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Resolution No. 10339 (8-AB-2015)

Planning Commission Hearing 01/13/2016

City Council Hearing 02/23/2016

8-AB-2015

Pima Commercial GLOPE Abandonment

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Resolution No. 10339 (8-AB-2015)

Planning Commission Hearing 01/13/2016

City Council Hearing 02/23/2016

8-AB-2015

Pima Commercial GLOPE Abandonment

PLANNING COMMISSION REPORT



Meeting Date: January 13, 2016
General Plan Element: *Land Use*
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Pima Commercial GLOPE Abandonment 8-AB-2015

Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon the 33-foot General Land Office Patent Easement along the north, east and south property lines of assessor parcel 217-15-035A, located approximately 1/4 mile north of E. Raintree Drive along the SR101 frontage road with Industrial Park (I-1) zoning.

Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan
- No public input received regarding the proposed abandonment

OWNER

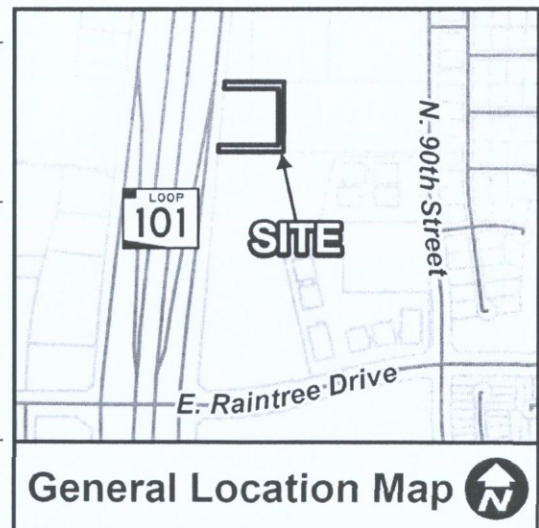
Vantage FBO Hope R Sherman IRA

APPLICANT CONTACTS

Stephen Anderson/Nick Sobraske
Gammage & Burnham
602-256-4449

LOCATION

Approximately ¼ mile north of the northeast corner of E. Raintree Drive and northbound Loop 101 frontage road



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Employment. This category includes a range of employment uses from light manufacturing to light industrial and office uses.

Character Area Plan

The Greater Airpark Character Area Plan designates the property as Airpark Mixed Use (AMU). The AMU areas are appropriate for a variety of non-residential uses, including a combination of businesses, office, employment, retail, institutional, and hotel uses.

Zoning

The site is zoned Industrial Park (I-1). The I-1 zoning district is intended to provide for light manufacturing, aeronautical, light industrial, office and supportive uses to sustain and enhance major employment opportunities.

Context

The subject property is located approximately ¼ mile north of the northeast corner of E. Raintree Drive and northbound Loop 101 frontage road. The site is surrounded by a mix of uses including the Loop 101 freeway, office and retail uses. Please refer to context graphics attached.

The subject 33-foot General Land Office Patent Easement (GLO) located along the northern, eastern, and southern boundaries of assessor parcel 217-15-035A was dedicated in May of 1954, through patent serial number 1144414. The subject GLO roadway easement was reserved on the original patent deed to assure legal access. Currently the 33-foot GLO easement is unimproved.

General Land Office Patent Easements (general information)

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 foot (or sometimes 50 foot) roadway and public utility easements typically “as near as practicable to the exterior boundaries.”
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e., lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per city circulation plans. The city’s transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all rights-of-way, alleys, and roadway easements. The City Attorney’s office has concluded that this process for consideration of GLO roadway

abandonment satisfies legal requirements.

- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon GLO patent easements, and concurs with the city's position on abandonment of GLO patent easements.

Related Policies, References:

2008 Scottsdale Transportation Master Plan

APPLICANTS PROPOSAL

Goal/Purpose of Request

This request is to abandon the 33-foot General Land Office Patent Easement along the north, east and south property lines of assessor parcel 217-15-035A, located approximately 1/4 mile north of E. Raintree Drive along the SR101 frontage road with Industrial Park (I-1) zoning, consistent with the city's Transportation Master Plan. The proposed abandonments will remove excess right-of-way allowing the future development of the site.

IMPACT ANALYSIS

Traffic/Trails

Access to the site will be provided by future connections to the northbound Loop 101 frontage road and an existing 30-foot access easement across the property located directly south of the site. The abandonment of the GLO easement located on the north, east and south portions of the property does not conflict with existing or future access to the site or to property in the vicinity of the proposed abandonment. There are no existing or proposed trails affected by the abandonment area.

Emergency/Municipal Services and Utilities

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way along the northbound Loop 101 frontage road and secondary access from the property directly south of the site. No impacts are anticipated.

Public Utilities

The public utilities have been notified of the applicant's request. The utility companies have indicated that there are no conflicts with the proposed abandonment and support the abandonment.

Community Involvement

The site was posted notifying interested parties of the request and the city sent postcards to property owners surrounding the site in notice of the request. The applicant indicated that they did not receive any response regarding the proposed abandonment and city staff did not receive any citizen input regarding the request.

Community Impact

The proposed abandonment does not restrict or remove access to any properties along the northbound Loop 101 frontage road adjacent to the site and provisions for public utilities will be provided when the site develops in the future. The proposed abandonment cleans-up excess right-of-way within the undeveloped site allowing for future development.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the 33-foot General Land Office Patent Easement along the north, east and south property lines of assessor parcel 217-15-035A, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. A vehicular access easement be reserved for the public over the 33-foot wide portion of the GLO easement area along the southern property line until such time a new access easement is dedicated to provide access for the adjacent parcel to the south of the site as required by Ordinance No. 3606 (9-ZN-2004).
2. The property owner pay to the city the combined total amount of \$5,181 as compensation to the city for the abandonment right-of-way.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Brad Carr, AICP, LEED-AP

Senior Planner

480-312-7713

E-mail: bcarr@ScottsdaleAZ.gov

APPROVED BY



Brad Carr, AICP, LEED-AP, Report Author

1.6.2015

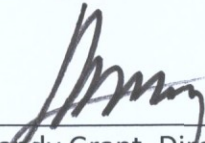
Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

1/7/2016

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

1/7/16

Date

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
3. Detail Aerial
4. Right-of-Way and Easements
5. Legal Description and Graphic Abandonment Area
6. City Notification Map

Abandonment Narrative

Approximately 1,000 feet north of NEC of the Pima Road frontage road and Raintree Drive
October 7, 2015

Property Overview

On behalf of Vantage FBO Hope R. Sherman IRA and Vantage FBO Craig R. Sherman IRA, the owners of the above referenced property, this application requests review of an abandonment on the approximate 2.24 acres located approximately 1,000-feet north of the northeast corner of the Pima Road frontage road and Raintree Drive (Maricopa County Assessor Parcel Number: 217-15-035A) ("Property"). The Property is currently zoned I-1 ("I-1") and is unimproved.

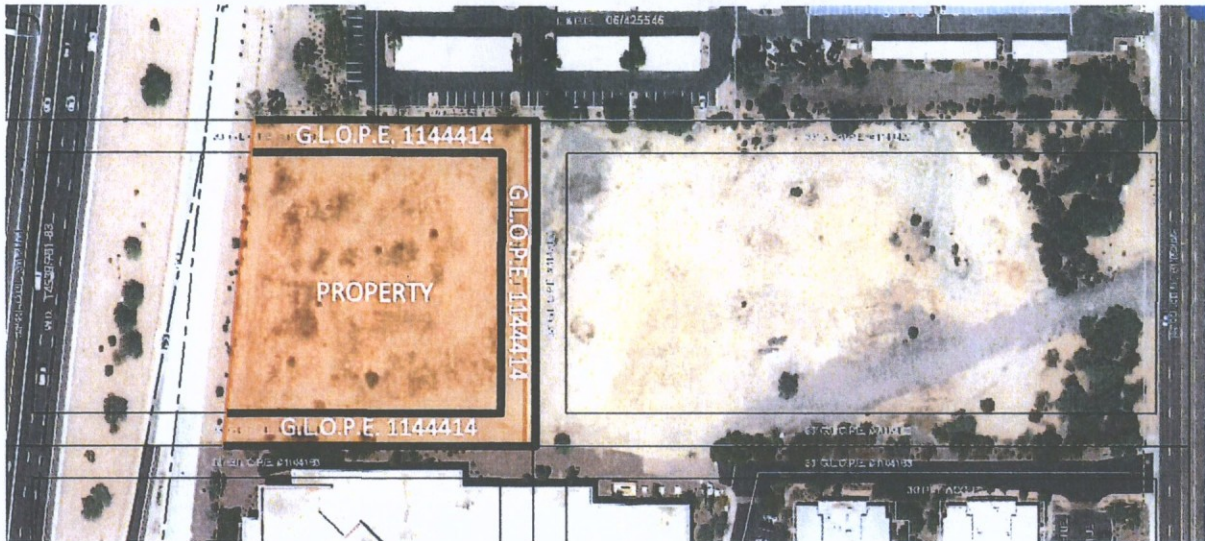


The Property is immediately bounded to the west by the Pima Road frontage road and State Route 101. To the north and south are existing office developments zoned I-1, and I-1 and C-2, respectively. To the east is an approximately 4.6 acre undeveloped parcel zoned R1-35. Further to the east is 90th Street.

