

**RESOLUTION NO. 12443**

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 PROPERTY LOCATED AT 26795 N. 77<sup>TH</sup> STREET.

(7-AB-2021)  
(GLO Abandonment)

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. Scottsdale Revised Code §2-221 and other applicable laws provide that the City may dispose of other real property interests.

C. After notice to the public, the City of Scottsdale Planning Commission and City Council have held hearings on the proposed abandonment of a certain portion of the street right-of-way and other interests (collectively the “Abandonment Rights-of-way”).

D. The Abandonment Rights-of-way are legally described on **Exhibit “A”** and depicted on **Exhibit “B”** attached hereto, and comprise an area of approximately 13,656 square-feet.

E. The Abandonment Rights-of-way fall within, serve, affect or are near a parcel comprising approximately 2.34 acres (“Owner’s Parcel”), as depicted on **Exhibit “C”** attached hereto.

F. The Council finds that, subject to the conditions, requirements, reservations and limitations of this resolution, the Abandonment Rights-of-way are no longer necessary for public use.

G. The 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.

H. The 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 by the city council of the City of Scottsdale, Arizona, as follows:

1. Abandonment. Subject to the reservations and conditions below, City's interests comprising the Abandonment Rights-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 Rights-of-way that 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 Rights-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 the Zoning Administrator determines that 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 owner has delivered to City a deed, plat or other instrument that dedicates to City, in accordance with City specifications, water and sewer facilities easements as described on **Exhibit "D"** and depicted on **Exhibit "E"**.

3.2 Owner shall pay to the City the amount of \$5,852 as compensation to City for the Abandonment Rights-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. As proof of satisfaction of the conditions set forth in Section 3, The Zoning Administrator shall execute 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, the Zoning Administrator shall report the same to the City Clerk and 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 nature of the 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF SCOTTSDALE, an Arizona municipal corporation

\_\_\_\_\_  
David D. Ortega, Mayor

ATTEST:

By: \_\_\_\_\_  
Ben Lane, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

\_\_\_\_\_  
Sherry R. Scott, City Attorney  
By: Eric C. Anderson, Senior Asst. 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

### Table of Exhibits

<u>EXHIBIT</u>	<u>PARAGRAPH</u>	<u>DESCRIPTION</u>
A	D	Legal description of street right-of-way to be abandoned
B	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
C	E	Depiction of Subject Parcel
D	3.1	Legal description of water and sewer easement to be dedicated
E	3.1	Scaled and dimensioned drawing to accompany legal description of water and sewer easement to be dedicated

## Memo Regarding Abandonment Resolution

To: City Clerk  
From: Desirae Mayo  
Re: Abandonment Resolution No. 12443 Re: 7-AB-2021

---

I am the project coordinator for this abandonment.

According to paragraph 3 of this abandonment resolution, **this resolution is not to be recorded until the conditions are satisfied.**

Please do not record this abandonment resolution until the zoning administrator signs the certificate confirming that the conditions have been satisfied. If the zoning administrator notifies you that the conditions have not been satisfied before the two-year anniversary of the city council hearing to approve the resolution, then the resolution should be considered void.

I will monitor the conditions and inform you when the conditions are satisfied. About twenty-one months after the hearing, if the zoning administrator has not already signed and delivered to you the certificate confirming that the conditions have been satisfied, I will contact you to give you a status report. At that time, one of the following three possibilities will be true:

1. The conditions may still be satisfied within the last three months so that the resolution can be recorded and become effective.

2. The conditions appear not likely to be timely satisfied, but Zoning Administrator intends to schedule a council agenda item to change the conditions or extend the time for satisfying the conditions.

3. The conditions are not likely to be timely satisfied, and the Zoning Administrator does not intend to seek any changes or extensions and two things are likely to happen as described in paragraph 3:

- a. The abandonment will not become effective.
- b. You will need to mark the resolution to indicate that it is void.

In any event, I will personally call you about 30 days before the two-year anniversary to inform you of the status of this abandonment and confirm the status of the abandonment on or shortly after the two year anniversary.

If you have any questions, please do not hesitate to call me. Thank you.

Desirae Mayo, 2-4218

# EXHIBIT A

## GLOPE ABANDONMENT LEGAL DESCRIPTION

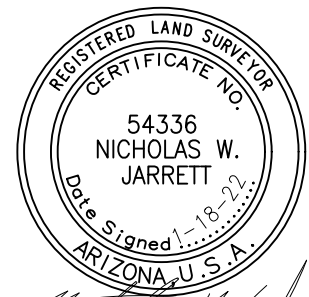
A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, COUNTY OF MARICOPA, STATE OF ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 33 FEET AND THE WEST 33 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35.

