

**RESOLUTION NO. 12465**

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 ALONG THE NORTHERN PROPERTY LINE OF A PARCEL LOCATED AT 12501 E. MOUNTAIN VIEW ROAD WITH SINGLE-FAMILY RESIDENTIAL (R1-43) ZONING.

(11-AB-2021)  
(Johnson 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 described on **Exhibit "A"** and depicted on **Exhibit "B"**, and attached hereto, an area approximately 3,150 square-feet in size.

E. The Abandonment Rights-of-way fall within, serve, affect or are near a parcel comprising approximately of 47,409 square-feet or 1.07 acres, as depicted on **Exhibit "C"** attached hereto.

F. City's city 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 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 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 drainage or flood control easement or similar easement or covenant.

2.2.4 Any public non-motorized access easement or trail easement or similar easement or covenant.

2.2.5 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 The owner of the parcel shall pay to City the total amount of One-Thousand Five-Hundred Seventy-Five Dollars (\$1,575.00) as compensation to the 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.

3.2 The owner has delivered to City a deed, plat or other instrument that dedicates to the City, in accordance with City specifications, a 15-foot-wide Public Utility Easement over the northern portion of the Owner's parcel, along East Mountain View Road as depicted on **Exhibit "D"**.

3.3 The owner has delivered to City a deed, plat or other instrument that dedicates to the City, in accordance with City specifications, a 15-foot-wide by 20-foot-wide Drainage Easement in the northeastern corner of the Owner's parcel as depicted on **Exhibit "D"**.

3.4 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, 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 21 day of June, 2022.

ATTEST:

By: Ben Lane  
Ben Lane, City Clerk

CITY OF SCOTTSDALE, an Arizona municipal corporation

David D. Ortega  
David D. Ortega, Mayor

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 21<sup>st</sup> day of September, 2022.

Erin Perreault  
Signature  
Erin Perreault  
name printed

**Table of Exhibits**

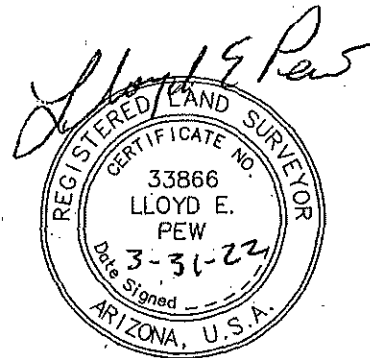
<u>EXHIBIT</u>	<u>PARAGRAPH</u>	<u>DESCRIPTION</u>
A	D	Legal description of street right-of-way to be abandoned
B	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
C	E	Results of Survey for Subject Parcel.
D	3.3	Map of Dedication for Public Utility Easement and Drainage Easement

**EXHIBIT "A"**  
**ABANDONED RIGHT OF WAY**

A portion of the right-of-way of Mountain View Road more particularly described as follows:

