

CITY COUNCIL REPORT



Meeting Date: February 14, 2023
General Plan Element: Land Use
General Plan Goal: Coordinate Planning to Balance Infrastructure

ACTION

Scottsdale & Dixileta
2-AB-2020#2

Request to consider the following:

1. Adopt Resolution No. 12711 for re-approval of an expired abandonment approval for certain 33-foot General Land Office Patent (GLO) easement segments and the east 13-feet of the 33-foot (GLO) easement running along N. 71st Street, all within a +/-17.52-acre site, located at the northwest corner of N. Scottsdale Road and E. Dixileta Drive with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay zoning (R1-43 ESL FO).

Goal/Purpose of Request

This request is to abandon the portions of Government Land Office (GLO) easements that exist within the parcel limits of the subject +/- 17.52-acre (currently 7-lot) site associated with the development of a 14-lot single-family residential subdivision.

Key Items for Consideration

- Approved Zoning District Map Amendment case 15-ZN-2019
- Approved Preliminary Plat case 5-PP-2021
- Previously approved under case 2-AB-2020 (Resolution No. 11901 expired September 2022)
- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan and Local Area Infrastructure Plan
- No public input received regarding the proposed abandonment
- Planning Commission heard this case on January 11, 2023 and recommended approval with a 7-0 vote.



OWNER

Desert Whispers LLC
858-212-5454

APPLICANT CONTACT

Eric Gerster
Sustainability Engineering Group
480-588-7226

LOCATION

Northwest corner of N. Scottsdale Road and E. Dixileta Drive
(APNs 216-67-068B, 216-67-115A, 216-67-061, 216-67-113, 216-67-114, 216-67-027 & 216-67-117A)

BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Rural Neighborhoods. The Rural Neighborhoods category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per acre (or more) of land. Native desert vegetation predominates many areas and special care is required to preserve the area's open desert character and environmental features. Much of the terrain includes gentle to moderate slopes and rolling ground, intersected by several washes. Grading often requires extra care in areas with moderate slopes. Clustering is encouraged to preserve desert vegetation, washes, and natural features.

Character Area Plan

This property falls within the Desert Foothills Character Area Plan. The purpose of this character area is to promote or enhance the character of the Desert Foothills area by establishing development and design guidelines for maintaining the natural qualities of the upper desert, open space, and the rural lifestyle found in the area.

Zoning

The site was rezoned from Single-family Residential Environmentally Sensitive Lands Foothills Overlay (R1-70 ESL FO) to Single-family Residential Environmentally Sensitive Land Foothills Overlay (R1-43 ESL FO) zoning by associated Zoning District Map Amendment case 15-ZN-2019.

The R1-43 zoning district is intended to promote and preserve residential development. Large lots are required to maintain low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

The purpose of the Environmentally Sensitive Lands (ESL) overlay district is to identify and protect environmentally sensitive lands in the city and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands.

The purpose of the Foothills Overlay (FO) district is to provide a means to recognize and further preserve the rural desert character in the low density lands that are generally not within subdivisions to which the FO district has been applied by defining additional standards that help to define the area's unique character. These standards are intended to result in minimum visual impact for buildings and other improvements and to further the related purposes of the Environmentally Sensitive Lands (ESL) district that relate to preservation of the desert and blending the form of buildings into the desert environment.

Context

The subject site currently consists of 7 vacant parcels located at the northwest corner of the intersection of N. Scottsdale Road and E. Dixileta Drive. Those lots are approved through the Preliminary Plat process to be platted into a 14-lot residential subdivision.

- The subject 33-foot General Land Office Patent Easement (GLO) located along the southern boundary of APN 216-67-114 was dedicated in September 1959, through patent serial number 1199069.
- The subject 33-foot General Land Office Patent Easement (GLO) located along the northern boundary of APN 216-67-113 was dedicated in March 1960, through patent serial number 1205849.
- The subject portions of 33-foot General Land Office Patent Easement (GLO) located along the southern and western boundaries of APN 216-67-027 were dedicated in December 1957, through patent serial number 1177779.
- The subject portions of 33-foot General Land Office Patent Easement (GLO) located along the northern and western boundaries of APN 216-67-114 were dedicated in August 1958, through patent serial number 1185977.
- The subject portion of 33-foot General Land Office Patent Easement (GLO) located along the western boundary of APN 216-67-115A was dedicated in January 1960, through patent serial number 1203973.
- Currently the subject portions of the GLO easements are unimproved.

Adjacent Uses and Zoning

- North: Developed and undeveloped residential properties; zoned Single-family Residential, Environmentally Sensitive Lands Foothills Overlay (R1-70 ESL FO)
- South: Carriage Trails Unit 1 residential subdivision; zoned Single-family Residential, Planned Residential District, Environmentally Sensitive Lands (R1-35 PRD ESL)
- East: Trovia residential subdivision; zoned Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL)
- West: Developed and undeveloped residential properties; zoned Single-family Residential, Environmentally Sensitive Lands Foothills Overlay (R1-70 ESL FO)

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 ensure 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.

Other Related Policies, References:

- Scottsdale General Plan 2035, as amended
- Desert Foothills Character Area Plan
- Zoning Ordinance and associated Case 15-ZN-2019
- Preliminary Plat case 5-PP-2021
- 2008 Scottsdale Transportation Master Plan
- Desert Foothills Area 3 Local Area Infrastructure Plan (LAIP) – modified with 15-ZN-2019

APPLICANTS PROPOSAL

Development Information

This abandonment is associated with approved Preliminary Plat case 5-PP-2021 for a 14-lot single-family residential subdivision. The proposed abandonment was contemplated in the scope of the rezoning and preliminary plat applications. The subdivision is currently in the Construction Document and Final Plat review process.

IMPACT ANALYSIS

Land Use

This abandonment would allow for the platting and development of the associated approved 14-lot residential subdivision.

Transportation/Trails

Access to the proposed subdivision is intended to be provided from E. Dixileta Drive with a gated entry and a singular internal street, located centrally within the development. The subdivision

proposal also includes completing/expanding street improvements, or making in-leu payments, for the surrounding street frontages; E. Dixileta Drive, N. Scottsdale Road, E. Windstone Trial, and N. 71st Street.

Water/Sewer

The applicant has provided Preliminary Basis of Design reports for water and wastewater that support the proposal for 14 residential homes on this site and does not rely on the current GLO alignments.

Public Safety

Access to this site and the surrounding areas will continue to be provided via E. Dixileta Drive, N. Scottsdale Road, E. Windstone Trial, and N. 71st Street. No impacts are anticipated.

Community Involvement

Property owners located within 750-feet of the site were notified of this abandonment application. As of the writing of this report staff received some informational inquiries but no written comments pertaining to the scope of this abandonment reapproval.

Policy Implications

The proposed abandonment was contemplated with the associated approved zoning and preliminary plat cases and was previously approved under case 2-AB-2020. If the abandonment is approved, and the conditions met, the associated Final Plat and Improvement Plans can be approved.

The City Council originally approved case 2-AB-2020 on September 22, 2020. The Abandonment Resolution No. 11901 reached its expiration on September 22, 2022 with the conditions not being satisfied within the specified 2-year timeframe.

Community Impact

The proposed abandonment does not restrict or remove access to any surrounding properties. The necessary right-of-way dedications are conditioned to be provided and/or are currently in place in the immediate area. The property owner will pay the previously calculated/determined amount as compensation for the abandonment areas.

OTHER BOARDS AND COMMISSIONS

Planning Commission:

Planning Commission heard this case on January 11, 2023 and recommended approval with a 7-0 vote.

Staff's Recommendation to Planning Commission

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon the identified General Land Office Patent (GLO) easements, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner dedicates a 20-foot-wide half-street Public Right-of-Way for N. 71st Street along the site frontage.

2. The property owner dedicates a total 65-foot-wide half-street Public Right-of-Way for N. Scottsdale Road along the site frontage.
3. The property owner dedicates a 25-foot-wide half-street Public Right-of-Way for E. Windstone Trail along the site frontage.
4. The property owner dedicates an 11-foot-wide Water and Sewer Facilities easement along the N. 71st Street frontage, beyond the new right-of-way dedication.
5. The property owner pays to the city \$59,000.00 as compensation to the city for the abandonment of right-of-way.

