

# CITY COUNCIL REPORT



Meeting Date: March 21, 2023  
 General Plan Element: *Land Use*  
 General Plan Goal: *Coordinate Planning to Balance Infrastructure*

## ACTION

### **Martinson GLOPE Abandonment 5-AB-2022**

#### **Request to consider the following:**

1. Adopt Resolution No. 12710 to abandon the 33-foot wide GLO roadway easement along the northern property line and to abandon 250 square feet of a ¼ cul-de-sac abutting N. 69<sup>th</sup> Street of parcel 216-50-028A, with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning located at 31421 N. 69th Street.

#### **Goal/Purpose of Request**

The applicant's request is to remove excess and unnecessary roadway easements. The applicant will also be dedicating required public right-of-way along N. 69<sup>th</sup> Street to help complete the street alignment.

#### **Key Items for Consideration**

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan and Local Area Infrastructure Plan
- Removes excess and unnecessary GLO roadway easements
- Dedication of right-of-way and a water and sewer facilities easement
- No public input received regarding the proposed abandonment
- Planning Commission heard this case on March 8, 2023 and recommended approval with a 7-0 vote

## OWNER

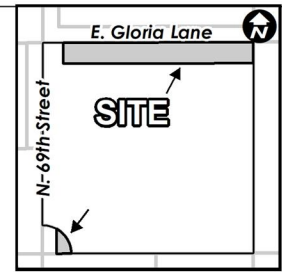
Martinson Family Trust  
 (480) 797-1075

## APPLICANT CONTACT

Wayne Rosendahl  
 (480) 599-1263

## LOCATION

31421 N 69th St



## BACKGROUND

### Scottsdale General Plan 2035

The General Plan Land Use Element designates the property as Rural Neighborhoods. This land use designation includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per acre (or more) of land. Clustering of development is encouraged to preserve desert vegetation, washes, and natural features. Some of these areas were developed with one-acre lots under Maricopa County standards prior to annexation by Scottsdale.

### Desert Foothills 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 areas, and the rural lifestyle found in the area.

### Zoning

The site is currently zoned Single-family Residential Environmentally Sensitive Lands Foothills Overlay (R1-70 ESL FO). The subject property was annexed into the City of Scottsdale in 1983 through Ordinance No. 1611. The Environmentally Sensitive Lands Overlay was applied in 1991.

The R1-70 zoning district is intended to promote and preserve residential development with large lots to maintain low density. The principal land use is single-family dwellings and uses incidental or accessory thereto.

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 property is located at the southeast intersection of N. 69<sup>th</sup> Street and E. Gloria Lane.

## **Adjacent Uses and Zoning**

- North: R1-70 ESL FO, no subdivision, Single family home property
- South: R1-70 ESL FO, no subdivision, Single family home property
- East: R1-70 ESL FO, no subdivision, Single family home property
- West: R1-70 ESL FO, no subdivision, Single family home property

## **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” of the GLO lot.
- The City has viewed these patent roadway and utility easements as assured access for these lots, 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 may be requested to be abandoned if it is in excess of the current requirements of the City’s circulation plans (including trails) or City roadway standards, and not required to ensure access to any other lot.
- 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 9-500.24 became effective. This provision gives the local municipality the right to abandon GLO patent easements, and concurs with the City’s position on abandonment of GLO patent easements.

## **Related Policies, References:**

2008 Scottsdale Transportation Master Plan

Desert Foothills Area 1 Local Area Infrastructure Plan (LAIP)

## **IMPACT ANALYSIS**

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### **Subject GLO Easements and Right-of-way**

In 1954, two 33-foot General Land Office Patent Easements (GLO) were dedicated on the site through patent serial number 1185006. The GLO easements are located along the northern and western boundaries of the property. The GLO roadway easements were reserved on the original patent deed to assure legal access before the City’s street plans were in place. Currently the GLO easements are unimproved.

### **Request**

The applicant is requesting to abandon the 33-foot GLO easement along the northern boundary abutting N. Gloria Lane and a ¼ cul-de-sac abutting N. 69<sup>th</sup> Street. The subject abandonment areas are deemed as excess and unnecessary by the Transportation Master Plan.

### **Emergency/Municipal Services and Utilities**

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way and easements along N. 69<sup>th</sup> Street. No impacts are anticipated.

### **Public Utilities**

The public utility providers have been notified of the applicant's request. The utility companies have indicated no conflicts with the proposed abandonment. The existing functioning City water line along the western boundary of the lot will be protected within a 13-foot Water and Sewer facilities easement.

### **Community Involvement**

Property owners within 750 feet of the subject properties were notified of this application. As of the writing of this report, staff has not received any objections to this application.

### **Community Impact**

The proposed abandonment does not restrict access to any surrounding properties. The subject property will have access to the new street alignment of N. 69<sup>th</sup> Street.

## **OTHER BOARDS AND COMMISSIONS**

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Planning Commission heard this case on March 8, 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 33-foot GLO easement along the northern boundary abutting N. Gloria Lane and a ¼ cul-de-sac abutting N. 69<sup>th</sup> Street, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner shall dedicate a 20-foot-wide fee-simple half-street right-of-way along N. 69<sup>th</sup> Street via a Map of Dedication;
2. The property owner shall dedicate a 13-foot-wide water and sewer facilities easement along N. 69<sup>th</sup> Street via a Map of Dedication;
3. The property owner pay the combined total amount of \$4,943.33 as compensation to the city for the abandonment of fee-simple right-of-way and General Land Office Patent Easements.