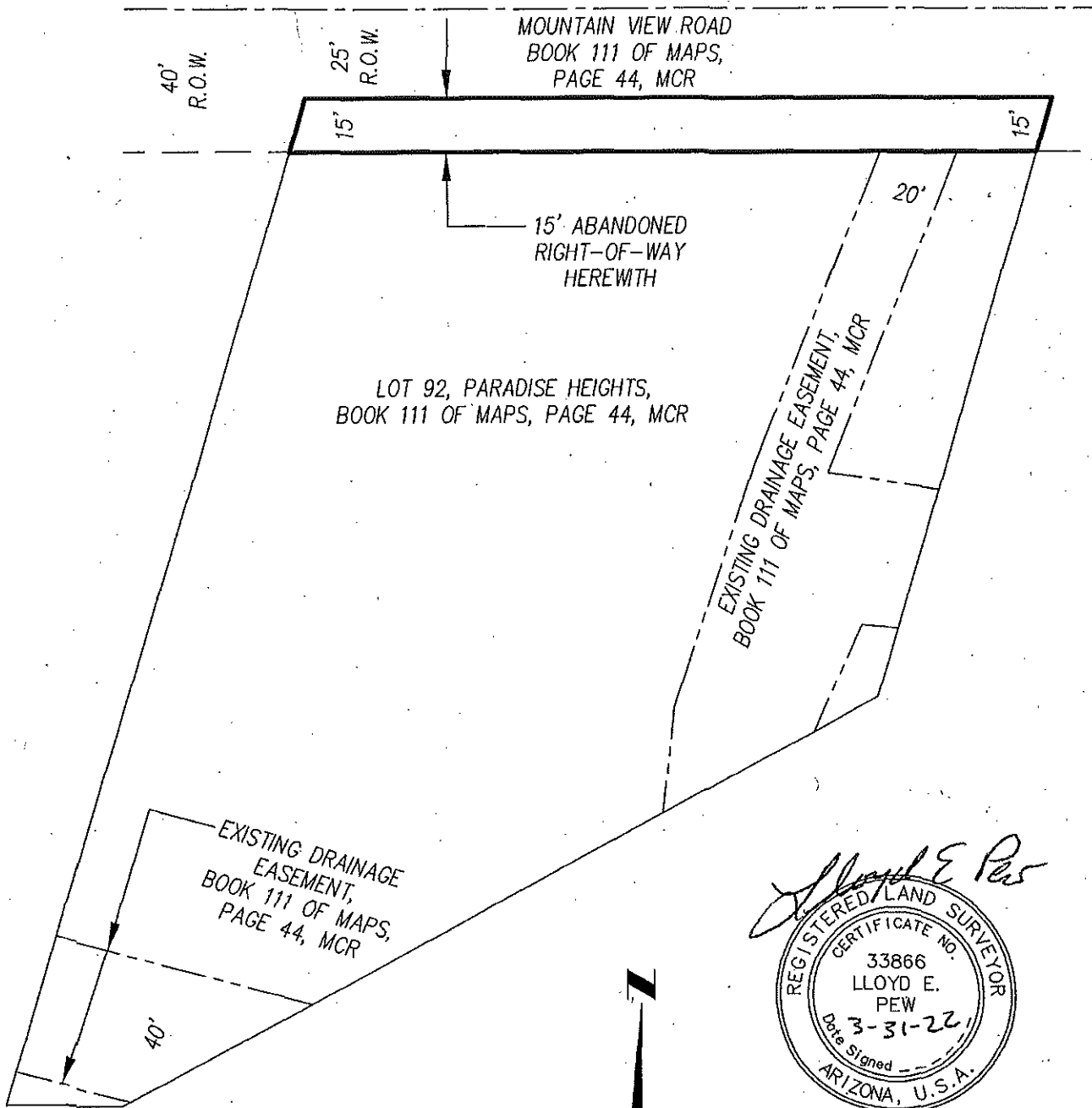
The South 15 feet of the right-of-way of Mountain View Road north of and adjoining Lot 92, PARADISE HEIGHTS, according to Book 111 of Maps, Page 44, records Maricopa County, Arizona, lying East of the northerly elongation of the West line of said Lot 92 and lying West of the northerly elongation of the East line of said Lot 92.

Containing 3,150 square feet



EXPIRES 6/30/23

EXHIBIT "B"  
ABANDONED RIGHT OF WAY



*Lloyd E. Pew*  
REGISTERED LAND SURVEYOR  
CERTIFICATE NO. 33866  
LLOYD E. PEW  
Date Signed 3-31-22  
ARIZONA, U.S.A.



EXPIRES 6/30/23

NOT TO SCALE

# RESULTS OF SURVEY

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASELINE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

12501 E MOUNTAIN VIEW ROAD  
SCOTTSDALE, AZ 85259

OWNER  
JUSTIN AND  
TIFFIN JOHNSON

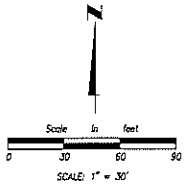
SITE DATA  
LOT AREA: 47,409 SQ. FT. (M)  
APN: 217-32-164  
OS: 27-58

### LEGAL DESCRIPTION

LOT 92, PARADISE HEIGHTS, ACCORDING TO BOOK 111 OF MAPS, PAGE 44, RECORDS MARICOPA COUNTY, ARIZONA.