EXCEPT THE RIGHT OF WAY DEDICATED IN MARICOPA COUNTY OFFICIAL RECORD, BOOK 1512, PAGE 33.

EXHIBIT 1B MADE APART BY REFERENCE HEREON.

AREA OF DESCRIPTION 13656+/- SQFT. OR 0.313+/- ACRES



*Nicholas W. Jarrett*

RESOLUTION NO. 12443  
PAGE 1 OF 1



6859 E. Rembrandt Ave, 124  
Phoenix, AZ 85212  
Ph: (480) 223-8573  
landcorconsulting.com

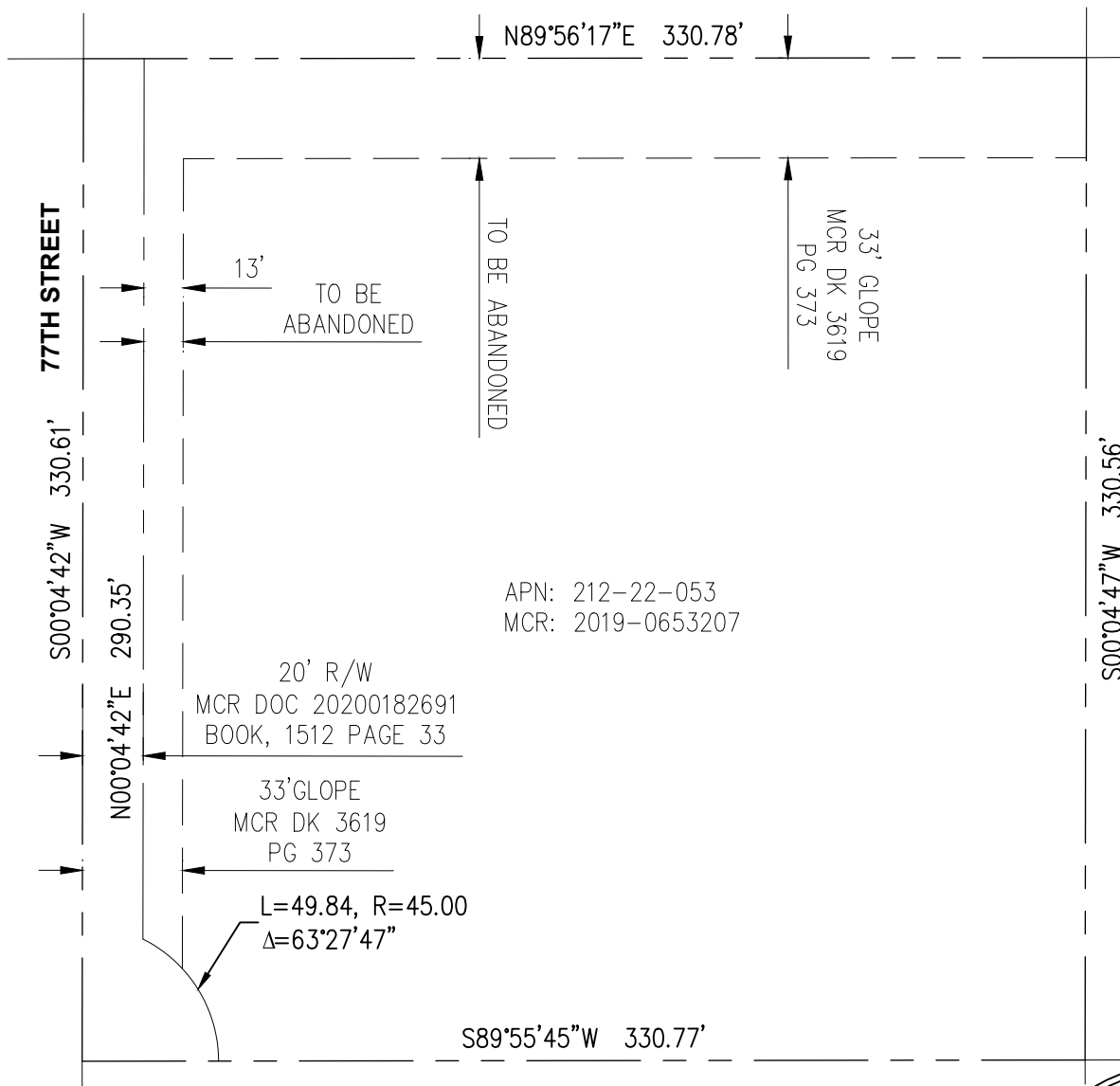
DATE: 1-18-22

SCALE: N.T.S.

