

**RESOLUTION NO. 11979**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING, SUBJECT TO CONDITIONS AND RESERVATIONS, CERTAIN INTERESTS IN A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR AN ALLEY VARYING IN WIDTH FROM 18 FEET TO 20 FEET, BETWEEN E. INDIAN PLAZA TO THE NORTH AND E. SHOEMAN LANE TO THE SOUTH, ALONG PARCELS 173-41-260, 173-41-182, 173-41-183 AND 173-41-259.

(9-AB-2020)  
(Hospitality District)

**WHEREAS:**

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

B. After notice to the public, the City of Scottsdale ("City") City's planning commission and City Council have held hearings on the proposed abandonment of a certain interests in a portion of the street right-of-way and other interests (collectively the "Abandonment Right-of-way").

C. The Abandonment Right-of-way is legally described on **Exhibit "A"**, and depicted on **Exhibit "B"**, attached hereto.

D. The Abandonment Right-of-way falls within, serves, affects or is near the parcel located at the southeast corner of N. Buckboard Trail and E. Indian Plaza, as shown on **Exhibit "C"** attached hereto. The abandonment area is approximately 3,479 square feet in size,.

E. City's city council finds that, subject to the conditions, requirements, reservations and limitations 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. City's city council finds that consideration and other public benefit commensurate with the value of the interests in the Abandonment Right-of-way being abandoned, giving due consideration to its degree of fragmentation and marketability, will be provided to City by the owners of the abutting property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Abandonment. Subject to the reservations and conditions below, City's interests comprising the Abandonment Right-of-way are hereby abandoned.

2. Reservations. 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 or other 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 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 As compensation to the City for the Abandonment Right-of-Way applicant shall pay to City Two Hundred Fifty Thousand and no/100 Dollars (\$250,000), in addition to any application fees or other amounts related to this resolution and in addition to any other amounts payable to City, all according to the terms of Development Agreement 2020-194-COS.

3.2 All existing water and sewer lines, including fire lines, in the alley shall be removed or relocated to the satisfaction of the Water Resources Division.

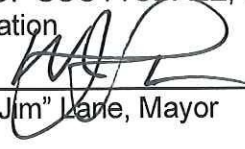
3.3 The zoning administrator executes the certificate at the bottom of this resolution.

4. Administration of Conditions. If the Conditions are not all satisfied prior to the second 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. 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 City Council of the City of Scottsdale this 7 day of December, 2020.

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

  
Sherry R. Scott, City Attorney

By: Margaret Wilson, Senior 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 21 day of June, 2021.

  
Signature

RANDY GRANT  
name printed

**Table of Exhibits for Abandonment Resolution No. 11979**

<u>Exhibit</u>	<u>Paragraph</u>	<u>Description</u>
A	C	Legal description of roadway and right-of-way for utilities to be abandoned
B	C	Scaled and dimensioned drawing to accompany legal description of roadway and right-of-ways for utilities to be abandoned
C	D	Map of parcel served by abandonment

## EXHIBIT A

### LEGAL DESCRIPTION

A portion of that certain alley as shown on Camelback Park Plaza, recorded in Book 86 of Maps, Page 13 and the Minor Land Division Plat, recorded in Book 1118 of Maps, Page 46, in the County Recorder's office, city of Scottsdale, county of Maricopa, state of Arizona, more particularly described as follows:

**Beginning** at the Northwest corner of Lot 1 as shown on said Minor Land Division Plat;

**Thence** along the westerly line of said Lot 1, South 00 degrees 01 minutes 48 seconds East, 179.94 feet, to the northerly right-of-way line of Shoeman Lane;

**Thence** leaving said westerly line, along said northerly right-of-way line, South 89 degrees 57 minutes 06 seconds West, 18.00 feet, to the easterly line of Lot 67 as shown on said Camelback Park Plaza;

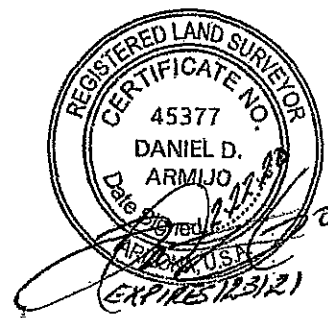
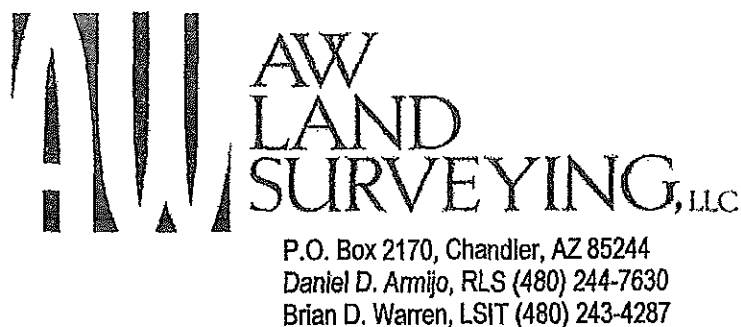
**Thence** leaving said northerly right-of-way line, along the easterly lines of Lot 67 and Lot 66 as shown on said Camelback Park Plaza, North 00 degrees 01 minutes 48 seconds West, 59.98 feet;