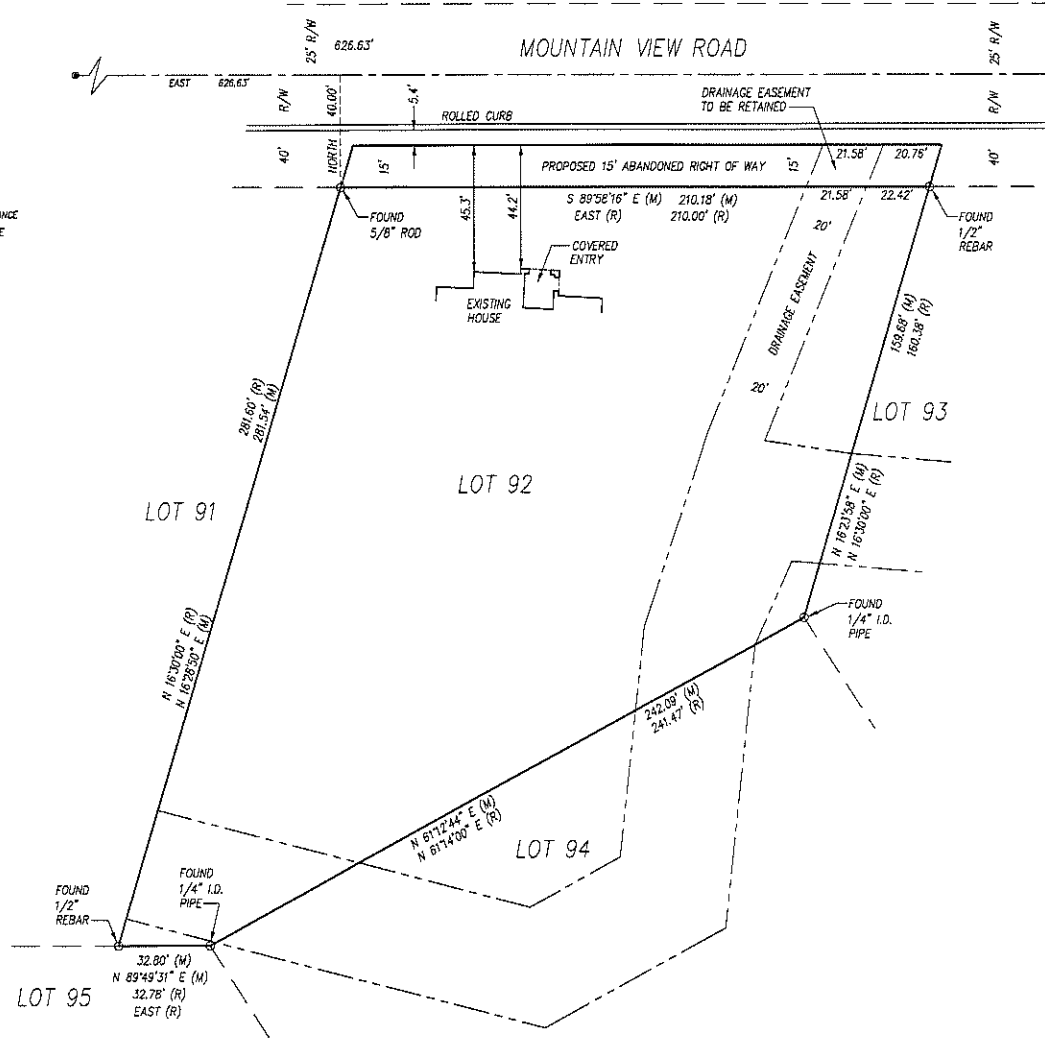
### LEGEND

- FOUND BRASS CAP
- FOUND MONUMENT AS NOTED
- (R) RECORD PLAT BEARING / DISTANCE
- (M) MEASURED BEARING / DISTANCE
- R/W RIGHT OF WAY



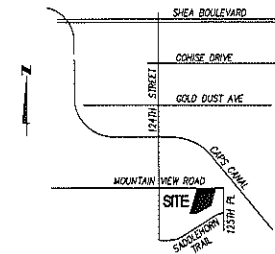
### NOTES

1. UNDERGROUND UTILITIES WERE NOT LOCATED FOR THIS SURVEY.
2. THIS SURVEY WAS PREPARED WITHOUT TITLE RESEARCH. ONLY THE EASEMENTS PER THE RECORDED PLAT ARE SHOWN.