**GAMMAGE
&
BURNHAM**
Attorneys at Law

Abandonment Proposal

The Application requests to abandon a portion of the existing 33-foot General Land Office Patent Easement No. 1144414 ("GLO Patent Easement") along the north, east and south boundaries of the Property (see **Map 1**). (The remainder of GLO Patent Easement extends further west on State Route 101; however, it is not subject to this request.)



Map 1

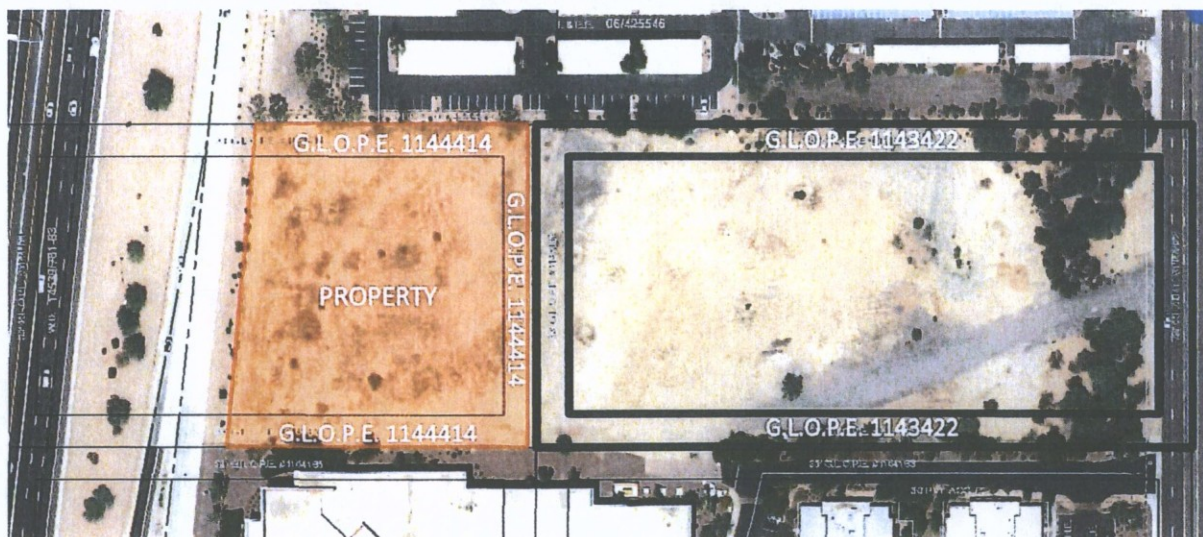
The subject GLO Patent Easement was reserved on the original patent deed to assure legal access. Currently, the GLO Patent Easement has not been improved and is not being used for vehicular access. The City of Scottsdale has generally viewed these patent roadway and utility easements as assured access until a circulation plan is established. Any patent easements in excess of the current requirement to the circulation plan and not required to insure access to any other lot may be requested to be abandoned. Primary access, including municipal and emergency, will be provided from the Pima Road frontage road at the southwest corner of the Property pursuant to a Land Purchase Agreement between the Arizona Department of Transportation and property owner. Secondary access is provided via a 30-foot access easement recorded in Document No. 2005-0696198 extending from 90th Street west to the Property (the access easement parallels the north property line of the property to the south) (see **Map 2**) or the existing 33-foot General Land Office Patent Easement (GLO Patent No. 1143422) on the undeveloped parcel to the immediate east (see **Map 3**). In addition, the City of Scottsdale's Transportation Master Plan does not require the GLO Patent Easement to complete the City's streets system, and no properties shall be denied access as a result of this abandonment. The abandonment of the GLO Patent Easement is warranted.



Map 2

Infrastructure/Utilities

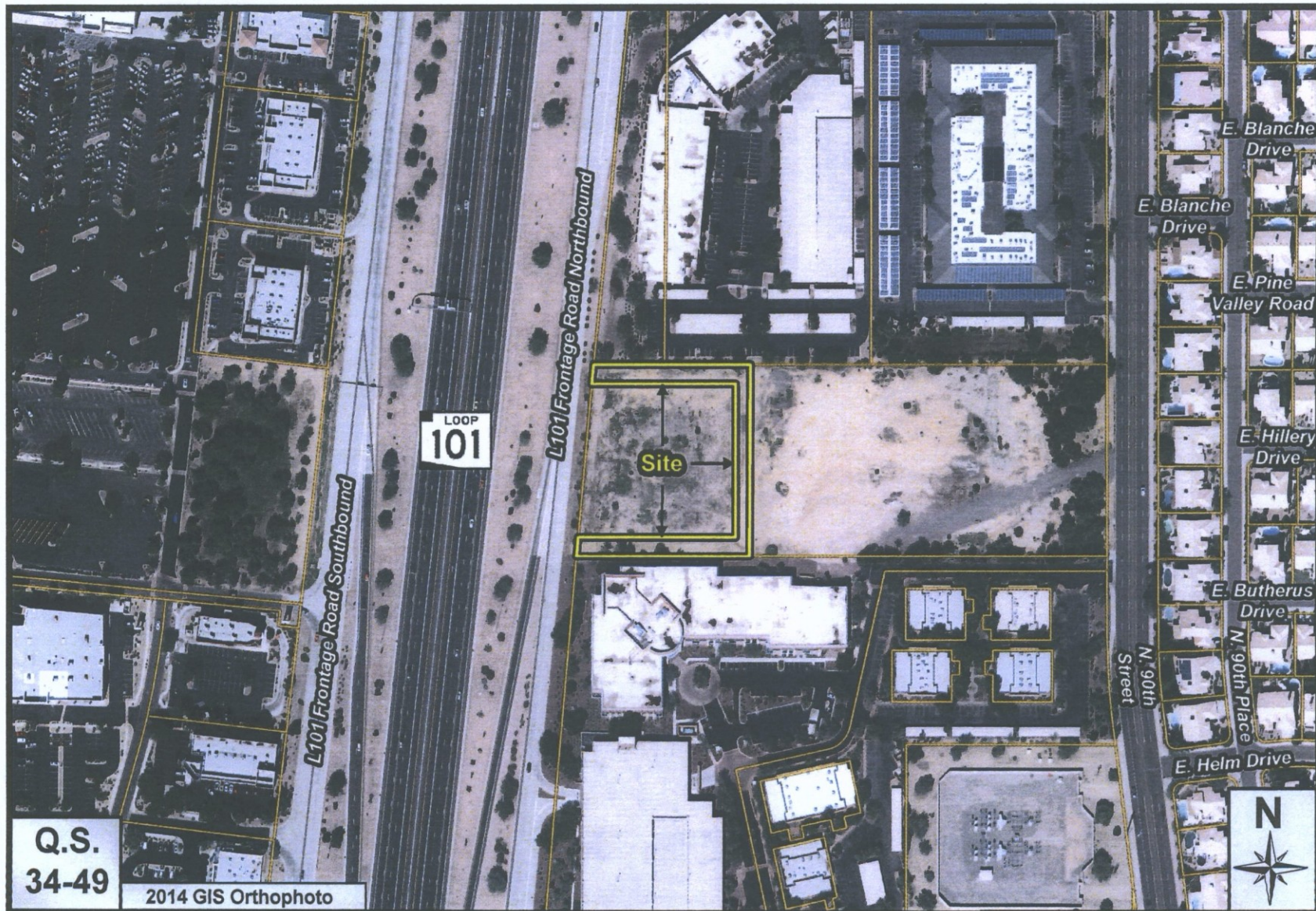
The Application does not impact the Local Infrastructure Plan. Infrastructure, utilities and municipal services will be provided and maintained through the existing 33-foot General Land Office Patent Easement (GLO Patent No. 1143422) on the undeveloped parcel to the immediate east (see **Map 3**). Currently, no utility providers have facilities in the GLO Patent Easement.