RECOMMENDATION

Recommended Approach:

Adopt Resolution No. 12711 for re-approval of an expired abandonment approval for certain 33-foot General Land Office Patent (GLO) easement segments and the east 13-feet of the 33-foot (GLO) easement running along N. 71st Street, all within a +/-17.52-acre site, located at the northwest corner of N. Scottsdale Road and E. Dixileta Drive with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay zoning (R1-43 ESL FO).

RESPONSIBLE DEPARTMENT


Planning and Development Services

Current Planning Services


STAFF CONTACT

Jeff Barnes
Senior Planner
480-312-2376
E-mail: jbarnes@ScottsdaleAZ.gov

APPROVED BY



Jeff Barnes, Report Author 1/19/2023
Date



Tim Curtis, AICP, Current Planning Director 1/26/2023
Planning Commission Liaison Date
Phone: 480-312-7713 Email: tcurtis@scottsdaleaz.gov



Erin Perreault, AICP Executive Director 01/27/2023
Planning, Economic Development, and Tourism Date
Phone: 480-312-7093 Email: eperreault@scottsdaleaz.gov

ATTACHMENTS

1. Context Aerial
- 1A. Aerial Close-Up
2. Resolution No. 12711
 - Exhibits A-J: Legal Descriptions and Graphics Depictions
 - Exhibit K: Depiction of subject parcel
3. Applicant's Narrative
4. Local Area Infrastructure Plan (LAIP) [Desert Foothills Area 3]
5. Preliminary Plat (for reference)
6. City Notification Map
7. January 11, 2023 Planning Commission meeting minutes



Context Aerial



Close-up Aerial

2-AB-2020#2

ATTACHMENT #1A

RESOLUTION NO. 12711

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 RIGHTS-OF-WAY (GLO EASEMENTS WITHIN A SEVEN LOT AREA) LOCATED AT THE NORTHWEST CORNER OF NORTH SCOTTSDALE ROAD AND EAST DIXILETA DRIVE.

(2-AB-2020#2)
(Scottsdale & Dixileta)
(Replacing Resolution No. 11901)

WHEREAS:

A. On September 22, 2020, the City of Scottsdale City Council adopted Resolution No. 11901 (the "Original Resolution") relating to the abandonment of certain right-of-way described in the Original Resolution.

B. Paragraph 4 of the Original Resolution provided that the Original Resolution would be void unless certain conditions (collectively the "Conditions") occurred within two years after the date of the Original Resolution.

C. The Conditions were not timely satisfied and the Original Resolution is void.

D. The City desires to adopt this new resolution to abandon all or part of the right-of-way described in the Original Resolution.

E. This resolution replaces the Original Resolution.

F. 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.

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

H. 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").

I. The Abandonment Rights-of-way are legally described on **Exhibit "A"** and depicted on **Exhibit "B"**, legally described on **Exhibit "C"** and depicted on **Exhibit "D"**, legally described on **Exhibit "E"** and depicted on **Exhibit "F"**, legally described on **Exhibit "G"** and depicted on **Exhibit "H"**, and described on **Exhibit "I"** and depicted on **Exhibit "J"** and attached hereto, an area approximately 1.5 acres in size.

J. The Abandonment Rights-of-way fall within, serve, affect or are near seven parcels comprising approximately 14.4 acres, as depicted on **Exhibit "K"** attached hereto.

K. The Abandonment Rights-of-way lie within the area of General Land Office easements created by patent reservation.

L. 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.

M. 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.

N. 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 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 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 shall pay to City the total amount of Fifty-Nine Thousand and No/100 Dollars (\$59,000.00) as compensation to the 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.

3.2 The owner has delivered to City a deed, plat or other instrument that dedicates to City, in accordance with City specifications, a 20-foot-wide right-of-way along 71st Street from Dixileta Drive to the northern boundary of APN 216-67-027.

3.3 The owner has delivered to City a deed, plat or other instrument that dedicates to City, in accordance with City specifications, an additional 15-feet of right-of-way for a total 65-foot-wide half street right-of-way along Scottsdale Road from Dixileta Drive to Windstone Trail.

3.4 The owner has delivered to City a deed, plat or other instrument that dedicates to City, in accordance with City specifications, an 11-foot-wide Water and Sewer Facilities (WSF) easement along the 71st Street property frontage from Dixileta Drive to the northern boundary of APN 216-67-027.

3.5 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 _____, 2023.

CITY OF SCOTTSDALE, an Arizona municipal corporation

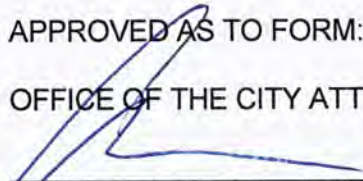
David D. Ortega, Mayor

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	D	Legal description of street right-of-way to be abandoned
D	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
E	D	Legal description of street right-of-way to be abandoned
F	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
G	D	Legal description of street right-of-way to be abandoned
H	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
I	D	Legal description of street right-of-way to be abandoned
J	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
K	E	Depiction of parcels served by abandonment.

Exhibit A

Legal Description

General Land Office Patent Easement Release
(GLOPE)

The General Land Office Patent Easement as described in Patent 1177779, dated December 16, 1957.

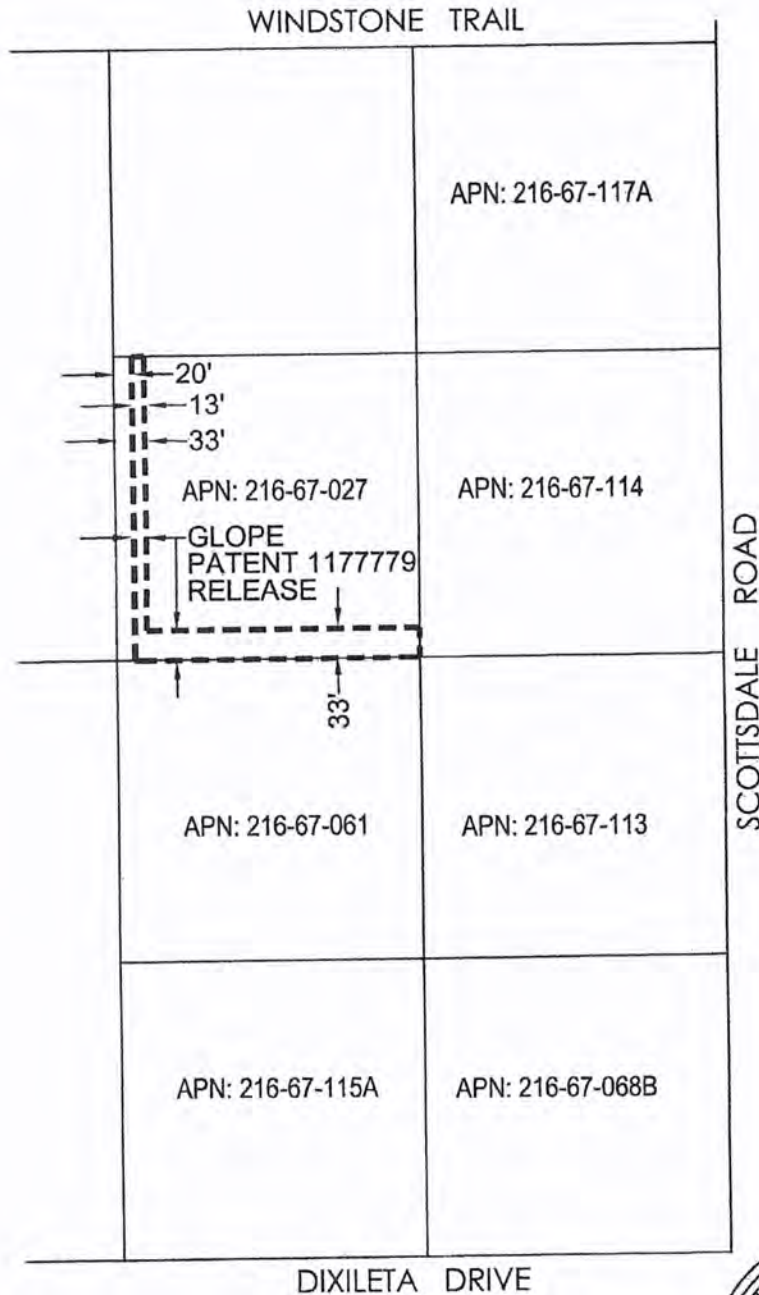
Except the west 20 feet of the southwest quarter of the northeast quarter of the southeast quarter of the southeast quarter of Section 22, Township 5 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.



