

## RIGHT-OF-WAY ABANDONMENT

### PROJECT NARRATIVE

January 5, 2022

#### Background

On behalf of Augusta Emerita Partners (“Owner”), Rose Law Group (“Applicant”) is requesting the approval of a right-of-way (“ROW”) abandonment along the eastern border of a residential property located at 6750 East Exeter Boulevard, Scottsdale, Arizona 85251 (APN 173-44-014C) (the “Property”). The Property contains an existing single family residential home at the northwest corner of East Exeter Boulevard and North 68<sup>th</sup> Street and is in the R1-35 zoning district. The surrounding properties are similarly comprised of single-family residential homes in the R1-35 zoning district. The requested abandonment is for a short length of ROW along North 68<sup>th</sup> Street.

#### Request

This request is to abandon 10 feet of ROW for a length of approximately 301.27 feet along North 68<sup>th</sup> Street adjacent to the Property, resulting in a total abandonment of approximately 2,862 square feet (0.0657 acres) (See **Exhibit A – ROW Abandonment Aerial** and **Exhibit B - Legal Description & Graphic**). The requested abandonment is a portion of ROW dedicated to the City of Scottsdale in 1992 for purposes of widening North 68<sup>th</sup> St (See **Exhibit C – Deed of ROW Dedication**). The City has since decided not to widen North 68<sup>th</sup> Street. As such, the 10 feet of ROW is no longer needed, and its abandonment is appropriate.

The existing wall on the east side of the Property currently falls within the ROW. The purpose of the requested abandonment is to allow the eastern wall to fall within the Property’s parcel lines. Additionally, the Owner is remodeling the kitchen of the home on the Property and has been advised by the architect that the abandonment would allow for some increased flexibility for the Property.

Importantly, access to the Property or adjacent parcels is not impacted by the proposed abandonment. Additionally, there will be no impact to traffic circulation or to emergency services. The Applicant has informed each of the Utility Company Contacts provided of this proposal and their written authorization is included with this application.

As discussed with City Staff, the Owner proposes to pay the sum of \$0.50 per square foot, for a total of \$1,431, in consideration for the requested abandonment. Additionally, if necessary, the Owner is willing to remove portions of the vegetation on the Property along East Exeter Boulevard in order to facilitate a shoulder and pedestrian space along the edge of the pavement, and intersection sight distance in the southeast corner of the property and in the northwest corner of the intersection of North 68<sup>th</sup> Street and Exeter Boulevard. Finally, if this request is approved, any underground utility facilities within the abandonment area will have dedicated public easements in order to maintain the rights of existing utilities.

**Exhibit A - ROW Abandonment Aerial**

10 ft ROW

Property

821113

822507084

1.28

822513746

N 68th St

E Exeter Blvd

81136

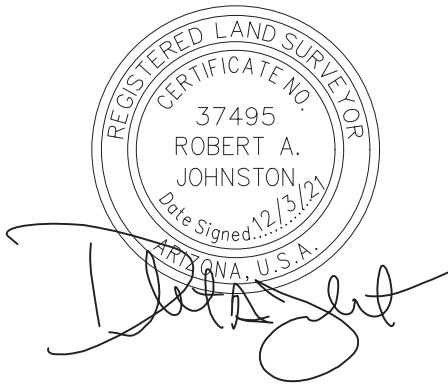
18007

7431781

2-AB-2022

01/24/22

## **Exhibit B - Legal Description & Graphic**



**LEGAL DESCRIPTION  
GAROFONO RESIDENCE  
RIGHT-OF-WAY ABANDONMENT**

JOB NO. 21-1061

12/03/2021

A 10 FOOT STRIP OF LAND LYING IMMEDIATELY EAST OF THE BELOW DESCRIBED PARCEL OF LAND;

LOTS 13 AND 14, BLOCK 1, OF LOMBARDI ESTATES, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 44 OF MAPS, PAGE 18;

EXCEPT THE WEST 420 FEET AND THE EAST 15 FEET THEREOF;

SAID 10 FOOT STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL OF LAND, FROM WHICH THE NORTHWEST PROPERTY CORNER BEARS NORTH 89 DEGREES 51 MINUTES 00 SECONDS EAST, 180.97' TO THE **POINT OF BEGINNING**;

THENCE NORTH 89 DEGREES 51 MINUTES 00 SECONDS EAST, 10.00 FEET;

THENCE SOUTH 00 DEGREES 58 MINUTES 13 SECONDS WEST, 301.27 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 00 SECONDS WEST, 10.00 FEET;

THENCE NORTH 00 DEGREES 58 MINUTES 13 SECONDS EAST, 301.26 FEET;

TO THE **POINT OF BEGINNING**.