Map 3

Summary

The subject GLO Patent Easement does not restrict or remove access to the Property or any other adjoining properties, and provisions for public utilities will be provided in GLO Patent No. 1143422 on the undeveloped parcel to the immediate east. The Application does not impact the Local Infrastructure Plan or Transportation Master Plan.



Pima Commercial GLOPE Abandonment

8-AB-2015





Pima Commercial GLOPE Abandonment

8-AB-2015

EXHIBIT 'A'

LEGAL DESCRIPTION

G.L.O. EASEMENT ABANDONMENT

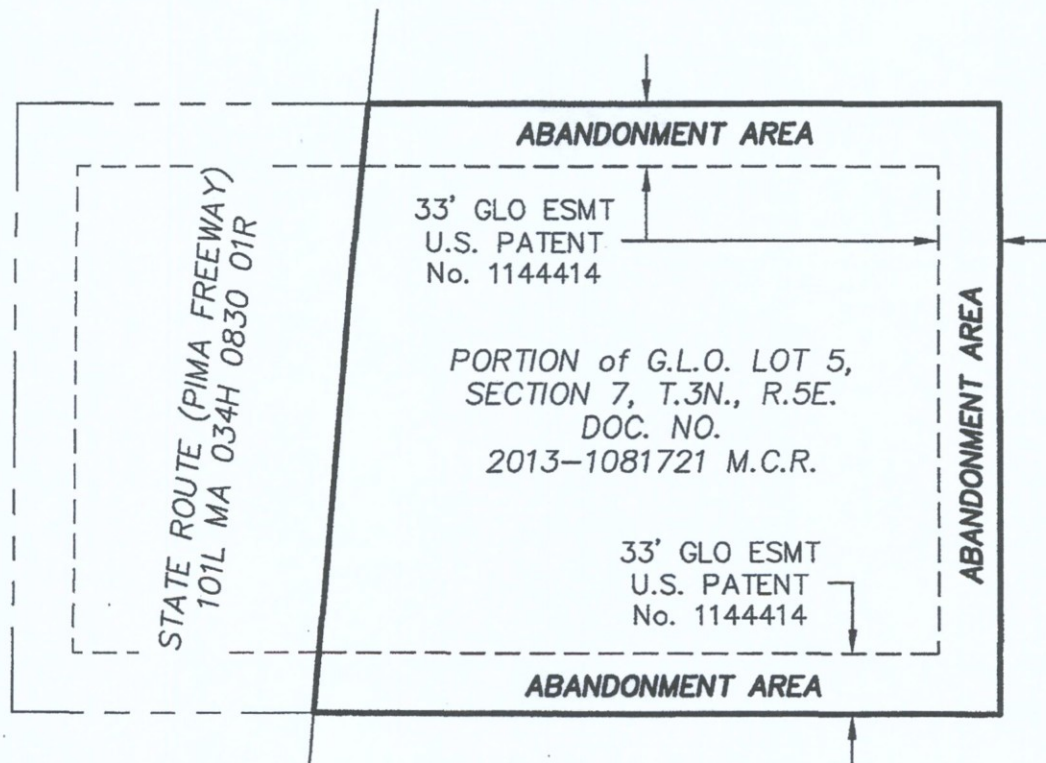
THE NORTH 33 FEET, THE EAST 33 FEET AND THE SOUTH 33 FEET OF THAT G.L.O. EASEMENT FOR ROADWAY AND PUBLIC UTILITIES PURPOSES AS RESERVED TO THE UNITED STATES BY THE UNITED STATES PATENT NO. 1144414, WHICH LIES WITHIN THAT PARCEL OF LAND AS DESCRIBED IN THE WARRANTY DEED RECORDED AS NUMBER 2013-1081721, RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN G.L.O. LOT 5 OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA.



SURVEY INNOVATION GROUP, INC
7301 E. EVANS ROAD
SCOTTSDALE, AZ 85260

SIG JOB NO. 2015-149

EXHIBIT 'B'
G.L.O. EASEMENT
ABANDONMENT



NOTE: THIS IS NOT
A BOUNDARY SURVEY

SIG JOB# 2015-149

ATTACHMENT #6



71 Postcards

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- City Website-Projects in the hearing process

8-AB-2015

CITY COUNCIL REPORT

Item 10



Meeting Date: February 23, 2016
General Plan Element: *Land Use*
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Pima Commercial GLOPE Abandonment 8-AB-2015

Request to consider the following:

1. Adopt Resolution No. 10339 to abandon the 33-foot General Land Office Patent Easement along the north, east and south property lines of assessor parcel 217-15-035A, located approximately 1/4 mile north of E. Raintree Drive along the SR101 frontage road with Industrial Park (I-1) zoning.

Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan
- No public input received regarding the proposed abandonment
- Planning Commission heard the case on January 13, 2016 and recommended approval with a 6-0 vote

OWNER

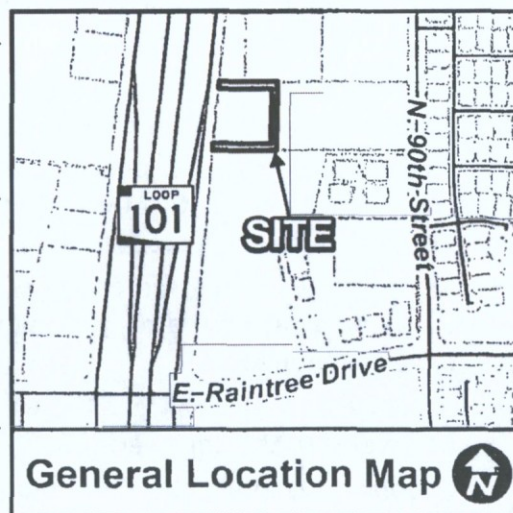
Vantage FBO Hope R Sherman IRA

APPLICANT CONTACTS

Stephen Anderson/Nick Sobraske
Gammage & Burnham
602-256-4449

LOCATION

Approximately ¼ mile north of the northeast corner of E. Raintree Drive and northbound Loop 101 frontage road



Action Taken _____

BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Employment. This category includes a range of employment uses from light manufacturing to light industrial and office uses.

Character Area Plan

The Greater Airpark Character Area Plan designates the property as Airpark Mixed Use (AMU). The AMU areas are appropriate for a variety of non-residential uses, including a combination of businesses, office, employment, retail, institutional, and hotel uses.

Zoning

The site is zoned Industrial Park (I-1). The I-1 zoning district is intended to provide for light manufacturing, aeronautical, light industrial, office and supportive uses to sustain and enhance major employment opportunities.

Context

The subject property is located approximately ¼ mile north of the northeast corner of E. Raintree Drive and northbound Loop 101 frontage road. The site is surrounded by a mix of uses including the Loop 101 freeway, office and retail uses. Please refer to context graphics attached.

The subject 33-foot General Land Office Patent Easement (GLO) located along the northern, eastern, and southern boundaries of assessor parcel 217-15-035A was dedicated in May of 1954, through patent serial number 1144414. The subject GLO roadway easement was reserved on the original patent deed to assure legal access. Currently the 33-foot GLO easement is unimproved.

General Land Office Patent Easements (general information)

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 foot (or sometimes 50 foot) roadway and public utility easements typically "as near as practicable to the exterior boundaries."
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e., lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per city circulation plans. The city's transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all rights-of-way, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway

abandonment satisfies legal requirements.

- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon GLO patent easements, and concurs with the city's position on abandonment of GLO patent easements.

Related Policies, References:

2008 Scottsdale Transportation Master Plan

APPLICANTS PROPOSAL

Goal/Purpose of Request

This request is to abandon the 33-foot General Land Office Patent Easement along the north, east and south property lines of assessor parcel 217-15-035A, located approximately 1/4 mile north of E. Raintree Drive along the SR101 frontage road with Industrial Park (I-1) zoning, consistent with the city's Transportation Master Plan. The proposed abandonments will remove excess right-of-way allowing the future development of the site.

IMPACT ANALYSIS

Traffic/Trails

Access to the site will be provided by future connections to the northbound Loop 101 frontage road and an existing 30-foot access easement across the property located directly south of the site. The abandonment of the GLO easement located on the north, east and south portions of the property does not conflict with existing or future access to the site or to property in the vicinity of the proposed abandonment. There are no existing or proposed trails affected by the abandonment area.

Emergency/Municipal Services and Utilities

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way along the northbound Loop 101 frontage road and secondary access from the property directly south of the site. No impacts are anticipated.

Public Utilities

The public utilities have been notified of the applicant's request. The utility companies have indicated that there are no conflicts with the proposed abandonment and support the abandonment.

Community Involvement

The site was posted notifying interested parties of the request and the city sent postcards to property owners surrounding the site in notice of the request. The applicant indicated that they did not receive any response regarding the proposed abandonment and city staff did not receive any citizen input regarding the request.

Community Impact

The proposed abandonment does not restrict or remove access to any properties along the northbound Loop 101 frontage road adjacent to the site and provisions for public utilities will be provided when the site develops in the future. The proposed abandonment cleans-up excess right-of-way within the undeveloped site allowing for future development.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on January 13, 2016 and recommended approval with a 6-0 vote.

Recommended Approach

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon the 33-foot General Land Office Patent Easement along the north, east and south property lines of assessor parcel 217-15-035A, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. A vehicular access easement be reserved for the public over the 33-foot wide portion of the GLO easement area along the southern property line until such time a new access easement is dedicated to provide access for the adjacent parcel to the south of the site as required by Ordinance No. 3606 (9-ZN-2004).
2. The property owner pay to the city the combined total amount of \$5,181 as compensation to the city for the abandonment right-of-way.

RECOMMENDATION

Recommended Approach:

Adopt Resolution No. 10339 to abandon the 33-foot General Land Office Patent Easement along the north, east and south property lines of assessor parcel 217-15-035A, located approximately 1/4 mile north of E. Raintree Drive along the SR101 frontage road with Industrial Park (I-1) zoning.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Brad Carr, AICP, LEED-AP
Senior Planner
480-312-7713
E-mail: bcarr@ScottsdaleAZ.gov

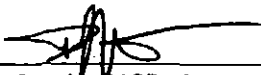
APPROVED BY



Brad Carr, AICP, LEED-AP, Report Author

2.4.2016

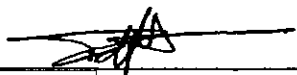
Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

2/5/2016

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

2/8/2016

Date

ATTACHMENTS

1. Resolution No. 10339
2. Applicant's Narrative
3. Context Aerial
4. Detail Aerial
5. Right-of-Way and Easements
6. City Notification Map
7. January 13, 2016 Planning Commission minutes

RESOLUTION NO. 10339

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, PARTIALLY ABANDONING A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR CERTAIN G.L.O. EASEMENTS LOCATED BETWEEN STATE ROUTE 101 AND THE 89TH STREET ALIGNMENT, AND FROM APPROXIMATELY THE EAST BUTHERUS DRIVE ALIGNMENT NORTH TO THE EAST PINE VALLEY ROAD ALIGNMENT

(8-AB-2015)

WHEREAS:

A. A.R.S. §9-500.24 and A.R.S. §28-7201, et seq. provide that a city may dispose of a roadway or portion thereof when said property or portion thereof is no longer necessary for public use.

B. After notice to the public, hearings have been held before the Planning Commission and Council of the City of Scottsdale ("City") on the proposed abandonment of the street right-of-way and other interests described on **Exhibit "A"** and **Exhibit "B"** attached hereto (the "Abandonment Right-of-way").

C. The Abandonment Right-of-way falls within, serves, affects or is near the parcel (the "Sherman Parcel") comprising approximately 2.25 acres located between State Route 101 and the 89th Street alignment, and from approximately the east Butherus Drive alignment north to the east Pine Valley Road alignment.

D. All or a portion of the Abandonment Right-of-Way lies within the area of a General Land Office (GLO) easement created by patent reservation.

E. The City Council finds that, subject to the conditions, requirements, reservations and limitation of this resolution, the Abandonment Right-of-way is no longer necessary for public use.

F. City's city council has considered the City expenditure, if any, authorized by this resolution and the direct consideration that City will receive and finds that there is a clearly identified public purpose for City's expenditure, if any, and that City will receive direct consideration substantially equal to its expenditure.

G. The City Council finds that consideration and other public benefit commensurate with the value of the property, giving due consideration to its degree of fragmentation and marketability, will be provided to the City by the owner of the abutting property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Arizona, as follows:

13914872v2

1. Abandonment. Subject to the reservations below, the Abandonment Right-of-way is abandoned as public street right-of-way.

2. Reservations. The City reserves to itself and excludes from this abandonment all of the following cumulative, perpetual interests:

2.1 Any and all interests in the Abandonment Right-of-Way that this resolution or any related application, zoning case, plat, lot split, use permit, or other land use regulatory process or requirements may require to be dedicated to City.

2.2 Any of the following in favor of City that may already have been imposed on the Abandonment Right-of-Way prior to this resolution, if any:

2.2.1 Any V.N.A.E. or other vehicular non-access easement or covenant.

2.2.2 Any N.A.O.S. or other open space or similar easement or covenant.

2.2.3 Any scenic corridor, setback or similar easement or covenant.

2.3 An easement for all existing utilities, if any.

2.4 A vehicular access easement for public use over the 33 – foot wide portion of the GLO easement area along the southern property line until such time as a new vehicular access easement is dedicated to provide access for the adjacent parcel to the south of the Sherman Parcel, as required by City of Scottsdale Ordinance No. 3606 (Case No. 9-ZN-2004).

2.5 Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

3. Effective Date. This resolution shall not be recorded or become effective until all of the following conditions (the "Conditions") are satisfied in accordance with all applicable laws, regulations and policies and at no expense to City:

3.1 The owners of the Sherman Parcel (the "Owner") shall acknowledge that City is releasing only its interest in the General Land Office (GLO) easement, and that other persons or entities may claim that this resolution does not completely extinguish the GLO easement. Each Owner releases City from any and all damages or other harm relating to any of such claims. Each Owner shall execute and acknowledge an "Agreement and Release by GLO Abandonment Parcel Owner" in the form attached hereto as **Exhibit "C"**. Each Owner shall cause all holders of fee title, leaseholds, liens, exclusive easements, and options in Owner's property to execute and acknowledge an "Agreement and Release by Lender, Tenant, or Other Interest Holder" in the form attached hereto as **Exhibit "D"**. The preceding sentence does not apply to individual residential rental unit tenants. All of such documents, when signed and acknowledged, shall be attached to and recorded with this resolution.

3.2 The owners of the Sherman Parcel shall pay to City the amount of Five Thousand One Hundred Eighty-One and No/100 Dollars (\$5,181.00) (the "Payment Amount") as compensation to City for the Abandonment Right-of-Way, in addition to any application fees or

other amounts related to this resolution and in addition to any other amounts payable to City.

3.3 The zoning administrator executes the certificate at the bottom of this resolution indicating that the Conditions have been satisfied.

4. Administration of Conditions. If the foregoing Conditions are not all satisfied prior to the second annual anniversary of this resolution, or if this resolution is not recorded prior to that deadline, then the city clerk shall mark this resolution to indicate that this resolution is void.