P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287



**Exhibit B
GENERAL LAND OFFICE PATENT EASEMENT
(GLOPE)
RELEASE OF EASEMENT**



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

Exhibit B
Resolution No. 12711
Page 1 of 1

DRAWN BY: DDA	CHECKED BY: DDA	DATE: 11/04/19	JOB NO.: 19-035
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Exhibit C
Legal Description

General Land Office Patent Easement Release
(GLOPE)

The General Land Office Patent Easement as described in Patent 1185977, dated August 29, 1958.

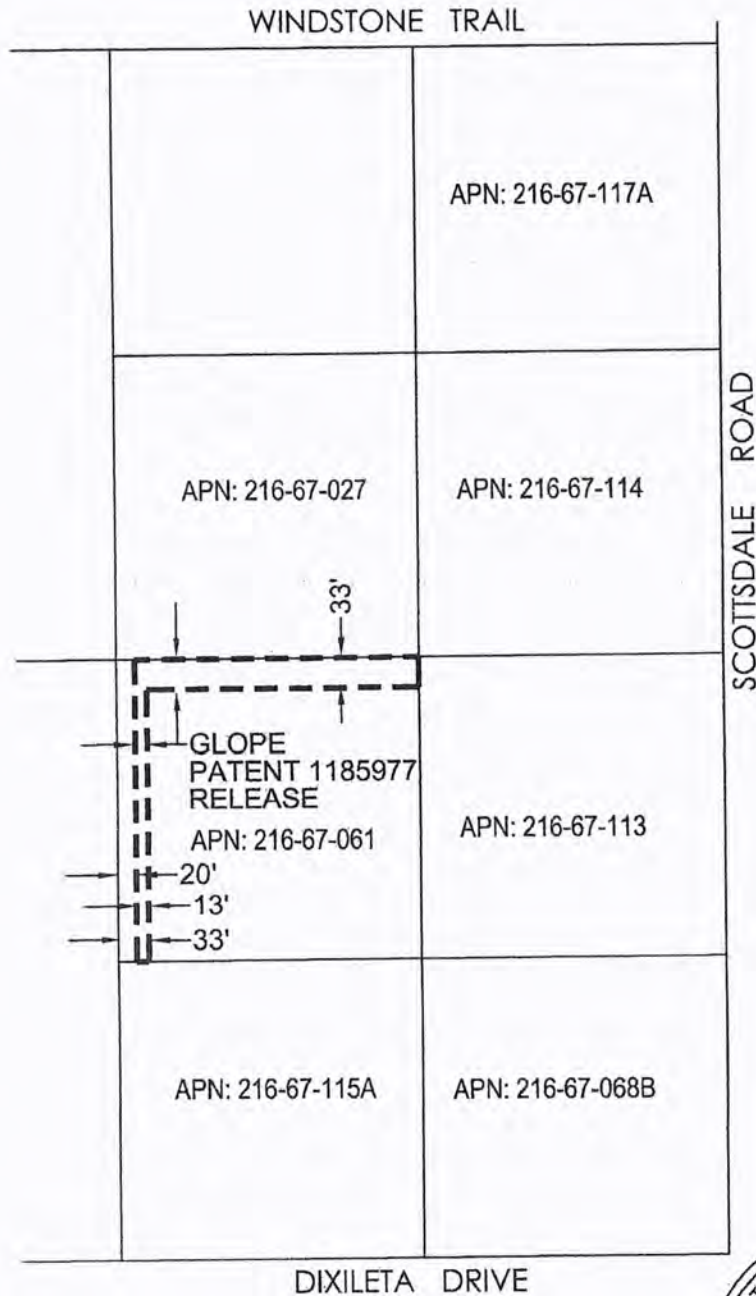
Except the west 20 feet of the northwest quarter of the southeast quarter of the southeast quarter of the southeast quarter of Section 22, Township 5 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.



P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287



Exhibit D
 GENERAL LAND OFFICE PATENT EASEMENT
 (GLOPE)
 RELEASE OF EASEMENT



AW
LAND
SURVEYING, LLC

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

Exhibit D
 Resolution No. 12711
 Page 1 of 1

DRAWN BY: DDA	CHECKED BY: DDA	DATE: 11/04/19	JOB NO.: 19-035
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Exhibit E
Legal Description

General Land Office Patent Easement Release
(GLOPE)

A portion of the General Land Office Patent Easement as described in Patent 1203975, dated January 18, 1960, more particularly described as follows:

The east 13 feet of the west 33 feet of the southwest quarter of the southeast quarter of the southeast quarter of the southeast quarter of Section 22, Township 5 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

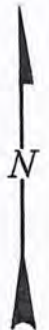
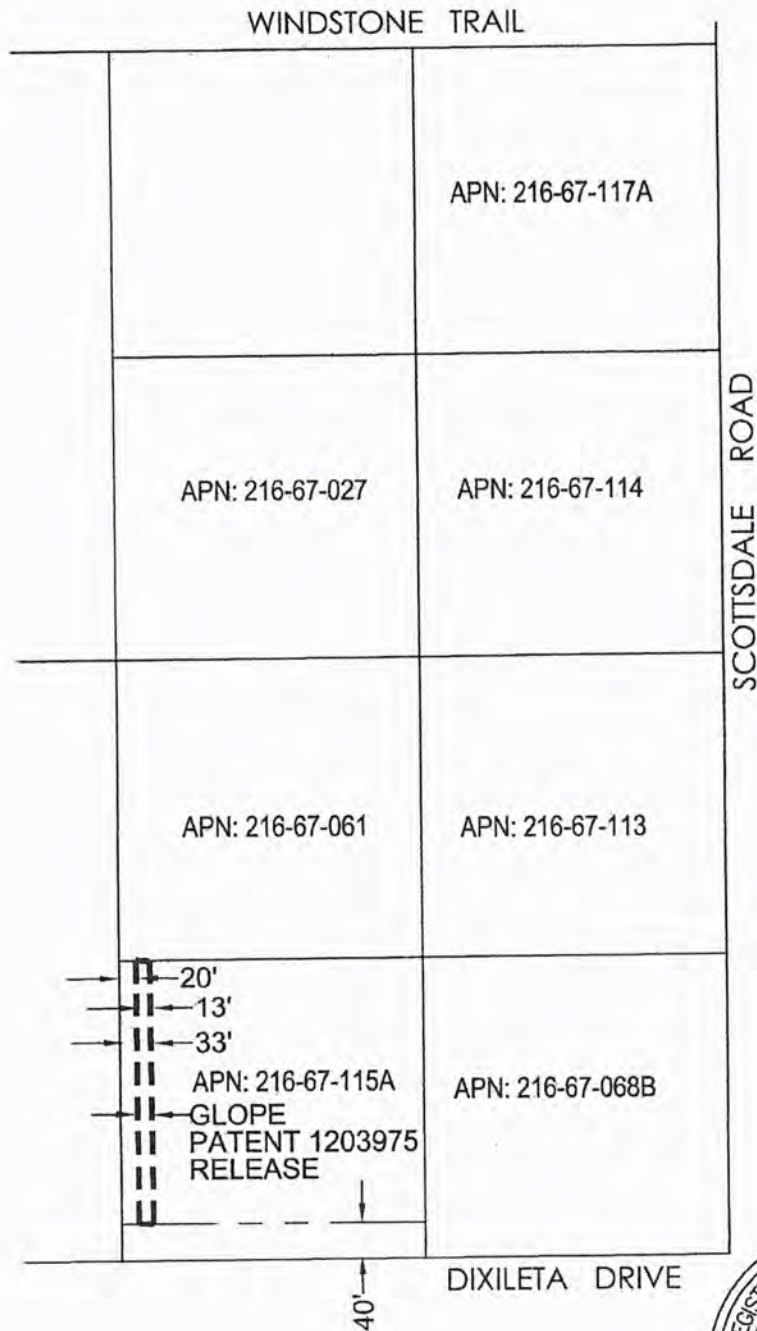
Except the south 40 feet thereof.



P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
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Exhibit F
 GENERAL LAND OFFICE PATENT EASEMENT
 (GLOPE)
 RELEASE OF EASEMENT



AW
LAND
SURVEYING, LLC

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

Exhibit F
 Resolution No. 12711
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DRAWN BY: DDA	CHECKED BY: DDA	DATE: 11/04/19	JOB NO.: 19-035
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Exhibit G
Legal Description

General Land Office Patent Easement Release
(GLOPE)

A portion of the General Land Office Patent Easement as described in Patent 1199869, dated October 1, 1959, more particularly described as follows:

The south 33 feet of the southeast quarter of the northeast quarter of the southeast quarter of the southeast quarter of Section 22, Township 5 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Except the east 65 feet thereof.