### LOCATION MAP

NOT TO SCALE



### CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY OF THE HEREON DESCRIBED PREMISES WAS PREPARED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF NOVEMBER 2021 AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

LLOYD E. PEW, RLS #53866



EXPIRES 6/30/23

### PEW SURVEYING, LLC

P.O. Box 18211  
Fountain Hills, AZ 85269  
(480) 239-1507  
E-mail: lpew@pew-s.com  
www.pew-s.com

Project No. 21-104  
Drawn by: LEP  
Checked by: LEP  
Date: 12-2-21

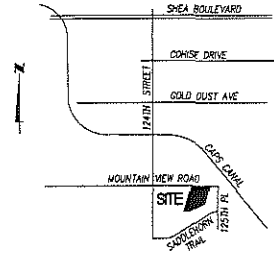
# MAP OF RELEASE / MAP OF DEDICATION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26,  
TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT  
RIVER BASELINE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

**OWNERS**  
JUSTIN JOHNSON AND  
TIFFIN JOHNSON

## LOCATION MAP

NOT TO SCALE



## DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

JUSTIN JOHNSON AND TIFFIN JOHNSON, OWNERS, HEREBY PUBLISHES THIS MAP OF DEDICATION FOR LOT 92, PARADISE HEIGHTS, ACCORDING TO BOOK 111 OF MAPS, PAGE 44 RECORDS OF MARICOPA COUNTY, ARIZONA, AS SHOWN ON THIS MAP. THE MAP SETS FORTH LOCATION AND GIVES THE DIMENSIONS OF THE EASEMENTS CONSTITUTING THE DEDICATION. EACH EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, NAME OR DESCRIPTION GIVEN EACH RESPECTIVELY ON THIS MAP. THE EASEMENTS ARE DEDICATED FOR THE PURPOSES, AND SUBJECT TO THE CONDITIONS, STATED.

## EASEMENTS

JUSTIN JOHNSON AND TIFFIN JOHNSON, OWNERS, GRANTOR, DEDICATE TO THE CITY OF SCOTTSDALE, AN ARIZONA MUNICIPAL CORPORATION, GRANTEE:

### DRAINAGE AND FLOOD CONTROL (D.F.C.):

A PERPETUAL, NON-EXCLUSIVE EASEMENT SHOWN HEREON UPON, OVER, UNDER AND ACROSS THE PROPERTY ON THIS PLAT, FOR DRAINAGE AND FLOOD CONTROL, AND ALL RELATED PURPOSES, INCLUDING WITHOUT LIMITATION, CONSTRUCTION, MAINTENANCE, OPERATION, REPLACEMENT, AND REPAIR OF LEVEES, DICES, DAMS, STORMWATER STORAGE BASINS, STORM DRAINS (SD), CHANNELS, IMPROVEMENTS, WASHES, WATERCOURSES AND OTHER DRAINAGE OR FLOOD CONTROL FACILITIES (COLLECTIVELY, "DRAINAGE FACILITIES"), SUBJECT TO THE FOLLOWING:

1. GRANTOR IS RESPONSIBLE FOR ALL DRAINAGE FACILITIES ON THE PROPERTY DRAINAGE FACILITIES ON THE PROPERTY MIGHT NOT BE OBVIOUS. LACK OF AWARENESS OF DRAINAGE FACILITIES DOES NOT EXCLUDE FAILURE TO PERFORM THE REQUIREMENTS OF THIS DOCUMENT.
2. GRANTOR SHALL NOT CONSTRUCT, OBSTRUCT OR ALTER ANY DRAINAGE FACILITIES ON THE PROPERTY WITHOUT GRANTEE'S PRIOR WRITTEN CONSENT.
3. AT GRANTOR'S EXPENSE, GRANTOR SHALL MAINTAIN DRAINAGE FACILITIES IN GOOD CONDITION, REPLACE AND REPAIR DRAINAGE FACILITIES AS NECESSARY TO MAINTAIN THEIR FLOOD CARRYING OR STORAGE CAPACITY, PREVENT EROSION, AND PREVENT ANY REFUSE, DEBRIS, SEDIMENT, VEGETATION, OR OTHER OBSTRUCTION FROM ACCUMULATING IN DRAINAGE FACILITIES. GRANTEE IS NOT OBLIGATED TO PERFORM ANY SUCH WORK.
4. IF, IN GRANTEE'S OPINION, GRANTOR FAILS TO DO SUCH WORK, THEN GRANTEE MAY DO THE WORK AT GRANTOR'S EXPENSE, IN ADDITION TO GRANTEE'S OTHER REMEDIES. THE COST OF THE WORK SHALL BE SECURED BY A LIEN THAT GRANTEE HEREBY GRANTS AGAINST THE PROPERTY, WITH INTEREST AT THE ANNUAL RATE OF EIGHT PERCENT (8%).
5. GRANTEE SHALL INDEMNIFY, DEFEND AND HOLD GRANTEE HARMLESS AGAINST GRANTEE'S FAILURE TO PERFORM UNDER THIS DOCUMENT.