5. Exhibit Labeling. The text of this resolution controls any conflict with the exhibits as to the rights or interests created, reserved or otherwise affected by this resolution. For example, if the text of this resolution indicates that City is reserving a particular type of easement, but the exhibit text or labels indicate a different type of real estate interest, then the text controls.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of _____, 20____.

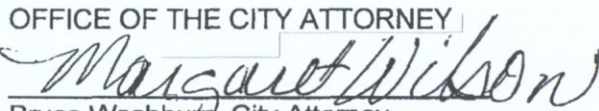
CITY OF SCOTTSDALE, an Arizona
municipal corporation

W. J. "Jim" Lane, Mayor

ATTEST:

By: _____
Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Bruce Washburn, City Attorney
By: Margaret Wilson, Assistant City Attorney

CERTIFICATE

I am the zoning administrator of the City of Scottsdale. I certify that I have confirmed that the conditions stated in paragraph 3 of the abandonment resolution above have been fulfilled and the resolution is ready to be recorded and become effective.

DATED this ____ day of _____, 20____.

signature

name printed

EXHIBIT 'A'

LEGAL DESCRIPTION

G.L.O. EASEMENT ABANDONMENT

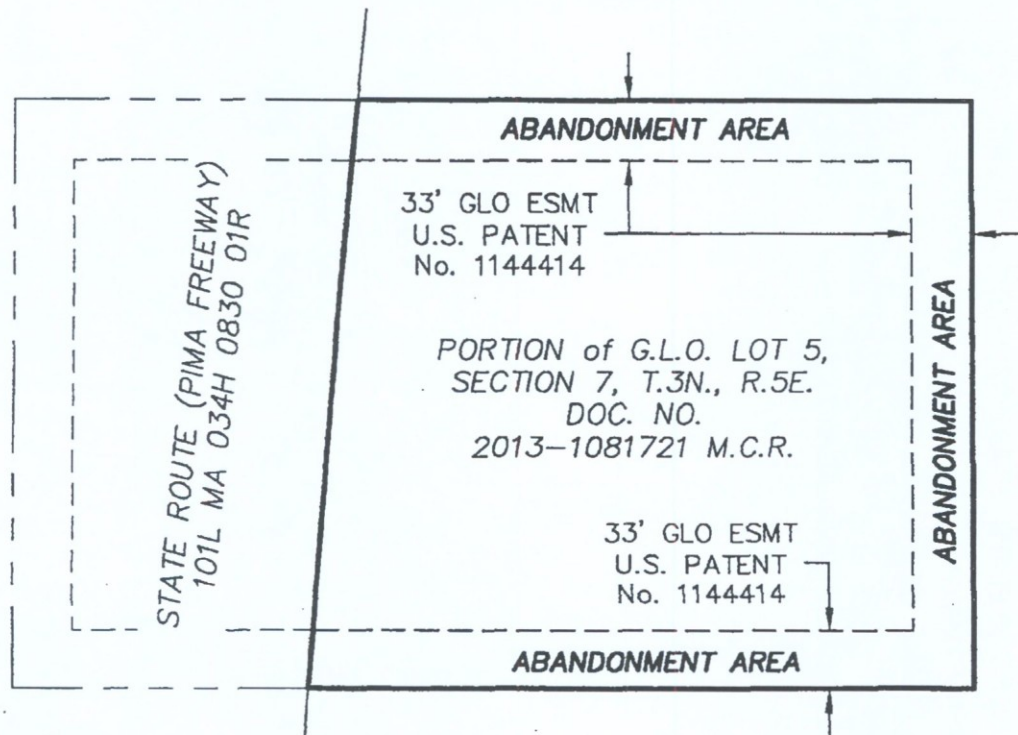
THE NORTH 33 FEET, THE EAST 33 FEET AND THE SOUTH 33 FEET OF THAT G.L.O. EASEMENT FOR ROADWAY AND PUBLIC UTILITIES PURPOSES AS RESERVED TO THE UNITED STATES BY THE UNITED STATES PATENT NO. 1144414, WHICH LIES WITHIN THAT PARCEL OF LAND AS DESCRIBED IN THE WARRANTY DEED RECORDED AS NUMBER 2013-1081721, RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN G.L.O. LOT 5 OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA.



SURVEY INNOVATION GROUP, INC
7301 E. EVANS ROAD
SCOTTSDALE, AZ 85260

SIG JOB NO. 2015-149

EXHIBIT 'B'
G.L.O. EASEMENT
ABANDONMENT



NOTE: THIS IS NOT
A BOUNDARY SURVEY

SIG JOB# 2015-149

AGREEMENT AND RELEASE BY GLO ABANDONMENT PARCEL OWNER

As an inducement to the City of Scottsdale ("City") to approve abandonment resolution No. 10339, the undersigned ("Owner") hereby makes certain acknowledgements, representations, warranties and agreements (collectively the "Assurances") in favor of City as follows:

1. Owner acknowledges that:

1.1 Some or all of the right-of-way covered by the resolution is an easement created by a federal General Land Office (GLO) patent reservation.

1.2 City's intent by the resolution is to abandon only City's specified interests in the land.

1.3 Other persons or entities may claim that the resolution does not completely extinguish the General Land Office (GLO) easement or may claim rights for themselves or others to use the land for various purposes and/or to prevent any improvement or use of the land that is affected by the resolution.

2. Owner agrees that:

2.1 Owner shall proceed entirely at Owner's own risk as to any damages, delays, loss, difficulties, injury or other harm of any nature that Owner or any third party may now or hereafter suffer due to the existence or abandonment of the easement or due to the resolution or the issues recited above. Owner completely, unconditionally and irrevocably releases City from any and all legal or other responsibility for any such harm.

2.2 All of the Assurances run with the land in favor of City upon the right-of-way covered by the resolution and upon Owner's land adjoining such right-of-way.

2.3 City would not have approved the resolution without the Assurances.

3. Owner makes the Assurances on behalf of Owner and Owner's heirs, successors and assigns, and the Assurances are binding upon all of them.

4. Owner warrants and represents that:

4.1 Owner is the owner of the fee title to the land across which the General Land Office (GLO) easement passes.

4.2 Owner has delivered to City an "Agreement and Release by GLO Abandonment Parcel Lender, Tenant or Other Interest Holder" from each holder of fee title, leaseholds, liens, exclusive easements, and options (except for individual residential rental unit tenants).

Owner: _____

13914872v2

STATE OF ARIZONA)
) ss.
County of Maricopa)

Subscribed, sworn to and acknowledged before me this _____ day of
_____, 20____ by _____.

Notary Public

My Commission Expires:

**AGREEMENT AND RELEASE BY GLO ABANDONMENT PARCEL
LENDER, TENANT OR OTHER INTEREST HOLDER**

As an inducement to the City of Scottsdale ("City") to approve abandonment resolution No. _____, the undersigned lender, tenant, or holder of another interest in the land across which the general land office (GLO) easement passes ("Interest Holder") hereby makes certain acknowledgements, warranties and agreements (collectively the "Assurances") in favor of City as follows:

1. Interest Holder acknowledges that:

1.1 Some or all of the right-of-way covered by the resolution is an easement created by a federal General Land Office (GLO) patent reservation.

1.2 City's intent by the resolution is to abandon only City's specified interests in the land.

1.3 Other persons or entities may claim that the resolution does not completely extinguish the General Land Office (GLO) easement or may claim rights for themselves or others to use the land for various purposes and/or to prevent any improvement or use of the land that is affected by the resolution.

2. Interest Holder agrees that:

2.1 Interest Holder shall be entirely at Interest Holder's own risk as to any damages, delays, loss, difficulties, injury or other harm of any nature that Interest Holder or any third party may now or hereafter suffer due to the existence or abandonment of the easement or due to the resolution or the issues recited above. Interest Holder completely, unconditionally and irrevocably releases City from any and all legal or other responsibility for any such harm.

2.2 All of the Assurances run with the land in favor of City upon the right-of-way covered by the resolution and upon the land adjoining such right-of-way in which Interest Holder holds its interest.

2.3 City would not have approved the resolution without the Assurances.

3. Interest Holder makes the Assurances on behalf of Interest Holder and Interest Holder's heirs, successors and assigns, and the Assurances are binding upon all of them.