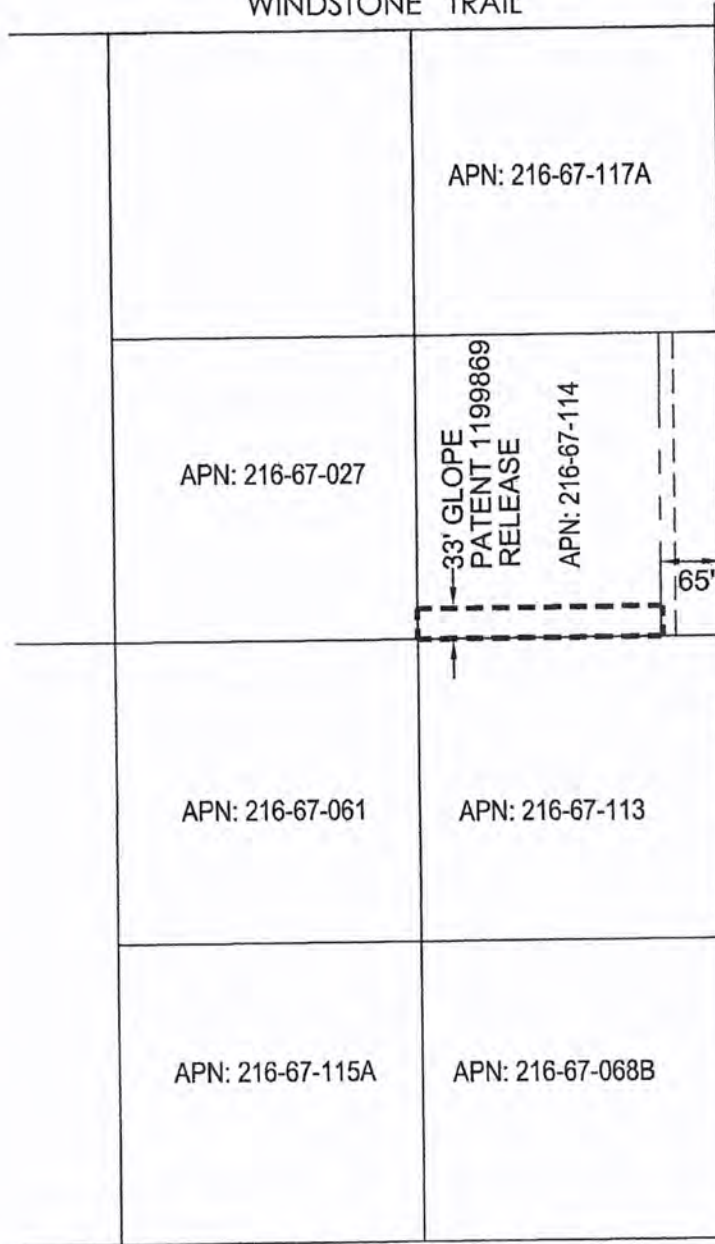


P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287



**Exhibit H
GENERAL LAND OFFICE PATENT EASEMENT
(GLOPE)
RELEASE OF EASEMENT**

WINDSTONE TRAIL



SCOTTSDALE ROAD

DIXILETA DRIVE



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

Exhibit H
Resolution No. 12711
Page 1 of 1



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 11/04/19	JOB NO.: 19-035
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Exhibit I
Legal Description

General Land Office Patent Easement Release
(GLOPE)

A portion of the General Land Office Patent Easement as described in Patent 1205849, dated March 4, 1960, more particularly described as follows:

The north 33 feet of the northeast quarter of the southeast quarter of the southeast quarter of the southeast quarter of Section 22, Township 5 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

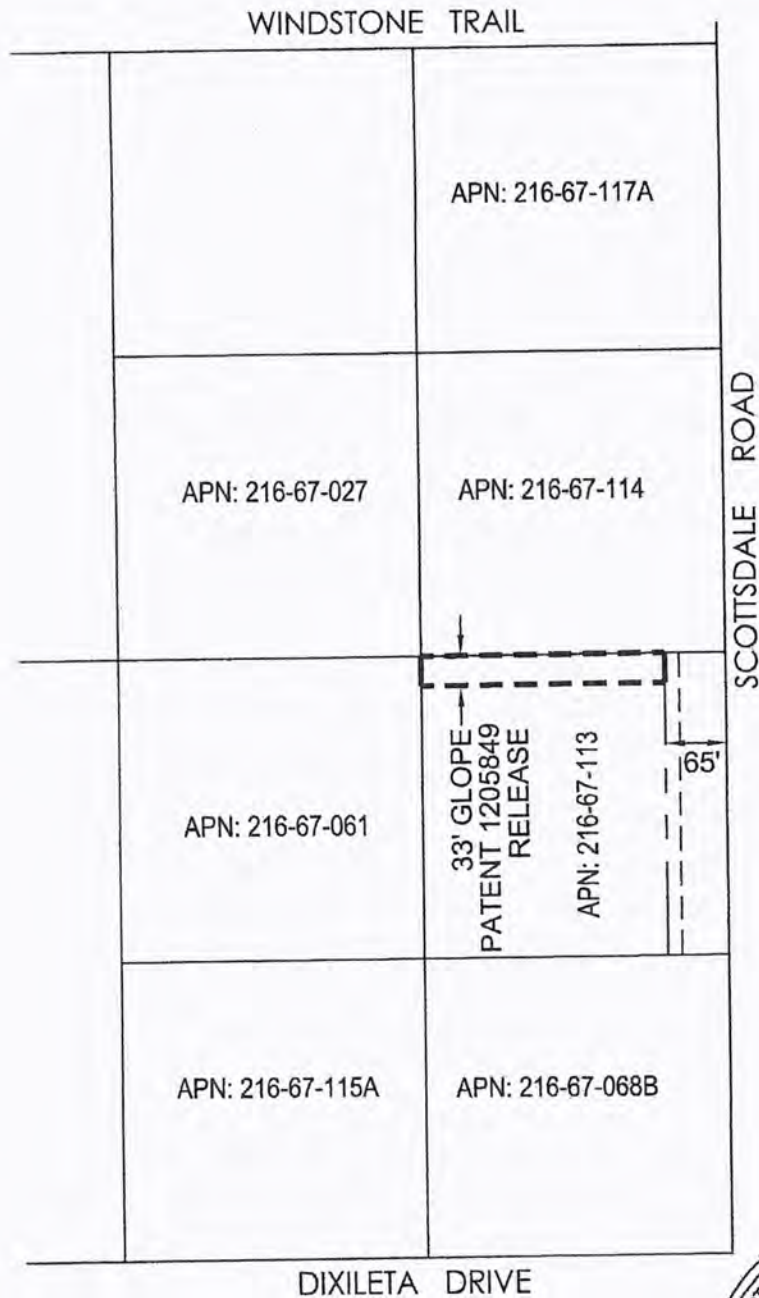
Except the east 65 feet thereof.