LEGAL DESCRIPTION

JOB NO.  
1649

# EXHIBIT B GLOPE ABANDONMENT



APN: 212-22-053  
MCR: 2019-0653207

20' R/W  
MCR DOC 20200182691  
BOOK, 1512 PAGE 33

33' GLOPE  
MCR DK 3619  
PG 373

L=49.84, R=45.00  
 $\Delta=63^{\circ}27'47''$

### LEGEND

- PROPERTY BOUNDARY
- EASEMENT LINES
- RIGHT OF WAY LINE

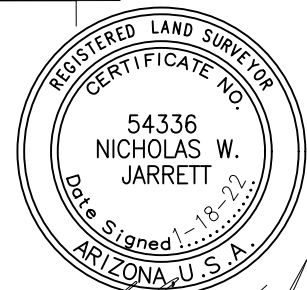


EXHIBIT 1A MADE APART BY REFERENCE HEREON

*Nicholas W. Jarrett*



6859 E. Rembrandt Ave, 124  
Phoenix, AZ 85212  
Ph: (480) 223-8573  
landcorconsulting.com

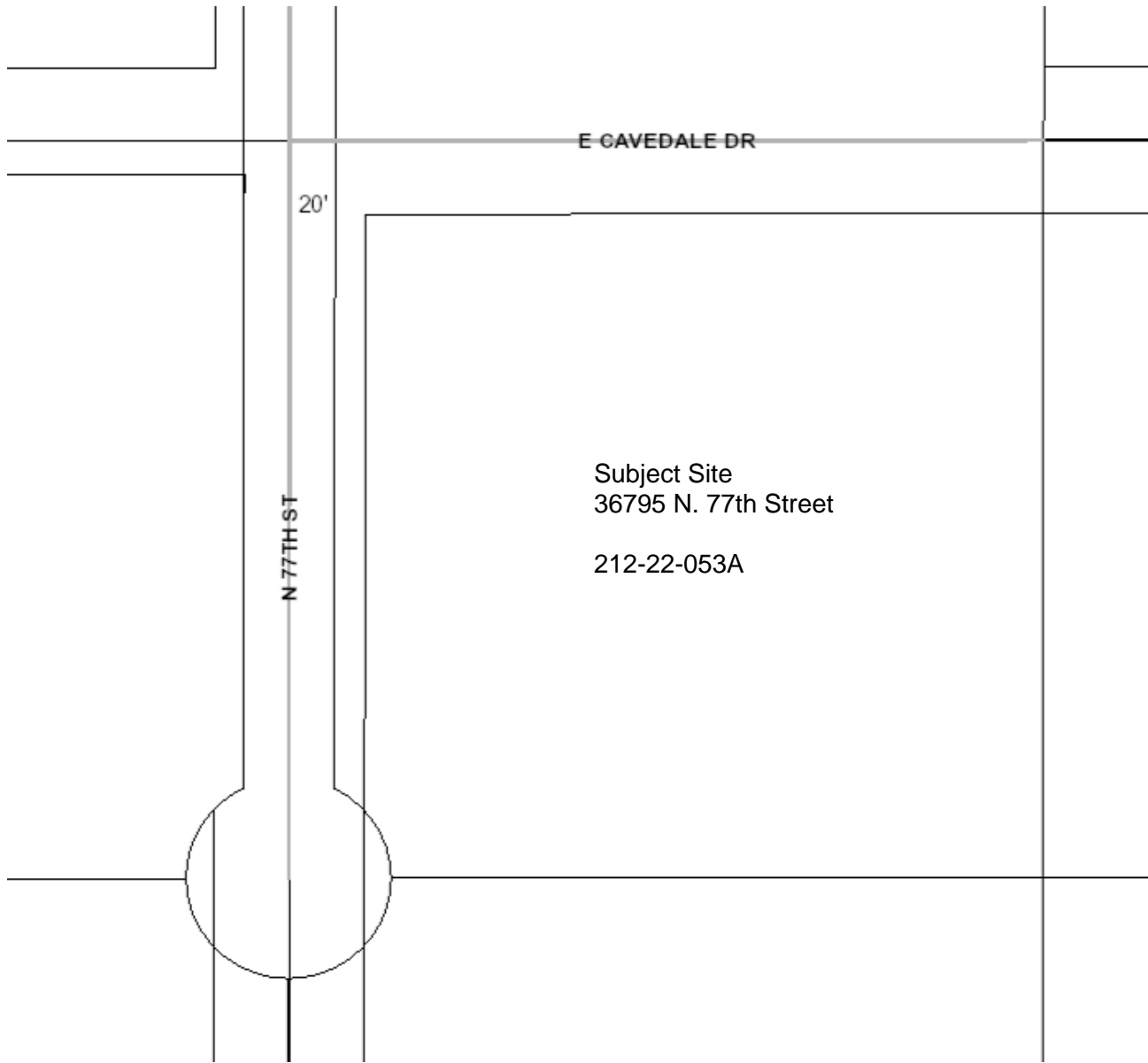
RESOLUTION NO. 12443  
PAGE 1 OF 1

DATE: 1-18-22

SCALE: N.T.S.

GLOPE ABANDONMENT

JOB NO.  
1649



# EXHIBIT D

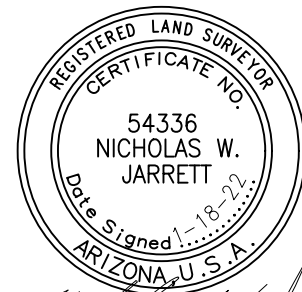
## WATER & SEWER UTILITY LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, COUNTY OF MARICOPA, STATE OF ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 15 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35.

AREA OF DESCRIPTION; 4661+/- SQFT OF 0.107+/- ACRES.

EXHIBIT 2B MADE APART BY REFERENCE HEREON.



*Nicholas W. Jarrett*

RESOLUTION NO. 12443  
PAGE 1 OF 2