4. Interest Holder warrants and represents that Interest Holder has not previously conveyed any part of Interest Holder's interest.

Interest Holder: _____

by _____

Its _____

13914872v2

STATE OF ARIZONA)

) ss.

County of Maricopa)

Subscribed, sworn to and acknowledged before me this _____ day of _____,
20____ by _____.

Notary Public

My Commission Expires:

Abandonment Narrative

Approximately 1,000 feet north of NEC of the Pima Road frontage road and Raintree Drive
October 7, 2015

Property Overview

On behalf of Vantage FBO Hope R. Sherman IRA and Vantage FBO Craig R. Sherman IRA, the owners of the above referenced property, this application requests review of an abandonment on the approximate 2.24 acres located approximately 1,000-foot north of the northeast corner of the Pima Road frontage road and Raintree Drive (Maricopa County Assessor Parcel Number: 217-15-035A) ("Property"). The Property is currently zoned I-1 ("I-1") and is unimproved.

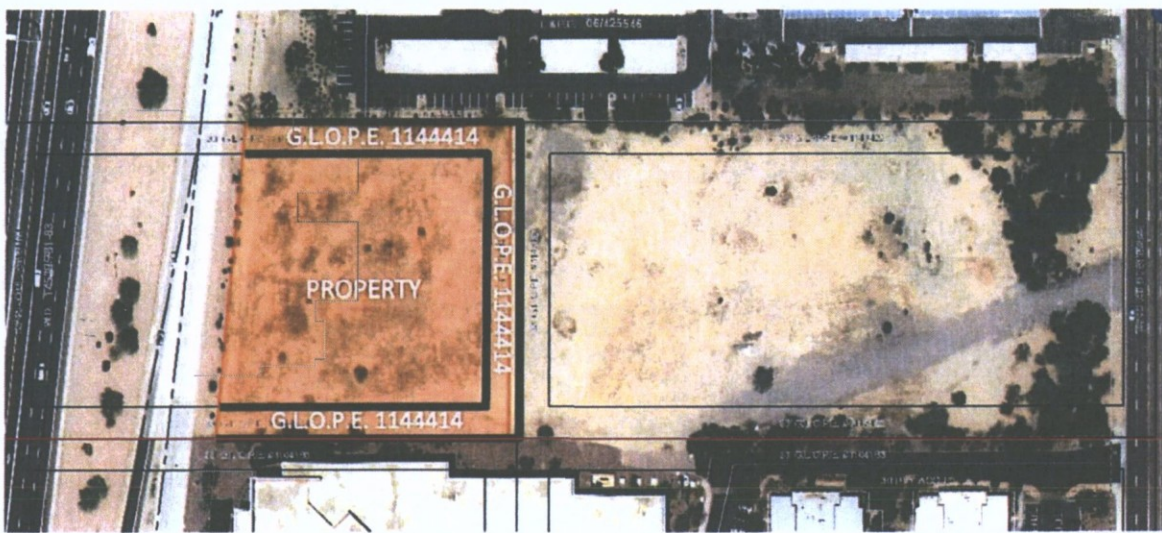


The Property is immediately bounded to the west by the Pima Road frontage road and State Route 101. To the north and south are existing office developments zoned I-1, and I-1 and C-2, respectively. To the east is an approximately 4.6 acre undeveloped parcel zoned R1-35. Further to the east is 90th Street.

**GAMMAGE
&
BURNHAM**
Attorneys at Law

Abandonment Proposal

The Application requests to abandon a portion of the existing 33-foot General Land Office Patent Easement No. 1144414 ("GLO Patent Easement") along the north, east and south boundaries of the Property (see **Map 1**). (The remainder of GLO Patent Easement extends further west on State Route 101; however, it is not subject to this request.)



Map 1

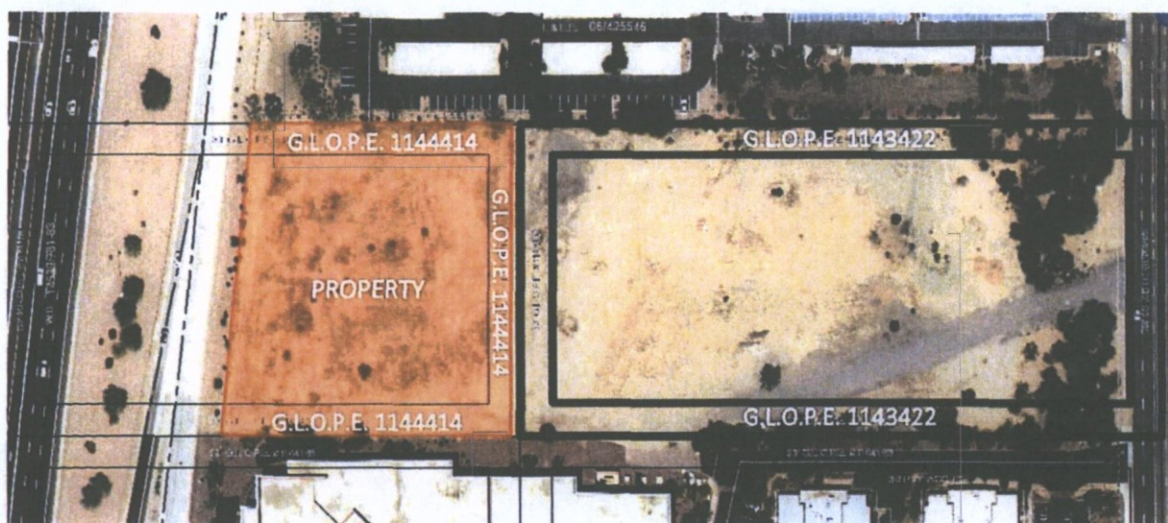
The subject GLO Patent Easement was reserved on the original patent deed to assure legal access. Currently, the GLO Patent Easement has not been improved and is not being used for vehicular access. The City of Scottsdale has generally viewed these patent roadway and utility easements as assured access until a circulation plan is established. Any patent easements in excess of the current requirement to the circulation plan and not required to insure access to any other lot may be requested to be abandoned. Primary access, including municipal and emergency, will be provided from the Pima Road frontage road at the southwest corner of the Property pursuant to a Land Purchase Agreement between the Arizona Department of Transportation and property owner. Secondary access is provided via a 30-foot access easement recorded in Document No. 2005-0696198 extending from 90th Street west to the Property (the access easement parallels the north property line of the property to the south) (see **Map 2**) or the existing 33-foot General Land Office Patent Easement (GLO Patent No. 1143422) on the undeveloped parcel to the immediate east (see **Map 3**). In addition, the City of Scottsdale's Transportation Master Plan does not require the GLO Patent Easement to complete the City's streets system, and no properties shall be denied access as a result of this abandonment. The abandonment of the GLO Patent Easement is warranted.