P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287



Exhibit J
 GENERAL LAND OFFICE PATENT EASEMENT
 (GLOPE)
 RELEASE OF EASEMENT



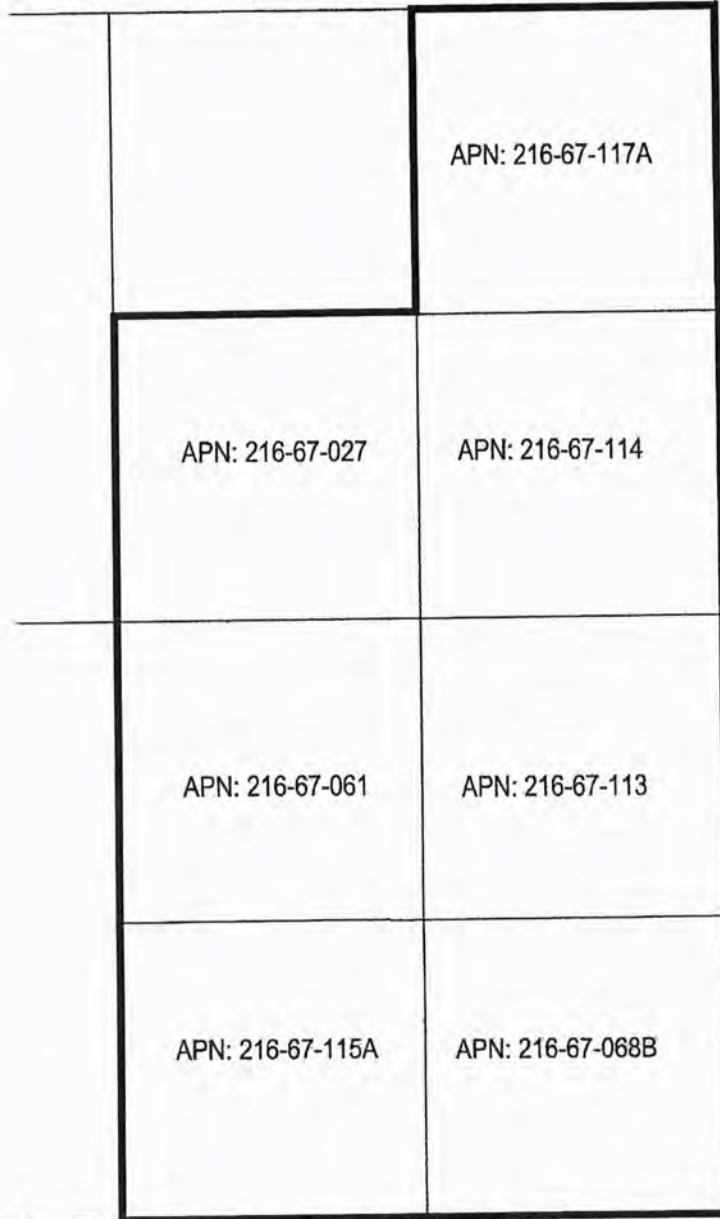
AW LAND SURVEYING, LLC
 P.O. BOX 2170, CHANDLER, AZ 85244
 (480) 244-7630 (480) 243-4287

Exhibit J
 Resolution No. 12711
 Page 1 of 1

DRAWN BY: DDA	CHECKED BY: DDA	DATE: 11/04/19	JOB NO.: 19-035
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Exhibit K
 GENERAL LAND OFFICE PATENT EASEMENT
 (GLOPE)
 RELEASE OF EASEMENT

WINDSTONE TRAIL



SCOTTSDALE ROAD

DIXILETA DRIVE



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

Exhibit K
 Resolution No. 12711
 Page 1 of 1



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 11/04/19	JOB NO.: 19-035
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Scottsdale Road and Dixileta Drive Abandonment Application

7176 E. Dixileta Drive, Scottsdale, AZ 85266

(Parcel Nos. 216-67-117A, 216-67-027, 216-67-114, 216-67-061, 216-67-113, 216-67-115A, 216-67-068B)

Project Narrative

November 10, 2022

(A Resubmittal of 2-AB-2020)



OWNER

Desert Whispers, LLC
3018 N. 53rd Place
Phoenix, AZ 85018
Attn: Chadwic Gifford
chadwicg@gmail.com

APPLICANT/CIVIL ENGINEER

Sustainability Engineering Group (SEG)
8280 E. Gelding Drive, Suite 101
Scottsdale, AZ 85260
Attn: Eric Gerster
480-588-7226
Eric@azSEG.com

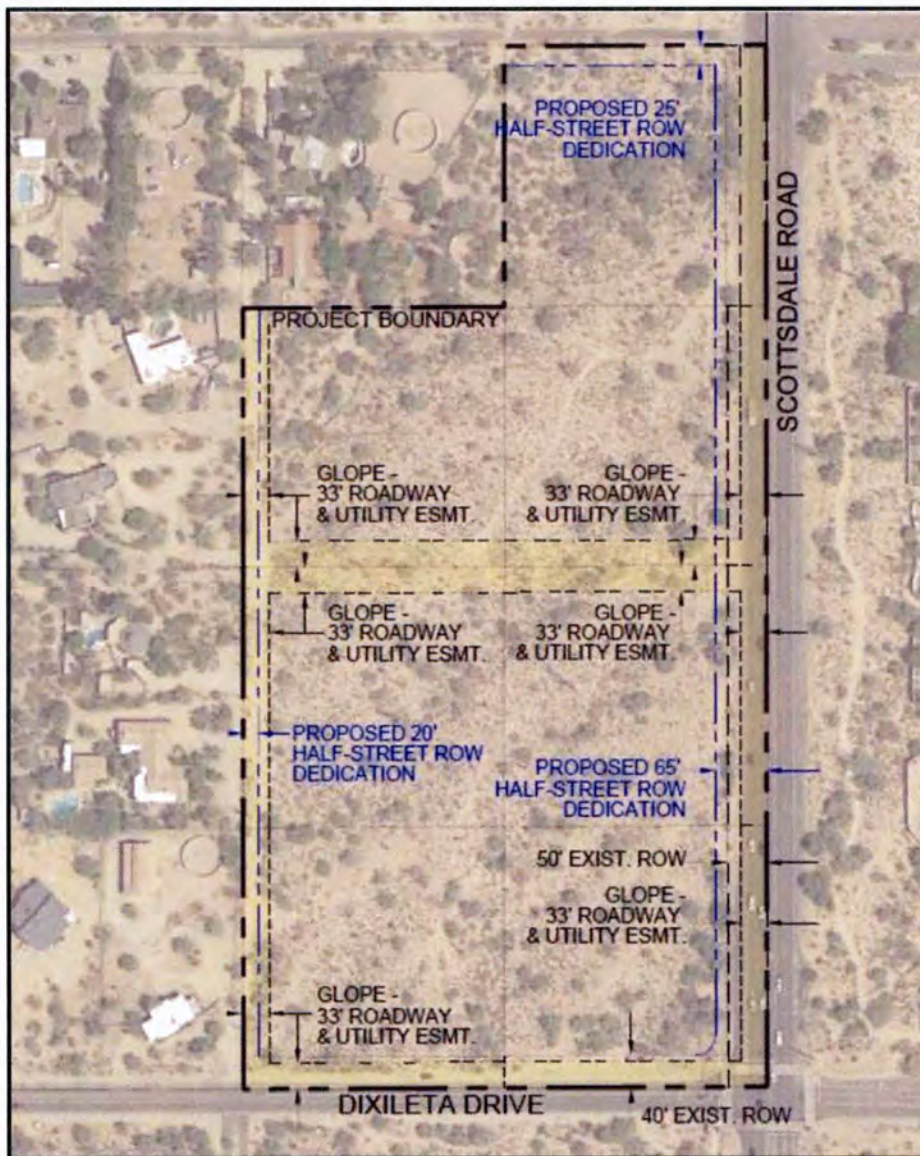
8280 E. Gelding Dr., Suite 101
Scottsdale, AZ 85260

I. Abandonment Request

The Applicant represents Desert Whispers, LLC in connection with an application requesting approval for the abandonment of GLOPE segments that run through the property (APNs 216-67-117A, 216-67-114, 216-67-027, 216-67-061, 216-67-113, 216-67-068B, and 216-67-115A).

This request is being filed in conjunction with a final plat request for a 14-lot single-family subdivision on 17.5+/- acres (Case 15-ZN-2019) at the northwest corner of Scottsdale & Dixileta.