### PUBLIC UTILITY (PU):

A PERPETUAL, NON-EXCLUSIVE EASEMENT SHOWN HEREON UPON, OVER, UNDER AND ACROSS THE PROPERTY ON THIS PLAT, FOR ELECTRICITY, TELECOMMUNICATION, DATA TRANSMISSION, AND ALL OTHER MANNER OF UTILITIES, AND FOR CONSTRUCTION, OPERATION, USE, MAINTENANCE, REPAIR, AND REPLACEMENT OF IMPROVEMENTS RELATED TO UTILITIES. IN THE EASEMENT, GRANTOR SHALL NOT PLACE OR ALLOW ANY (1) TREES, HEDGES, SHRUBS OR OTHER PLANT WHICH CAN GROW LARGER THAN 18 INCHES TALL, OR (2) HARDSCAPE, SWIMMING POOLS, SHEDS OR OTHER VERTICAL OR HORIZONTAL STRUCTURES.

GRANTOR WARRANTS AND COVENANTS TO GRANTEE AND ITS SUCCESSORS AND ASSIGNS THAT GRANTEE IS LAWFULLY SEIZED AND POSSESSED OF THE PROPERTY. THAT GRANTEE HAS A GOOD AND LAWFUL RIGHT TO MAKE THE CONVEYANCE DESCRIBED HEREIN. AND THAT GRANTEE SHALL HAVE TITLE AND QUIET POSSESSION AGAINST THE CLAIMS OF ALL PERSONS. THE PERSON EXECUTING THIS DOCUMENT ON BEHALF OF A CORPORATION, TRUST OR OTHER ORGANIZATION WARRANTS HIS OR HER AUTHORITY TO DO SO AND THAT ALL PERSONS NECESSARY TO BIND GRANTEE HAVE JOINED IN THIS DOCUMENT. THIS DOCUMENT RUNS WITH THE LAND IN FAVOR OF GRANTEE'S SUCCESSORS AND ASSIGNS.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

GRANTOR: \_\_\_\_\_

GRANTOR: JUSTIN JOHNSON

GRANTOR: TIFFIN JOHNSON

## ACKNOWLEDGEMENT:

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS  
THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

BY JUSTIN JOHNSON AND TIFFIN JOHNSON.

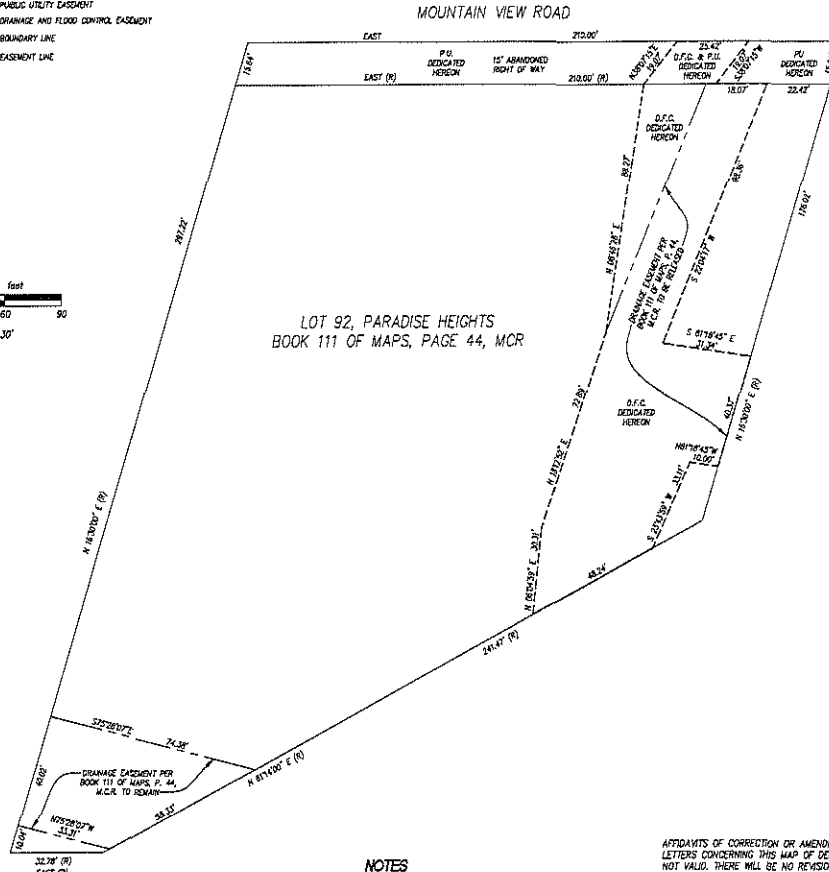
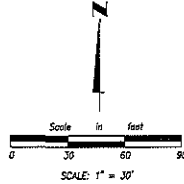
IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

