homeowners cost, whether we support it or not) to install a complete perimeter fence. In the past eight years on two different occasions, the residents of Chaparral Pines have voted down a perimeter fence or an assessment to install a perimeter fence.

Our property borders The Tonto National Forest and we have refused to give an easement. There are several perimeter owners who share our same view. The HOA Board approached the National Forest Service and asked if they would place an eight foot fence along the northern border to avoid having to obtain easements from property owners such as ourselves. The NFS refused, saying there would have to be a land survey conducted and they won't fund it. They also stated that they have "more important issues" such as preparing the future university ground sight.

We would ask that you please take in to consideration the above valid reasons for denying an easement along Chaparral Pines Drive for a fence.

Your support will be deeply appreciated.

Sincerely,

Chris and Kathy Abbott
2804 E. Golden Rod Circle
Payson, AZ 85541

DeSchaaf, Sheila

From: Jack Ratliff [jackwratliff@hotmail.com]
Sent: Wednesday, August 05, 2015 7:14 PM
To: Connell, Su; Carpenter, Fred; Croy, Rick; Higgins, Chris; Hughes, Michael; Wilson, John; DeSchaaf, Sheila; Garrett, LaRon
Subject: Elk Fence

To Mayor Evans, The Town of Payson Planning and Zoning Committee and The Town Council:
We have property in Chaparral Pines and would like to ask for your support in denying the Chaparral Pines HOA Board an easement along Chaparral Pines Drive for an eight foot perimeter fence.
There are several reasons we oppose this fence and feel it would be the best interest of the community to deny an easement.

- **First and foremost is the safety for Payson residents, guests, and wildlife.** The fence will become a barrier to wildlife. With the installation of the fence on the north side of highway 260 this past year, we notice what seems to be an increase in elk roaming between the fence and highway 260. If an easement is given along CP Drive, this will yet be another barrier for the natural flow of the wildlife, potentially causing congestion on or near CP Drive and highway 260. They have a natural migration in the evening to roam to the ponds, one of which is on the tenth hole along CP Drive. Currently, when a car approaches elk that are on CP Drive, the elk are able to go either east or west to get off the street and out of traffic. When this pattern is disrupted by a fence, the elk numbers along CP Drive and highway 260 will be greater than ever because they will be limited on which way they can go. The chance of traffic injuries and accidents will definitely increase, possibly resulting in death. There are a number of children that play and fish at the tenth hole in the evenings. We are very concerned that an eight foot fence will be viewed to them as a "jungle gym" for climbing and playing on. Serious injury could occur when a child falls eight feet, possibly in to traffic.
- There are other homeowners that live on Chaparral Pines Drive besides Chaparral Pines residents. Pine Gate on the south side of CP Drive is a gated community, but not fenced. There are several additional private homes as well. We should be sensitive to their views and property values. The disruption in natural flow of the wildlife will have a direct impact on their neighborhood, properties, and the potential for car accidents along CP Drive while going to and from their homes.
- The fence could restrict the Town of Payson's efforts to repair any road, water, sewer, drainage and/or utility work needed to be performed along Chaparral Pines Drive.
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The Chaparral Pines HOA board is doing everything they can (at the homeowners cost, whether we support it or not) to install a complete perimeter fence. In the past eight years on two different occasions, the residents of Chaparral Pines have voted down a perimeter fence or an assessment to install a perimeter fence.

The HOA Board approached the National Forest Service and asked if they would place an eight foot fence along the northern border to avoid having to obtain easements from property owners. The NFS refused, saying there would have to be a land survey conducted and they won't fund it. They also stated that they have "more important issues" such as preparing the future university ground sight.

We would ask that you please take in to consideration the above valid reasons for denying an easement along Chaparral Pines Drive for a fence.

Your support will be deeply appreciated.