The GLOPEs are unimproved and do not provide connectivity to neighboring properties. Utility companies have been contacted regarding the proposed abandonment (APS, Century Link, COS, Cox, SW Gas). Correspondence is included with the application documents. A context aerial has been provided below

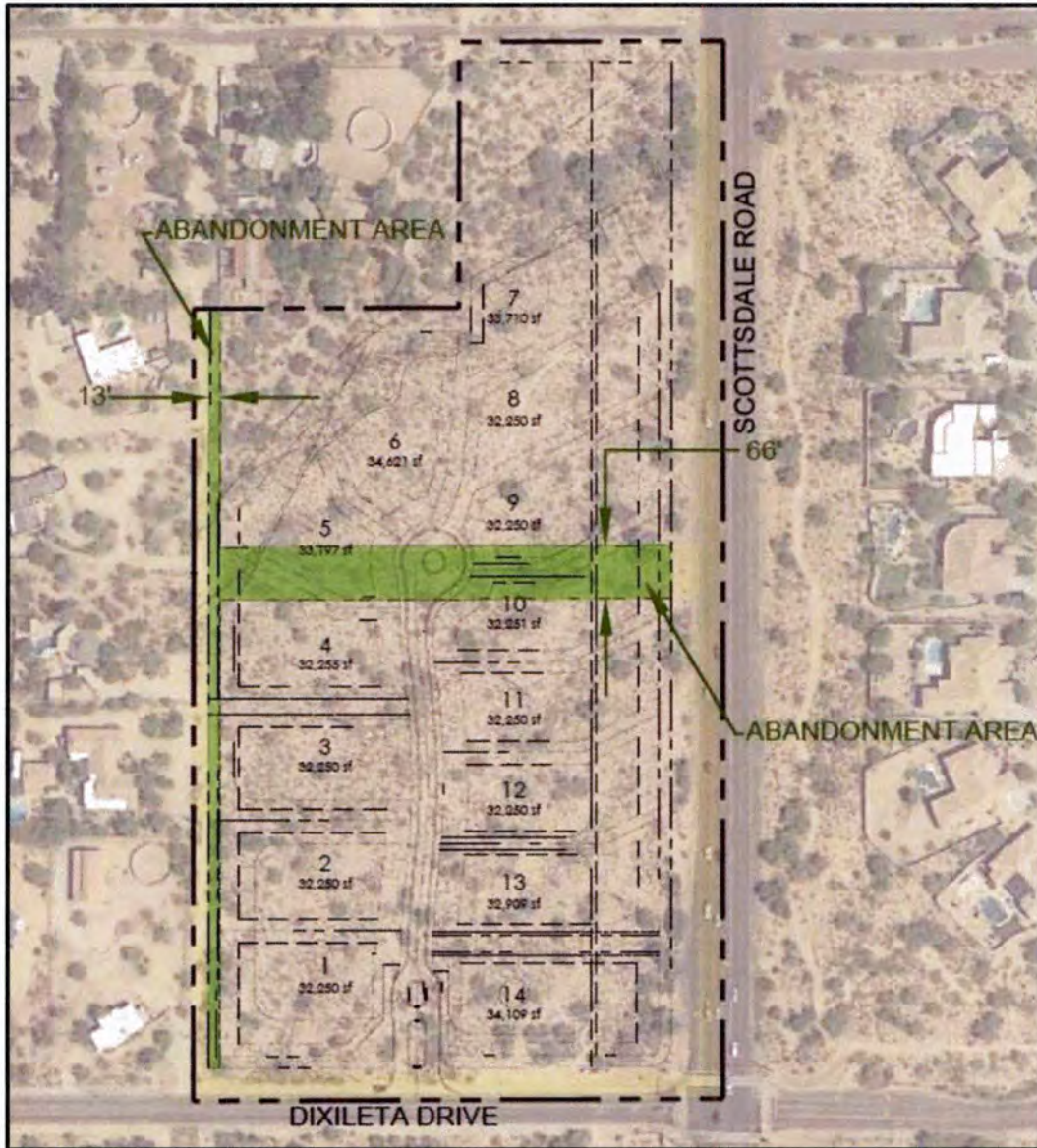


8280 E. Gelding Dr., Suite 101
Scottsdale, AZ 85260

II. Consideration for Abandonment

It has been determined as a result of the Arizona "Gift Clause" legislation that monetary compensation to the City is required for the abandonment of dedicated right-of-way and GLOP easements.

The land area consists of 49,744 square feet. Per discussions with City of Scottsdale staff, a compensation amount of \$59,000 has been agreed upon, which is equal to approximately \$1.19 per square foot. Abandonment legal descriptions have been attached as part of this submittal request.



III. Conclusion

This Application for Abandonment proposes changes in property ownership that will enhance circulation and the right to property for this subdivision and adjacent properties. The Applicant believes that for these reasons the abandonment should be approved.

8280 E. Gelding Dr., Suite 101
Scottsdale, AZ 85260

Desert Foothills Area 3 Local Area Infrastructure Plan



ATTACHMENT #4

Parcels	City Boundary	0 200 400 800 Feet	
Preserve	Existing Trail		 ↑ N
Proposed Street	Planned Trail		
	Water/Sewer ROW		

Notice: This document is provided for general information purposes only. The City of Scottsdale does not warrant its accuracy, completeness, or suitability for any particular purpose. It should not be relied upon without field verification.



Last updated 1/26/2021

BASIS OF BEARING:

THE BASIS OF BEARING AND ALL MONUMENTATION SHOWN HEREIN IS BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, T54N, R4E, USING A BEARING OF SOUTH 00 DEGREES 00 MINUTES 45 SECONDS WEST, AS SHOWN ON RECORDS OF SURVEY, RECORDED IN BOOK 640, PAGE 06, MARICOPA COUNTY RECORDS.

BENCHMARK:

BENCHMARK IS A BRASS CAP IN HANDHOLE, LOCATED AT THE INTERSECTION OF SCOTTSDALE ROAD AND MONTGOMERY ROAD.

ELEVATION = 2198.607 NAVD83

EXISTING EASEMENT DISPOSITION NOTE:

- ALL APPLICABLE EXISTING EASEMENTS SHALL BE ABANDONED AND/OR REDESICATED ON THE FINAL PLAN. SAID EASEMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:
 - WATER/SEWER EASEMENT(S)
 - ROADWAY & UTILITY EASEMENT
 - PNMA

SCOTTSDALE AND DIXILETA

NWC OF E DIXILETA DRIVE AND N SCOTTSDALE ROAD

SCOTTSDALE, AZ 85266

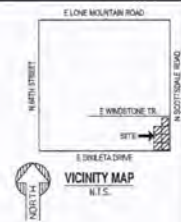
PRELIMINARY PLAT

CIVIL ENGINEER
SUSTAINABILITY ENGINEERING GROUP
8208 E. GOLLING DR., SUITE 101
SCOTTSDALE, ARIZONA 85250
PHONE 480-588-7226
ATN: ALI FAKH

