



MEMORANDUM

OFFICE OF
THE
CITY ATTORNEY
CIVIL DIVISION
(520) 791-4221

DATE: February 4, 2015

TO: The Tucson Water Service Area
Review Board; Albert Elias, Nicole
Ewing Gavin, Ernie Duarte

FROM: Christopher Avery 
Principal Assistant
City Attorney

RE: Provision of Water Service to 9011 and 9021 N. Scenic Drive

During the Water Service Area Review Board hearing of December 4, 2015, the City Attorney's Office was asked to review whether there could be some legal action to be undertaken by the Applicant to ensure that any provision of water service to the two existing residences at 9011 and 9021 North Scenic Drive pursuant to the Tucson Water Service Area Policy would not result in any additional service in the future to new homes that might be built on the property at some future time and would not result in the provision of service to adjacent properties that would not otherwise be eligible for service under the Policy.

We have spent a considerable amount of time during the past 2 months discussing this issue and exploring a wide variety of options that might have proven to be feasible. Ultimately, it is our opinion that any legal options that we could present would be ineffective in reducing the future availability of service and present a substantial risk of future damage claims and transaction costs. Even if those options might bind the landowner, they would not appear to foreclose the possibility of allowing adjacent landowners to apply for service under the terms of the Policy.

It is the recommendation of the City Attorney's Office that the provision of water service to the above parcel be considered without any action relating to burdening the land or the owner with an additional legal obligation.