Sincerely,
Gloria Ratliff
2313 E. Feather Plume Lane

DeSchaaf, Sheila

From: William Mastin [pharmdocjpn@yahoo.com]
Sent: Sunday, August 09, 2015 1:52 PM
To: Evans, Kenny; Connell, Su; Carpenter, Fred; Croy, Rick; Higgins, Chris; Hughes, Michael; Wilson, John; DeSchaaf, Sheila; Garrett, LaRon
Subject: REQUEST TO DENY CHAPARRAL PINES FENCE EASEMENT
Attachments: Mayor Evans-ET-AL-STOP-THE-FENCE-v2.doc
Categories: Orange Category

TO: Mr. Mayor, Ladies and Gentlemen of the Town Council, the Director of Planning and Zoning and the Director of Public Works,

**RE: Request to deny Chaparral Pines HOA an easement along Chaparral Pines Drive for a perimeter fence.
Request to deny Chaparral Pines HOA an easement along any and all other Property interfaces for a perimeter fence.**

I, and my wife Judith are residents of Chaparral Pines in the Feather Plume area and we are seeking your support in denying the Chaparral Pines HOA Board an easement along Chaparral Pines Drive for an eight foot perimeter fence as well as an easement along any and all other property interfaces for a perimeter fence.

There are several reasons we oppose this fence and feel it would be the best interest of the entire community to deny an easement.

COMMUNITY PARTICIPATION

While gating the entrances to the private roads of Chaparral Pines, maintained by Chaparral Pines and not the public funds indeed does makes sense, fencing the Chaparral Pines community only servers to further isolate this area from the rest of the community. We feel this sense of isolation is not productive, and not in keeping with the spirit of the Payson I chose to make my home.

NIMBY

Should Chaparral Pines ever achieve a 100% perimeter (which is very unlikely), the elk will become and increased problem (for those people who see elk as a problem) for homeowners outside the fence (such as PineGate), campers, hikers and motorists.

Elk are an asset to the Tonto National Forest that must be shared and supported by all. If herd control is warranted, there are many options available to achieve that goal. Darting females with long acting contraceptives is one such option.

SAFETY

The "planned" fence project, which is still incompletely defined both in scope and in funding by the HOA, serves to disrupt the natural habitat of resident wildlife. Addressing elk specifically, it is our experience as Feather Plume area homeowners that some elk are now fenced in while others are fenced out due to the fencing along the north side of Route 260.

For residents within the Chaparral Pines property, this has, again in our experience, resulted in a greater exposure to the elk. Some people are just not smart enough to give the animals their space, which could lead to injuries.

For motorists along Route 260, this has presented as a greater likelihood of elk encounter on the roadway. We can clearly hear the truckers blowing their horns, especially at night, as animals are encountered on the roadway. A collision between a motor vehicle and a large animal such as elk has been previously and could again be deadly. Additional fencing only enhances this likelihood.

HOA VOICE IS NOT REPRESENTATIVE

In the population of Chaparral Pines there is no clear evidence of an overwhelming voice of support for this fencing project. There never has been. A community wide vote by ballot was never held.

To date there is no proactive financial disclosure that is demonstrative of a solid financial plan.

Timelines for completion of various phases of this fencing have often changed.

The quality of the fencing material has often been misstated. Decorative fencing, chain link fencing and other alternatives are touted, but one look at the fence along the North side of Route 260 tells the true tale. It is a disgrace to Payson for all who care to look. It does not speak well for all of us.

There is no proactive disclosure from CP HOA regarding ongoing maintenance. This is an expense item that will recur and must be clearly defined.

Chaparral Pines HOA has engaged in a strongarm campaign to compel homeowners on the Northern edge of the property to grant easements to their property. This is unacceptable.

IT IS ALL ABOUT THE GOLF COURSE

It's all about the golf course. A nice course to be sure, but not Pebble Beach, or Torrey Pines or Augusta.

Why not PROMOTE the elk on the course as a reason for golfers to come visit our town **and "golf with the elk"**. This might be a boon for local businesses. If so, we all benefit.

Rather than fence the area at the disadvantage of other residents, 260 motorists and the elk, why not turn lemons into lemonade.