SAID PORTION OF LAND CONTAINING 3,012 SQUARE FEET, OR 0.0691 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

Dec 03, 2021 6:08am S:\Projects\2021\21-1061\Land Survey\Legals\21-1061 row legal.dwg

# MONTECITO AVE

S89°51'00"W 480.34'

POINT OF BEGINNING

68TH STREET

N89°51'00"E 180.97'

N0°58'13"E 301.00'

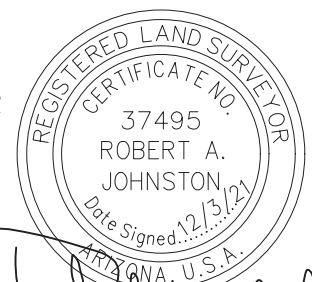
APN 173-44-014C

S89°56'00"W 180.97'

# EXETER BLVD

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°51'00"E	10.00'
L2	S00°58'13"W	301.27'
L3	S89°56'00"W	10.00'
L4	N00°58'13"E	301.26'

RIGHT-OF-WAY  
3,012 SQUARE FEET OR  
0.0691 ACRES



50 0 100  
scale feet

21-1061

GAROFONO RESIDENCE  
RIGHT-OF-WAY ABANDONMENT

EXHIBIT



1130 N. Alma School Rd.  
Ste. 120 Mesa, AZ 85201  
T:480.503.2250 | F:480.503.2258  
www.epsgroupinc.com

2-AB-2022  
01/24/22

**Exhibit C - Deed of ROW Dedication**

return to hawkins & campbell

via 24 hr turnaround  
WHEN RECORDED MAIL TO:  
CITY OF SCOTTSDALE  
PLANNING & ZONING 30  
RECORDS DEPARTMENT  
3939 CIVIC CENTER BOULEVARD  
SCOTTSDALE, ARIZONA 85251



DEED OF  
RIGHT OF WAY  
DEDICATION



Unofficial  
Document

3 of 4 FRANK

PROJECT: 43-LS-91  
QUARTER SECTION NO.: 17-43

CALVIN D. & JUDITH ANN WOLFSWINKEL (OWNERS) Grantor(s),  
for a valuable consideration, hereby grant(s) to the CITY OF SCOTTSDALE, ARIZONA, a municipal corporation, its successors and assigns, a perpetual right-of-way for the following purpose, namely: The right to enter upon the hereinafter described land and grade, level, fill, drain, pave, construct, operate, maintain, repair, and rebuild a road or highway, together with such bridges, culverts, drainageways, ramps, sidewalks, curbs, gutters, and cuts as may be necessary to construct, operate and maintain any public utility lines, pipes or poles, on, over, under, and across the ground embraced within the right-of-way situated in the City of Scottsdale, State of Arizona and described as follows:

The East 15.00 feet of Lots 13 and 14, Block 1, Lombardi Estates,  
Recorded in Book 44 of Maps, Page 18, M.C.R.

The said right-of-way to include the right to cut back and trim such portions of branches and tops of trees now growing or may hereafter grow or extend over said right-of-way, so as to prevent the same from interfering with the efficient maintenance and operation of said public highways and public utilities.

And the Grantors hereby covenant that they are lawfully seized and possessed on this aforementioned tract or parcel of land; that they have a good and lawful right to sell and convey it; and that they will warrant the title and quiet possession thereto against the lawful claim of all persons.

DATED this 31 day of March, 1992

Calvin D. Wolfswinkel  
Judith Ann Wolfswinkel

STATE OF Arizona  
County of Maricopa

This instrument was acknowledged before me this 31 day of March 19 92 by

Calvin D. Wolfswinkel and Judith Ann  
Wolfswinkel

My commission will expire 3/29/95



OFFICIAL SEAL  
ALIX J. GRAHAM  
NOTARY PUBLIC - STATE OF ARIZONA  
MARICOPA COUNTY  
My Comm. Expires March 29, 1995

Alix J. Graham  
Notary Public

7447 E. INDIAN SCHOOL RD., SCOTTSDALE, ARIZONA 85251 (602) 994-7080

DSO404(3/91)

2-AB-2022  
01/24/22