OWNER
HOV INVESTMENT GROUP
11811 N. LOTAN BLVD. #101
PHOENIX, ARIZONA 85028
PHONE 602-327-8169
ATN: WASEEM J. HAMDEH

PLANNER
KIMLEY-HORN
1001 W. SOUTHERN AVE. #131
MESA, ARIZONA 85210
PHONE 480-313-7206
ATN: KEITH RICHTER

APPLICANT
BERRY REDELL, LLC
6750 E. CAMELBACK RD. #100
SCOTTSDALE, ARIZONA 85251
PHONE 480-385-2753
ATN: JOHN BERRY



PRELIMINARY
NOT FOR
CONSTRUCTION

**SUSTAINABILITY
ENGINEERING
GROUP**

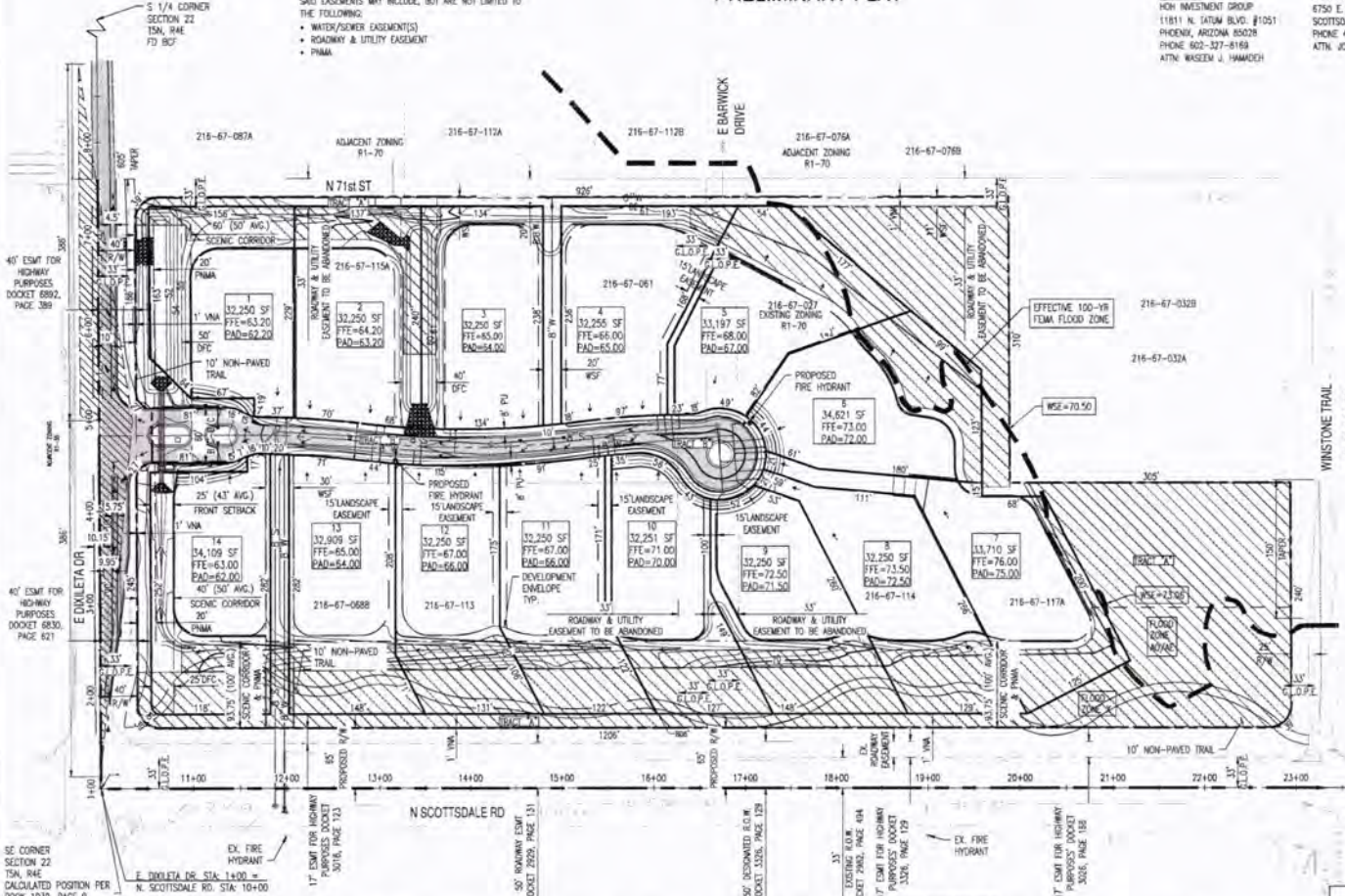
SEG



1800 E. GOLLING DRIVE SUITE 101 SCOTTSDALE ARIZONA 85250
WWW.AZSEG.COM TEL: 480.588.7226 FAX: 480.291.0034

LEGAL DESCRIPTION
BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

- SHEET INDEX**
- PP1 PRELIMINARY PLAT
 - PP2 LOT TABLES AND STREET CROSS SECTIONS
 - C2.00 DEVELOPMENT PLAN
 - C2.10 DEVELOPMENT PLAN
 - C3.00 PRELIMINARY GRADING AND DRAINAGE PLAN
 - C3.10 PRELIMINARY SITE CROSS-SECTIONS
 - C4.00 PRELIMINARY UTILITY PLAN



SE CORNER SECTION 22 T54N, R4E CALCULATED POSITION PER BOOK 1039, PAGE 6, MCR FZ CAPS NO. D, FD BOM(5,11'5)

GENERAL NOTES

- THERE WILL BE DEDICATED TO THE CITY OF SCOTTSDALE AND OTHER PUBLIC UTILITY PROVIDERS AN EASEMENT UPON, ACROSS, OVER AND UNDER THE SHOWN RIGHT OF WAY FOR PUBLIC ACCESS INCLUDING EMERGENCY SERVICE VEHICLES, AND PUBLIC UTILITIES ACCESS WHICH INCLUDE BUT ARE NOT LIMITED TO GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, DRAINAGE, WATER, SANITARY SEWER AND REFUSE COLLECTION.
- THE PROPERTY OWNERS ASSOCIATION IS RESPONSIBLE FOR OPERATIONAL MAINTENANCE, AND LIABILITY OF THE TRACTS, INCLUDING MAINTENANCE OF ALL APPURTENANCES, I.E. STREEDWAYS, SIONS, LANDSCAPE, ETC.
- A KEY SWITCH/ PRE-EMPTION SENSOR WILL BE PROVIDED AT ALL GATED ENTRY LOCATIONS. PER FIRE ORDINANCE 4283-503.8.1.
- EXISTING WATER AND FIRE LINES NOT USED SHALL BE ABANDONED AT THE MAN BY THE CONTRACTOR.
- EXISTING SEWER LINES OR SERVICES NOT USED WILL BE REMOVED TO THE MAN/WA.
- ALL ACCESSIBLE FACILITIES SHALL BE CONSTRUCTED IN CONFORMANCE WITH ADA STANDARDS.
- VERTICAL DROPS GREATER THAN 24" WILL REQUIRE HANDRAIL INSTALLATION, BANSKS DEEPER THAN 3" WILL REQUIRE GUARD RAIL FOR ACCESS PROTECTION.
- UTILITY CROSSINGS WILL BE DESIGNED FOR PROTECTION IN ACCORDANCE WITH MAG AND C.O.S. DESIGN CRITERIA.
- FIRE HYDRANT SPACING SHALL BE LESS THAN 700', IT AS A FIRE HOSE WOULD BE LAD PER DSPM SECTION 8-1302.



ABBREVIATIONS

- DFC: DRAINAGE & FLOOD CONTROL EASEMENT
- PNMA: PUBLIC NON-MOTORIZED ACCESS EASEMENT
- PU: PUBLIC UTILITY EASEMENT
- R/W: RIGHTS-OF-WAY
- VNA: VEHICULAR NON-ACCESS EASEMENT
- WSE: WATER SURFACE ELEVATION
- WSF: WATER & SEWER FACILITIES EASEMENT

SETBACKS

- FRONT: 30'
- SIDE: 15'
- STREET SIDE: 30'
- REAR: 26.25'
- BETWEEN BUILDINGS (ON ADJACENT LOTS): 30'
- (04'-LOT ACCESSORY): 10'

SITE INFORMATION

- APN: 216-67-117A
- 216-67-027
- 216-67-114
- 216-67-061
- 216-67-113
- 216-67-115A
- 216-67-069B

MINIMUM LOT SIZE

32,250 SF

MAX. BUILDING HEIGHT 24'

MINIMUM LOT WIDTH

MINIMUM LOT WIDTH = 113'

SITE DATA

GROSS AREA:	2763,391.62 SF (27.137-57 AC)
NET AREA:	2627,759.51 SF (24.41 AC)
EXISTING ZONING:	R1-70 ESJ, FD
PROPOSED ZONING:	R1-41 ESJ, FD
PROPOSED LOTS:	14 LOTS (0.79 DU/AC)
REQUIRED NACS (PER SLOPE ANALYSIS):	4.05 AC (28.1% OF NET AREA)
MIN. NET UNDISTURBED AREA:	2.83 AC (20% OF REQ. NACS)
MAX. REVEGETATED AREA:	1.22 AC (8% OF REQ. NACS)
NACS PROVIDED TOTAL:	5.07 AC(3228.815 2 SF)
	15% OF NET AREA (A 25% INCREASE)
NACS PROVIDED - UNDISTURBED:	3.85 AC(3147.891 9 SF)
NACS PROVIDED - REVEGETATED:	1.22 AC(931.923 3 S.F.)
REVEG. PERCENTAGE:	30%

PROJECT IDENTIFICATION

PROJECT: PRELIMINARY PLAT

DATE: 07/23/2021

REVISIONS:

NO.	DATE	DESCRIPTION
01	07/23/2021	ISSUED FOR PERMITS
02	07/23/2021	ISSUED FOR PERMITS
03	07/23/2021	ISSUED FOR PERMITS
04	07/23/2021	ISSUED FOR PERMITS