Map 2

Infrastructure/Utilities

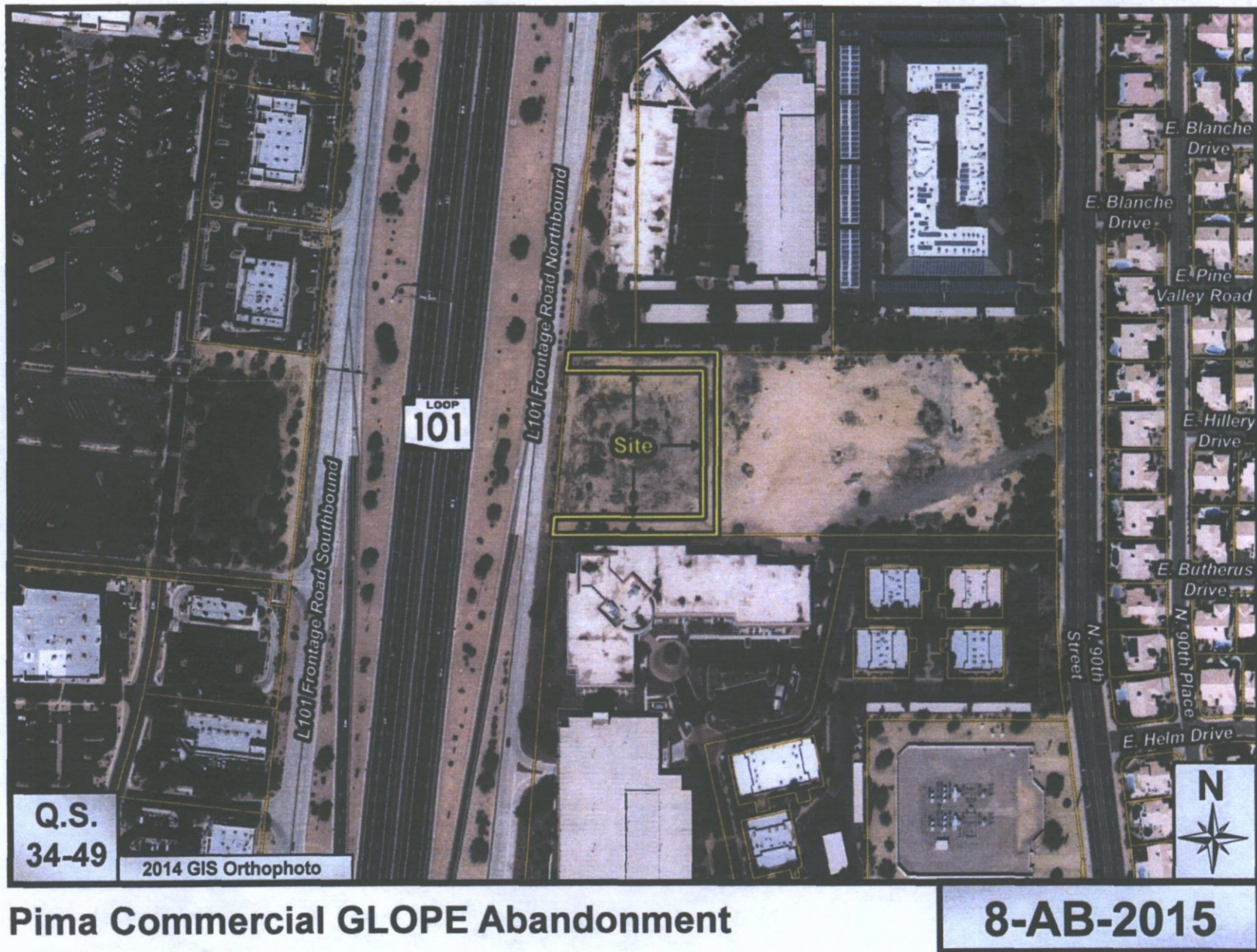
The Application does not impact the Local Infrastructure Plan. Infrastructure, utilities and municipal services will be provided and maintained through the existing 33-foot General Land Office Patent Easement (GLO Patent No. 1143422) on the undeveloped parcel to the immediate east (see Map 3). Currently, no utility providers have facilities in the GLO Patent Easement.



Map 3

Summary

The subject GLO Patent Easement does not restrict or remove access to the Property or any other adjoining properties, and provisions for public utilities will be provided in GLO Patent No. 1143422 on the undeveloped parcel to the immediate east. The Application does not impact the Local Infrastructure Plan or Transportation Master Plan.



Pima Commercial GLOPE Abandonment

8-AB-2015



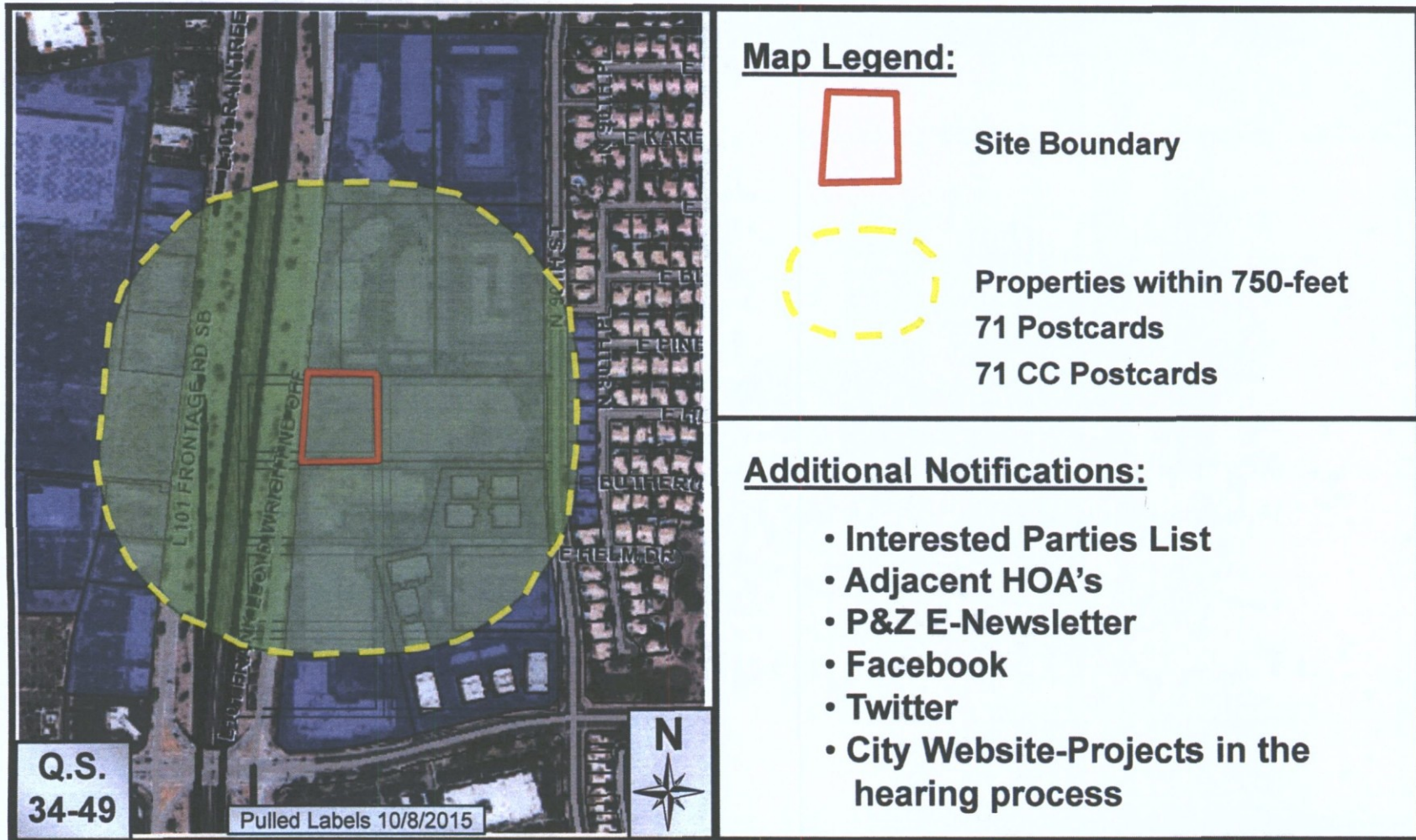
Pima Commercial GLOPE Abandonment

8-AB-2015



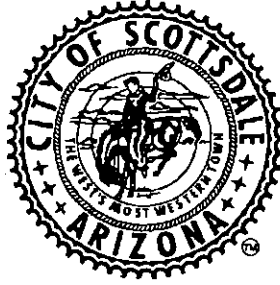
City Notifications – Mailing List Selection Map

ATTACHMENT #6



Pima Commercial GLOPE Abandonment

8-AB-2015



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, JANUARY 13, 2016

DRAFT SUMMARIZED MEETING MINUTES

PRESENT: Michael Edwards, Chair
Matthew Cody, Vice Chair
David Brantner, Commissioner
Paul Alessio, Commissioner
Larry S. Kush, Commissioner
Michael J. Minnaugh, Commissioner - **absent**
Ali Fakhri, Commissioner

STAFF: Tim Curtis
Joe Padilla
Doris McClay
Greg Bloembergen
Brad Carr
Keith Niederer
Jeff Barnes

CALL TO ORDER

Chair Edwards called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

MINUTES REVIEW AND APPROVAL

1. Approval of December 9, 2015 Regular Meeting Minutes including the Study Session.

COMMISSIONER KUSH MOVED TO APPROVE THE DECEMBER 9, 2015 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER BRANTNER THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED AGENDA

2. 2-AB-2015 (Alley Abandonment)

Request by owner to abandon the 10-foot wide by 175-feet long alleyway located along the northwest boundary of the property located at 1723 N. Scottsdale Rd., with General Commercial (C-4) zoning. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is Robert Jacobson, 480-941-2260.