**Thence** leaving said easterly line, along the northerly line of said Lot 66, South 89 degrees 57 minutes 06 seconds West, 2.00 feet, to the easterly line of Lot 2 as shown on said Minor Land Division Plat;

**Thence** leaving said northerly line, along said easterly line, North 00 degrees 01 minutes 48 seconds West, 119.96 feet, to the southerly right-of-way line of East Indian Plaza:

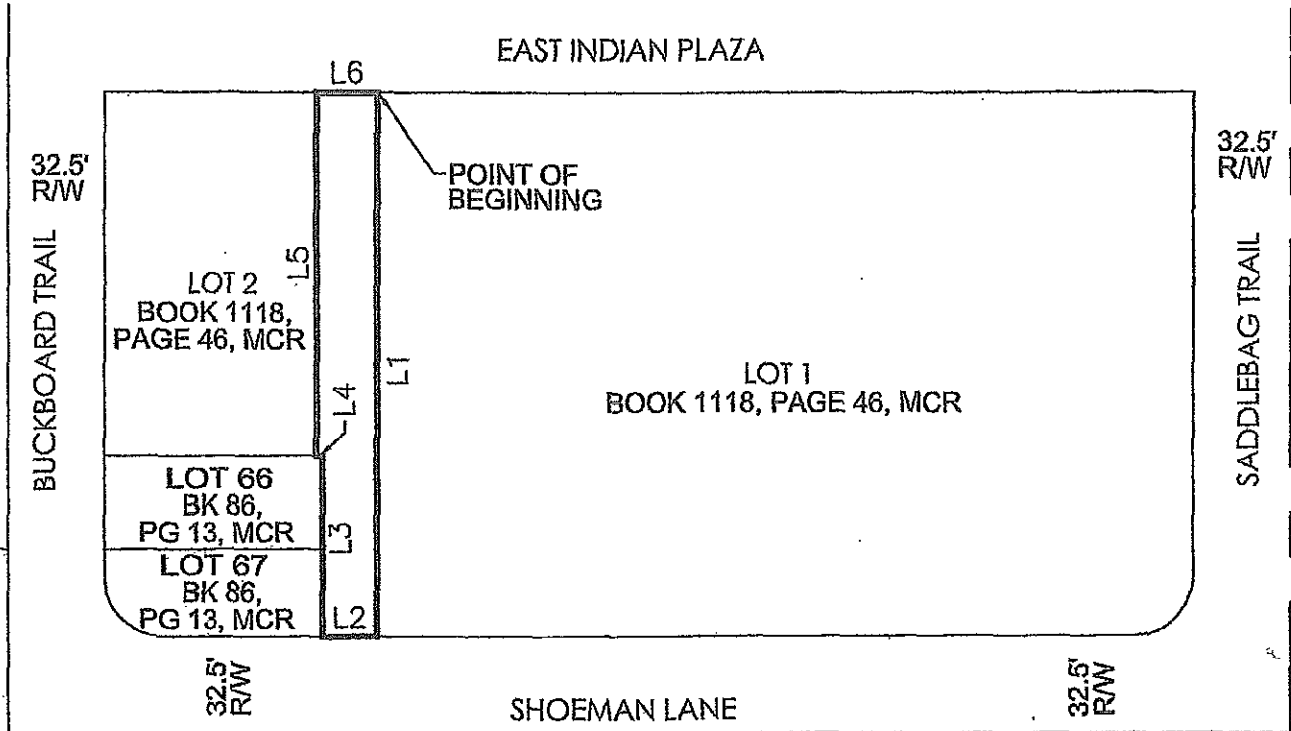
**Thence** leaving said easterly line, along said southerly right-of-way line, North 89 degrees 57 minutes 06 seconds East, 20.00 feet, to the **Point of Beginning**.

Containing 3,479 Square Feet or 0.08 Acres more or less.

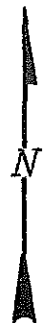
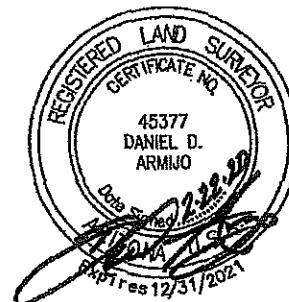


February 22, 2020  
AWLS #20-009

# EXHIBIT B



LINE	BEARING	DISTANCE
L1	S 00°01'48" E	179.94'
L2	S 89°57'06" W	18.00'
L3	N 00°01'48" W	59.98'
L4	S 89°57'06" W	2.00'
L5	N 00°01'48" W	119.96'
L6	N 89°57'06" E	20.00'



**AW**  
**LAND**  
**SURVEYING,uc**

P.O. BOX 2170, CHANDLER, AZ 85244  
(480) 244-7630 (480) 243-4287

DRAWN BY: DDA CHECKED BY: DDA DATE: 02/22/20 JOB NO.: 20-009

SHEET NO. **2 OF 2**