## LEGEND

- (R) RECORDED DIMENSIONS
- M.C.R. MARICOPA COUNTY RECORDED
- P.U. PUBLIC UTILITY EASEMENT
- D.F.C. DRAINAGE AND FLOOD CONTROL EASEMENT
- BOUNDARY LINE
- - - - EASEMENT LINE



## LEGAL DESCRIPTION

LOT 92, PARADISE HEIGHTS, ACCORDING TO BOOK 111 OF MAPS, PAGE 44, RECORDS MARICOPA COUNTY, ARIZONA, TOGETHER WITH AN ABANDONED PORTION OF THE RIGHT-OF-WAY OF MOUNTAIN VIEW ROAD MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
THE SOUTH 15 FEET OF THE RIGHT-OF-WAY OF MOUNTAIN VIEW ROAD, NORTH OF AND ADJOINING LOT 92, PARADISE HEIGHTS, ACCORDING TO BOOK 111 OF MAPS, PAGE 44, RECORDS MARICOPA COUNTY, ARIZONA, LYING EAST OF THE NORTHERLY ELONGATION OF THE WEST LINE OF SAID LOT 92 AND LYING WEST OF THE NORTHERLY ELONGATION OF THE EAST LINE OF SAID LOT 92.

## SITE DATA

ADDRESS: 12501 E MOUNTAIN VIEW ROAD  
SCOTTSDALE, AZ 85259  
APN: 217-32-164  
DS: 27-58  
ZONING: R1-43

## CITY OF SCOTTSDALE STAFF PLAT APPROVAL

THIS MAP OF DEDICATION HAS BEEN REVIEWED FOR COMPLIANCE WITH THE CITY OF SCOTTSDALE'S DESIGN STANDARDS AND POLICY MANUAL SPECIFICATIONS.

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
CHIEF DEVELOPMENT OFFICER

THIS MAP OF DEDICATION HAS BEEN REVIEWED FOR COMPLIANCE WITH THE DEVELOPMENT STANDARDS OF THE CITY OF SCOTTSDALE'S DEVELOPMENT REVIEW BOARD (DRB) CASE NO. \_\_\_\_\_ AND ZONING CASE(S) NO. \_\_\_\_\_ AND ALL CASE RELATED STIPULATIONS.

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
DEVELOPMENT ENGINEERING MANAGER

## NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. ALL DIMENSIONS ARE CALCULATED UNLESS OTHERWISE NOTED.

AFFIDAVITS OF CORRECTION OR AMENDMENT TYPE LETTERS CONCERNING THIS MAP OF DEDICATION ARE NOT VALID. THERE WILL BE NO REVISIONS TO THIS PLAT WITHOUT THE DEVELOPMENT ENGINEERING MANAGER'S APPROVAL.

## CERTIFICATION

I, LLOYD E. PEW, A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, HEREBY CERTIFY THAT THE DEDICATIONS SHOWN HEREON WERE PREPARED UNDER MY DIRECTION.



EXPIRES 6/30/23

## PEW SURVEYING, LLC

P.O. Box 18211  
Fountain Hills, AZ 85269  
(480) 238-1807  
E-mail: lpew@pew-s.com  
www.pew-s.com

Project No. 21-164  
Drawn by LEP  
Checked by LEP  
Date 4-25-22

Resolution No. 12465  
Exhibit D  
Page 1 of 1

C.O.S. PLAN CHECK XXXX-XX