3. 6-AB-2015 (Gallery Abandonment)

Request by owner to abandon the 30 feet of roadway easement along the west boundary of the property located at 3126 N. 71st Street with Multiple-family Residential (R-5) zoning. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is Alex Stedman, 480-994-0094.

Item No. 3; Recommended City Council approve case 6-AB-2015, by a vote of 5-0; Motion by Commissioner Brantner, per the staff recommended stipulations, after determining that the proposed abandonment is consistent and conforms with the adopted General Plan, 2nd by Commissioner Alessio, Commissioner Fakih recused himself.

4. 8-AB-2015 (Pima Commercial GLOPE Abandonment)

Request by owner to abandon the 33-foot General Land Office Patent Easement along the north, east and south property lines of assessor parcel 217-15-035A, located approximately 1/4 mile north of E. Raintree Drive along the SR101 frontage road with Industrial Park (I-1) zoning. Staff contact person is Brad Carr, AICP, 480-312-7713. **Applicant contact person is Nick Sobraske, 602-256-4449.**

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5. 12-UP-2015 (Verizon PHO Poinsettia AZ01-020)

Request by owner for a Conditional Use Permit for a new Type 4 Wireless Communication Facility (WCF) in the design of a 65-foot-tall artificial pine tree, located at 12000 N. 90th St. with Multiple-family Residential (R-5) zoning. Staff contact person is Keith Niederer, 480-312-2953. Applicant contact person is Michelle Lamoreux, 480-907-4265.

Item No. 5; Recommended City Council approve case 12-UP-2015, by a vote of 6-0; Motion by Commissioner Kush with Amended Stipulations to reduce the height by 5 feet, based upon the finding that the Conditional Use Permit criteria have been met, 2nd by Commissioner Brantner.

Request to Speak Card: Dan Sommer

6. 13-UP-2015 (Crown Castle Days Inn & Suites Hotel)

Request by owner for a Conditional Use Permit for a new Type 4, Alternative Concealment Wireless Communication Facility (WCF) in the design of a 62-foot 6-inch tall artificial palm tree, located at Days Inn & Suites Hotel at 7330 N. Pima Rd., with Multiple-family Residential, Planned Community District (R-5 PCD) zoning. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Marck Sawyer, 480-550-2088.

Item Nos. 2, 4, and 6; Recommended City Council approve cases 2-AB-2015, 8-AB-2015 and 13-UP-2015, by a vote of 6-0; Motion by Commissioner Brantner, per the staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met and the proposed Abandonments are consistent and conform with the adopted General Plan, 2nd by Commissioner Alessio.

7. 14-ZN-2015 (Palo Verde Homes)

Request by owner for a Zoning District Map Amendment from Single-family Residential (R1-43) to Single-family Residential (R1-18) and (R1-35) Planned Residential Development (PRD), with a Development Plan and amended Development Standards, for a new 8-lot single family subdivision on 4.8+/- acres, located at the southeast corner of Palo Verde Lane and Paradise View Street. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Keith Nichter, 480-994-0994.

Item No. 7; Moved to Regular; Recommended City Council approve case 14-ZN-2015, by a vote of 5-0; Motion by Commissioner Brantner, per the staff recommended stipulations, after determining that the proposed Zoning District Map Amendment, development plan and amended development standards are consistent and conform with the adopted General Plan, 2nd by Commissioner Alessio, Commissioner Fakih recused himself.

Request to Speak Card: Leah Cole

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REGULAR

8. 11-AB-2015 (BASIS Charter School)

Request by owner to abandon the 20-foot wide 127th Street right-of-way from E. Cochise Drive north approximately 576 feet to E. Shea Blvd., the 33-foot wide General Land Office patent easements on the east and west sides and the north 13-feet of the 33-foot wide General Land Office patent easement on the south side of the property located at 12730 E. Cochise Drive, the 33-foot wide General Land Office patent easement on the west side and the north 13-feet of the 33-foot wide General Land Office patent easement on the south side of parcel #217-32-010 at the southwest corner of E. Shea Blvd. and N. 128th Street for a new charter school with Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning. Staff contact person is Doris McClay, 480-312-4214. Applicant contact person is Phil Carhuff, 520-577-4560.

Item No. 8; Recommended City Council approve case 11-AB-2015, by a vote of 6-0; Motion by Commissioner Kush, per the staff recommended stipulations, after determining that the proposed abandonment is consistent and conforms with the adopted General Plan, 2nd by Commissioner Brantner.

Request to speak Cards: Bisitnu Cosoi, Mark Candioto, Shary Borhan, Marcos Casillas, Scot Claus, Rich Bloom, Jeanette Andrea

Comment Cards; Ane Carmen Flazc, Mauging Dong, Leif Bergsagel, Michelle Clarke, Jim Cahill, Swarnia Chaliki, Allison Li, Subba Kosuru, Charles Grosel, Anitha Siddappa, Siva Chilukuri, Amol Kirtikar, Sabeen Sahnian, Maria Vicera, Raghu Momrthy, Rohit Dwivedi, Todd Campbell, Caroline Becker, Keegan Robert, Christopher Day, Hoon Koo, Janna Day, Elizabeth McConaghy, Kim Frankel, Barb DeLisa, Scott Harris, Christine Harris, Shant Paranthaman, Jennifer Searle, Erin Richardson, Jean Atchison, Dillrbabu Gnanaprakasam, Limei Yao, Suchi Yang, Mariana Lobodanescu, Emilia Lobodanescu, Stephanie Lobodanescu, Phil Mastores, Suresh Kolpuru, Hui Xiao, Sharon Madura, Ivan Wyatt, Paul Lossman, Karan Kannapirah, Michelle Borie, Qing Cathy Zhao, Nick Sehman, Vanessa Jones, Donelle Johnson, Dr. Shay Borham
Amy Tang, Ray Reed, Ron Eghrari, Ellen Schawelson, Belinda Brown, Trent Huizar, Minhwa Tai, Dhaval Pawar, Amanda Lang, Chris Lang, David Schneider, Joan Gordon, Krishnan Srinivasan, Anupatha Ganesh, Ganesh Gopalapanickgt, Sea Sarram, Cynthia Romagnolo, Tarrin Schultz, Yulian Miao, Stephan Romagnolo, Herve Borrel, Klaus Kokott Bishno Gogoi, Suzanne Miller, Scottsdale Claus, Magali Montes, Linda Gallie, Julie Kearney, Stephanie Sims, Ram Dubba, Ravi Vedartham, Karie Conway, Deanna Conomus Abhay Jajoo, Georginia Eckman, Arshad Ameer, Zhengxin Li, Patrick O'Meara, Monika Patel, John Leber, Monique Leber, Min Lia, Lalita Aseri, Mason Waaler, Yanle Hu, Travis Lambert, Balu Pathangry, Maura Enterline, Vraj Sidapara, Seemas Narayan, Kishore Narayan, Gary Sosinsky, Michelle Goldberg, Veronica Goldberg, Andrzej Chrac, Slowiak Justyna Chrac, Patrice Walker, Steven Walker, Ramesh Warner, Aimee Rabich, Vukcevic Zoran, Maryann Shayegan, Freda Sullivan.

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9. Review, discussion, and possible action on the 2015 Planning Commission Year in Review.

Item No. 9; Move to forward the 2015 Planning Commission Year in Review to City Council, by a vote of 6-0; Motion by Vice Chair Cody, 2nd by Commissioner Brantner.

10. Election of Officers

Item no 10; Commissioner Brantner nominated Chair Edwards for Chair; by a vote of 6-0; 2nd by Commissioner Alessio.

Commissioner Fakh nominated Vice Chair Cody for Vice Chair, by a vote of 6-0; 2nd by Commissioner Alessio.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:41 p.m.

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