6859 E. Rembrandt Ave, 124  
Phoenix, AZ 85212  
Ph: (480) 223-8573  
landcorconsulting.com

DATE: 1-18-22

SCALE: N.T.S.

LEGAL DESCRIPTION

JOB NO.  
1649

# EXHIBIT D

## WATER UTILITY LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, COUNTY OF MARICOPA, STATE OF ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER FORM WHICH THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER BEARS SOUTH 00°04'42" WEST A DISTANCE OF 330.61 FEET:

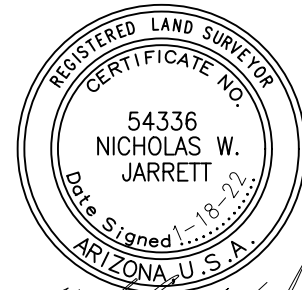
THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER SOUTH 00°04'42" WEST A DISTANCE OF 151.07 FEET;

THENCE SOUTH 89°55'18" EAST A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 10.00 FEET WIDE STRIP OF LAND, THE SIDE LINES OF WHICH EXTEND TO THE RIGHT OF WAY DESCRIBED IN MCR DOCUMENT 2020-0182691;

THENCE ALONG SAID CENTERLINE SOUTH 89°55'18" EAST A DISTANCE OF 18.00 FEET TO TERMINATION SO SAID CENTER LINE AND CENTER POINT OF A 5.00 FEET RADIUS TO END DESCRIBED STRIP OF LAND.

AREA OF DESCRIPTION; 219+/- SQFT OF 0.005+/- ACRES.

EXHIBIT 2B MADE APART BY REFERENCE HEREON.