Florida golfers deal with alligators, Georgia and Carolina golfers deal with snakes, Alaska golfers deal with moose and sometimes bear, so why can't Payson golfers deal with elk? They were here first.

Judy and I ask that you please take in to consideration the above valid reasons for denying an easement along Chaparral Pines Drive for a fence.

Your support will reward the entire community and be appreciated.

V/R

William D and Judith A. Mastin

DeSchaaf, Sheila

From: Chaparral Pines Community Association [chaparralpineshoa@gmail.com]
Sent: Thursday, August 13, 2015 2:37 PM
To: DeSchaaf, Sheila
Subject: Letter from Chaparral Pines HOA Board President

Dear Ms. Deschaaf,

It has come to the attention of the HOA Board of Directors of the Chaparral Pines Community that you have received a letter or letters from some of our members regarding HOA efforts to construct an elk/security fence on the perimeter of our property. In preparation for a possible agenda item to the City Council we wanted to provide preliminary information regarding our rationale and process for erecting the fence. For many years now the number of elk has been increasing within our borders. AZ Game and Fish estimate our number of elk to be between 150-200, with several generations born within the community. We have become an unnatural sanctuary for the elk herd. They have found ample food and water; no natural enemies; and no reason to follow their natural seasonal movement and breeding patterns. They have adopted our community and have no reason to leave. As a result the elk continue to become more acclimated to human presence and safety has become an issue. Close calls between elk and our members are continually reported to the HOA, especially during calving and rut seasons. Game and Fish is also concerned about the increasing herd size and the safety of our members (and elk) and informed us the ONLY solution is the construction of an 8' fence around our perimeter.

We started two years ago discussing the elk issue in community Town Hall meetings, newsletter articles, and emails with individuals. We received strong community support to pursue constructing the fence. Because our CC&Rs (Covenants, Conditions, and Restrictions) require community votes on special assessments, loans, election matters, and changes to the CC&Rs the board decided to fund the fencing project over several years with annual appropriations. These appropriations were presented at Public Board meetings, the quarterly newsletter, and in paper form attached to each member's final annual bill.

To accomplish the construction of the fence we needed to secure easements from our residents, property owners adjoining Chaparral Pines and the Town of Payson. Based on filed easements we will have 89% of the fence line secured if we receive the support of the Town Council. That would leave approximately 16 individual lot easements to be secured some of which are already in process but not yet recorded. The remaining easements are not as urgent because those areas are budgeted in future years.

We are currently working in cooperation with the Club owner, Mr. Steve Loy, to co-construct a decorative fence along Chaparral Pines Drive, some of which lies on Town of Payson right-of-way. In the near future the Club will be submitting an application to the Council requesting help with the right-of-way issue. It is for this reason that I wanted to provide the rationale and process we have gone through to get where we are today. We have always valued our relationship with the Town and hope that when the application comes to them that they will support it.

Please do not hesitate to contact me with any questions or concerns about what the HOA Board is trying to do in the best interest of their community. I appreciate in advance your time and considerations.

John C. Ory
President, HOA Board of Chaparral Pines
(217) 493-9606
ory@illinois.edu

DeSchaaf, Sheila

From: Eloise Jones [jsbach@npgcable.com]
Sent: Tuesday, August 18, 2015 11:10 AM
To: DeSchaaf, Sheila

Categories: Orange Category

Dear Ms. DeSchaaf,

I am writing you concerning the proposal of putting up an 8 foot fence along Chaparral Park Drive. I live in the Pinegate Court community across the street and travel that beautifully landscaped road to the gate many times. The tenth golf green is the only one that can be seen from any road surrounding the Country Club. An 8 foot fence would detract from its welcoming attraction to the entrance to this golf club community. Wildlife was here before we humans and they should have a place to roam. Eloise

DeSchaaf, Sheila

From: Edna Harmon [ednaharmon13@gmail.com]
Sent: Tuesday, September 01, 2015 1:00 PM
To: Evans, Kenny; Connell, Su; Carpenter, Fred; Croy, Rick; Higgins, Chris; Hughes, Michael; Wilson, John; DeSchaaf, Sheila; Garrett, LaRon
Subject: Easement along Chaparral Pines Drive
Categories: Orange Category

Dear Mayor, Council Members, Planning & Zoning, Public Works,

We have lived on Chaparral Pines Drive for nearly 20 years and enjoy the beauty of the forest and the abundant elk that go through our property almost daily. We still marvel at the joy we receive each and every time we are able to observe these magnificent creatures.