LOCATION

PROJECT: PRELIMINARY PLAT

JOB NO.: 210218

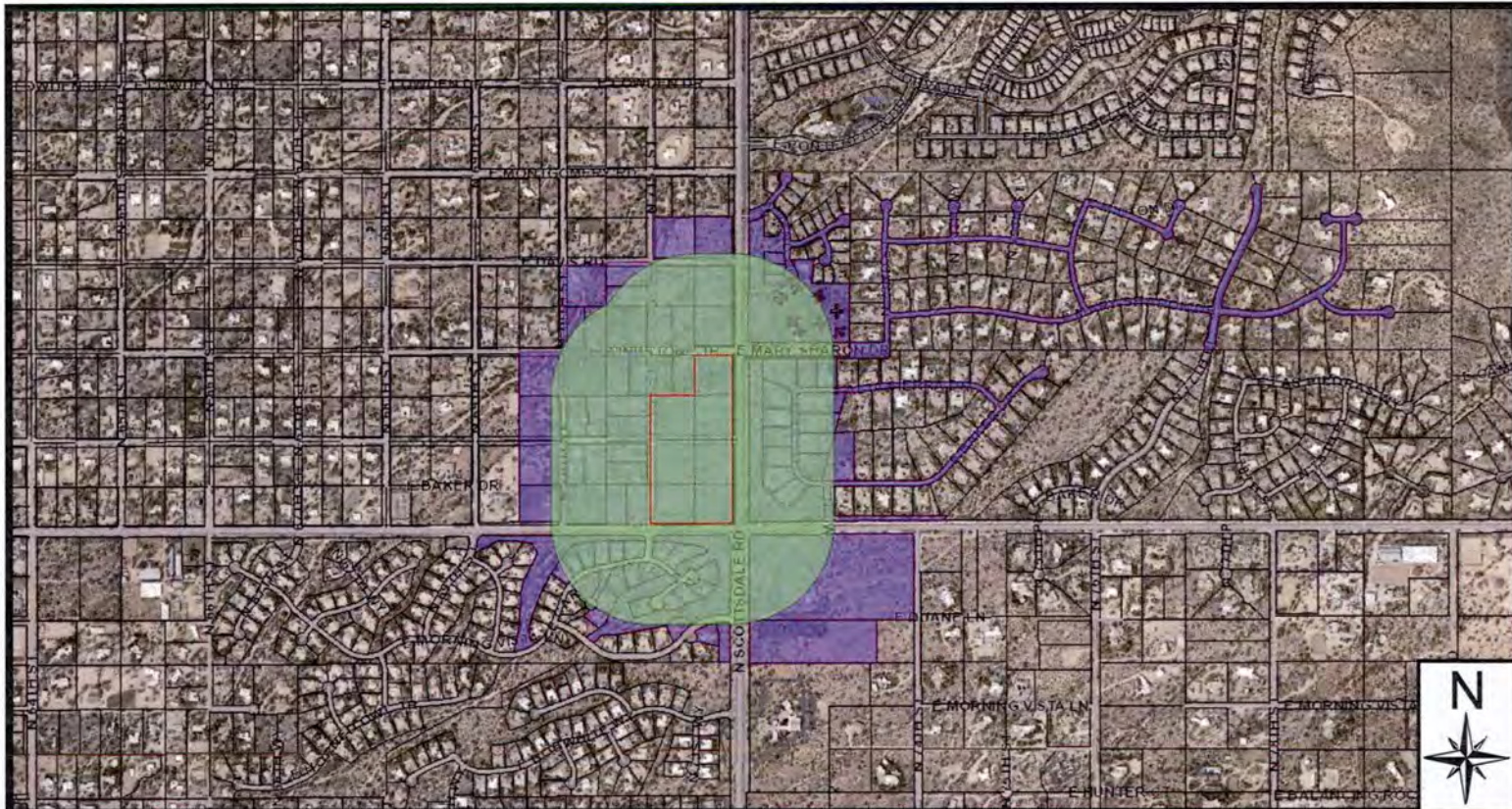
DATE: 07/23/2021

PROJECT: PRELIMINARY PLAT

DATE: 07/23/2021

City Notifications – Mailing List Selection Map

Scottsdale & Dixileta



Additional Notifications:

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

Pulled Labels
November 30, 2022

Map Legend:

- Site Boundary
- Properties within 750-foot

Postcards: 196

2-AB-2020#2



Approved 1/25/2023 (cg)

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

WEDNESDAY, JANUARY 11, 2023

***SUMMARIZED MEETING MINUTES ***

PRESENT: Renee Higgs, Chair
Joe Young, Vice Chair
Barney Gonzales, Commissioner
Diana Kaminski, Commissioner
George Ertel, Commissioner
William Scarbrough, Commissioner
Christian Serena, Commissioner

STAFF: Tim Curtis
Eric Anderson
Jeff Barnes
Becca Cox
Caitlyn Gulsvig
Jason McWilliams

CALL TO ORDER

Chair Higgs 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.

MINUTES REVIEW AND APPROVAL

1. Approval of the December 14, 2022 [Regular Meeting Minutes](#)..

Vice Chair Young moved to approve the December 14, 2022 regular meeting minutes. Seconded by Commissioner Gonzales, the motion carried unanimously with a vote of seven (7) to zero (0) by Chair Higgs, Vice Chair Young, Commissioner Gonzales, Commissioner Kaminski, Commissioner Ertel, Commissioner Scarbrough and Commissioner Serena.

ATTACHMENT #7

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

CONSENT AGENDA

2. [Planning Commission Annual Report for 2022.](#)

The Planning Commission will review and may discuss the Planning Commission Annual Report for 2022.

Item No. 2; Commissioner Serena moved to approve the Planning Commission Annual Report for 2022. Seconded by Commissioner Scarbrough, the motion carried unanimously with a vote of seven (7) to zero (0) by Chair Higgs, Vice Chair Young, Commissioner Gonzales, Commissioner Kaminski, Commissioner Ertel, Commissioner Scarbrough and

3. **Commissioner Serena.**

[2-AB-2020#2 \(Scottsdale & Dixileta\)](#)

Request by owner for re-approval of an expired abandonment approval of certain 33-foot General Land Office Patent (GLO) easement segments and the east 13-feet of the 33-foot (GLO) easement running along N. 71st Street, all within a +/-17.52-acre site, located at the northwest corner of N. Scottsdale Road and E. Dixileta Drive with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay zoning (R1-43 ESL FO). Owner to dedicate property interests to the City. Staff contact person is Jeff Barnes, 480-312-2376. **Applicant contact person is Eric Gerster, 480-588-7226.**

Item No. 3 moved to the regular agenda; Commissioner Kaminski moved to make a recommendation to City Council for approval of case 2-AB-2020#2 per the staff recommended stipulations based upon the finding that the Abandonment is consistent and conforms with the adopted General Plan. Seconded by Commissioner Ertel, the motion carried unanimously with a vote of seven (7) to zero (0) by Chair Higgs, Vice Chair Young, Commissioner Gonzales, Commissioner Kaminski, Commissioner Ertel, Commissioner Scarbrough and Commissioner Serena.

REGULAR AGENDA

*3. [108-ZN-1984#2 \(Desert Cove Internalized Self Storage\)](#)

Request by owner for approval of a zoning district map amendment to modify the stipulations of previously adopted Ordinance No. 1812 via case 108-ZN-1984, including changes to building height, land uses, and property development standards, for a +/- 1.8-acre site with Industrial Park (I-1) zoning located at 8888 East Desert Cove Avenue. Staff contact person is Jeff Barnes, 480-312-2376. **Applicant contact person is Michelle Bach, (509) 669-7946.**

*Note: The applicant has requested a continuance to the January 25, 2023 Planning Commission hearing.

***Item 3 referred to as 3A; Commissioner Serena moved to continue case 108-ZN-1984#2 to January 25, 2023. Seconded by Vice Chair Young, the motion carried unanimously with a vote of seven (7) to zero (0) by Chair Higgs, Vice Chair Young, Commissioner Gonzales, Commissioner Kaminski, Commissioner Ertel, Commissioner Scarbrough and Commissioner Serena.**

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

4. Planning Commission Election of Officers

Item No. 4; Commissioner Gonzales made a nomination for Commissioner Serena as Chair and Commissioner Scarbrough made a nomination for Chair Higgs as Chair. The motion for Commissioner Serena as Chair failed by a vote of four (4) to three (3) with Chair Higgs, Vice Chair Young, Commissioner Ertel and Commissioner Scarbrough all voting against the nomination and Commissioner Gonzales, Commissioner Kaminski and Commissioner Serena voting in favor of the nomination. The motion for Chair Higgs as Chair carried by a vote of five (5) to two (2) with Chair Higgs, Vice Chair Young, Commissioner Kaminski, Commissioner Ertel and Commissioner Scarbrough all voting in favor of the nomination and Commissioner Gonzales and Commissioner Serena voting against the nomination.

Commissioner Ertel made a nomination for Vice Chair Young as Vice Chair and Commissioner Gonzales made a nomination for Commissioner Serena as Vice Chair. The motion for Vice Chair Young as Vice Chair carried by a vote of five (5) to two (2) with Chair Higgs, Vice Chair Young, Commissioner Kaminski, Commissioner Ertel and Commissioner Scarbrough all voting in favor of the nomination and Commissioner Gonzales and Commissioner Serena voting against the nomination. With the approval of Vice Chair Young as Vice Chair, there was no further vote.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:24 p.m.