*Nicholas W. Jarrett*

RESOLUTION NO. 12443  
PAGE 2 OF 2



6859 E. Rembrandt Ave, 124  
Phoenix, AZ 85212  
Ph: (480) 223-8573  
landcorconsulting.com

DATE: 1-18-22

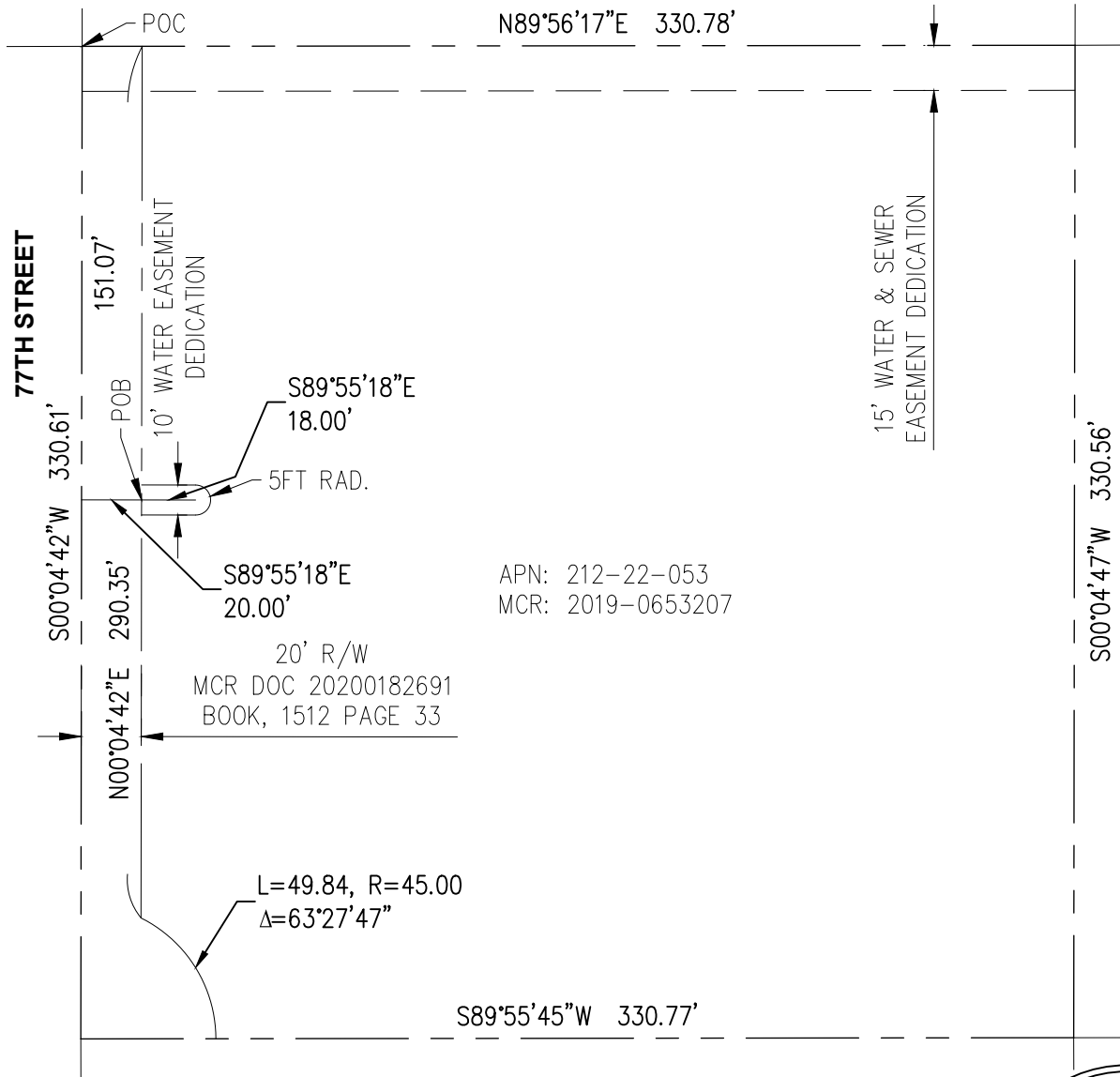
SCALE: N.T.S.

LEGAL DESCRIPTION

JOB NO.  
1649

# EXHIBIT E

## WATER & SEWER UTILITY EASEMENT



APN: 212-22-053  
MCR: 2019-0653207

### LEGEND

- PROPERTY BOUNDARY
- EASEMENT LINES
- RIGHT OF WAY LINE

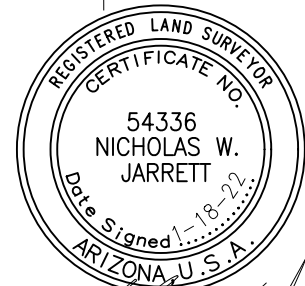


EXHIBIT 2A MADE APART BY REFERENCE HEREON



6859 E. Rembrandt Ave, 124  
Phoenix, AZ 85212  
Ph: (480) 223-8573  
landcorconsulting.com

RESOLUTION NO. 12443  
PAGE 1 OF 1

DATE: 1-18-22

SCALE: N.T.S.

WATER & SEWER EASEMENT

JOB NO.  
1649