We are totally opposed to any easement and fence that would be built along Chaparral Pines Drive. The reason we chose this location was for the large lots, views, and the local wildlife. We need to learn how to live with the wildlife that occupied this property long before our homes were built, not fence them out. A fence would totally disrupt the natural flow of the elk and cause frightened animals to run in all directions across Chaparral Pines Drive, creating a dangerous driving and walking situation. There are many visiting families that slow to watch the elk as they enjoy the cool grass on the golf course (10th hole).

I urge you to deny the easement along Chaparral Pines Drive.

Thank you,

Edna Harmon
701 N Chaparral Pines Dr
Payson AZ 85541

19 December 2015

Dear Planning and Zoning Commissioners for the Town of Payson:

I am writing to ask that the request for a Right of Way (ROW) along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be denied. I make this request as a tax payer of Gila County, and part-time Payson resident (~ six months per year since 2005).

I am a professional biologist, having worked in Arizona and the Southwest since 1970. I am a full professor at Arizona State University, and a Senior Sustainability Scholar in the Center for Biodiversity Outcomes and the Julie Ann Wrigley Global Institute of Sustainability. I have followed this “controversy” since its inception almost ten years ago, shortly after I arrived as a part-time resident in Chaparral Pines (2005). Like the MAJORITY of those that live therein, I voted “no” on this absurd fence when it was first proposed that we fund it via an “assessment” of many thousands of dollars per residence.

I am confident that the fence proposed by the golfing contingent at Chaparral Pines is fatally flawed, and will be an exercise in futility. It will not keep out elk, but may nonetheless lead to untoward wildlife consequences by channeling some species in inappropriate directions. Trust that I have many close colleagues at the Arizona Game and Fish Department, where I have been licensed to address “nuisance wildlife issues” for the past 15 years, and I consulted with them when the fence was first proposed some years ago. My colleagues at AG&FD laughed out loud when I described the plan (similar then as now) for the fence; they argue convincingly that such an approach is doomed to failure—there are a number of issues, the least of which are height (it must be much taller, 10 ft would be in the ball park), and width (it must be much more substantial). AG&FD personnel have considerable experience with these sorts of developments—when residents are desirous of wildlife relocation—and have seen that fences rarely work. For one, the “gaps” required for egress (near gates), or as a result of recalcitrant homeowners (ie, those that opt out of fence placement), result in an inability to properly “seal” the neighborhood.

As a biologist, I can also speak to the absurd notion that the fence is in ANY way related to “safety”; elk are NOT a menace to homeowners, hikers, or recreationists. The elk are only an issue for the minority of residents that golf, and view the minor disturbances by wildlife as problematic. Most of those residents I encounter while enjoying the neighborhood appreciate the opportunity to observe elk and other wildlife.

Thanks for your consideration,



Brian K. Sullivan, 2601 E. Elk Run, Chaparral Pines

21 December 2015

Dear Planning and Zoning Commissioners for the Town of Payson:

I am writing to ask that the request for a Right of Way (ROW) along Chaparral Pines Drive by The Chaparral Pines HOA and The Golf Club at Chaparral Pines be denied. I make this request as a tax payer of Gila County, and part-time Payson resident.

I am deeply disappointed that after our resident golfers “lost” the vote on this fence (the majority of those that live in Chaparral Pines do not want this fence!), they have somehow taken over the HOA and convinced them to begin spending money that would be much better spent on fire wising the neighborhood than undertaking this doomed means of improving their golf game!

Thank you for your consideration,

Elizabeth Sullivan

Elizabeth Sullivan, 2601 E. Elk Run, Chaparral Pines