## **RECOMMENDATION**

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### **Recommended Approach:**

1. Adopt Resolution No. 12710 to abandon the 33-foot wide GLO roadway easement along the northern property line and to abandon 250 square feet of a ¼ cul-de-sac abutting N. 69<sup>th</sup> Street of parcel 216-50-028A, with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO)



zoning located at 31421 N. 69th Street, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

2. The property owner shall dedicate a 20-foot-wide fee-simple half-street right-of-way along N. 69<sup>th</sup> Street via a Map of Dedication;
3. The property owner shall dedicate a 13-foot-wide water and sewer facilities easement along N. 69<sup>th</sup> Street via a Map of Dedication;
4. The property owner pay the combined total amount of \$4,943.33 as compensation to the city for the abandonment of fee-simple right-of-way and General Land Office Patent Easements.

## **RESPONSIBLE DEPARTMENT**

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### **Planning and Development Services**

Current Planning Services

## **STAFF CONTACT**

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Chris Zimmer  
Planner  
480-312-2347  
E-mail: czimmer@ScottsdaleAZ.gov

## **APPROVED BY**

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Chris Zimmer, Report Author

3/1/2023

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Date



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

3/1/2023

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Date



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

03/05/2023

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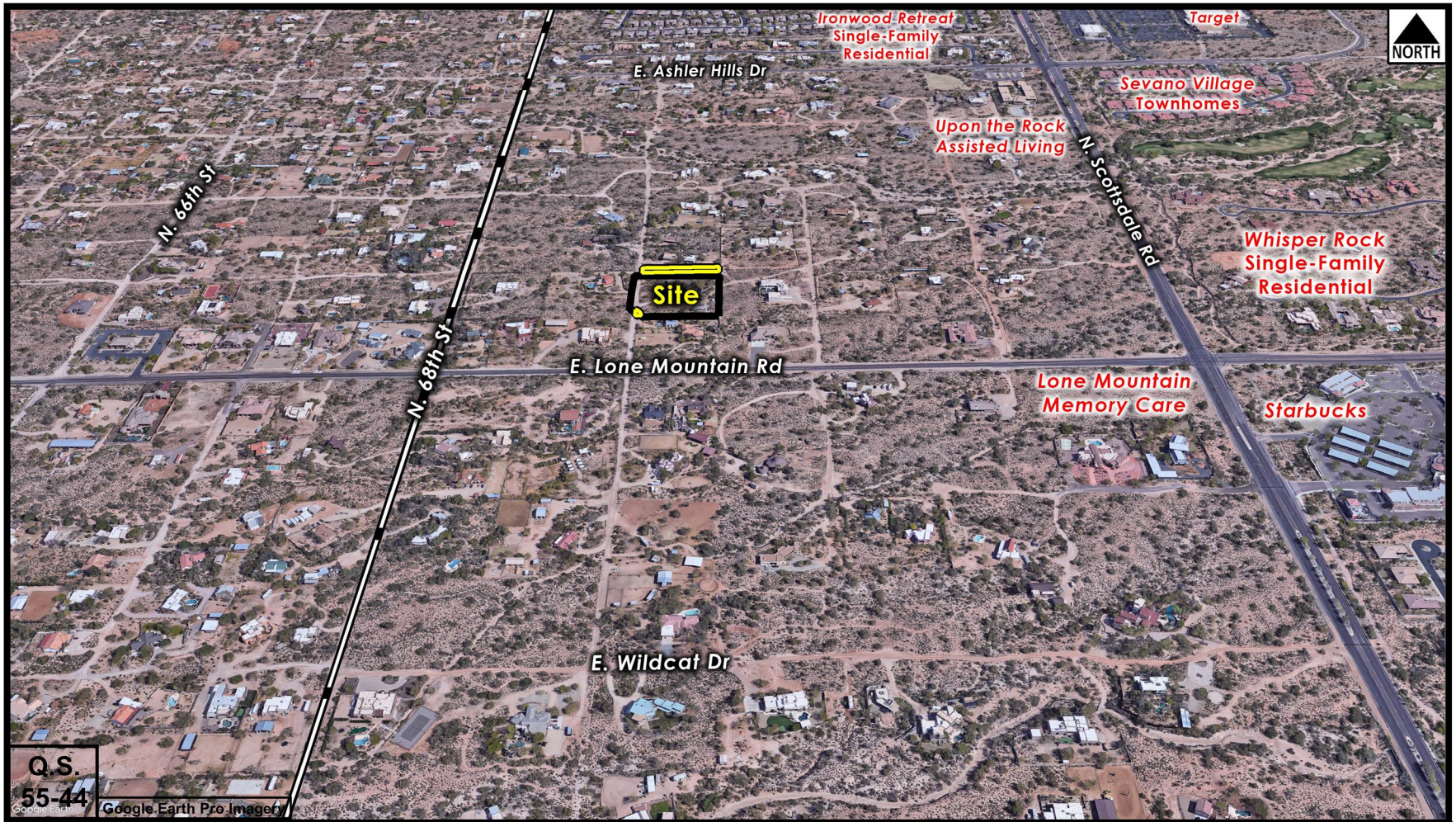
Date

## ATTACHMENTS

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1. Context Aerial
2. Aerial Close-Up
3. Applicant's Narrative
4. Resolution No. 12710
  - Exhibit A: Legal Description of GLOPE Abandonment
  - Exhibit B: Legal Description of Cul-de-sac Abandonment
  - Exhibit C: Legal Graphic
  - Exhibit D: Depiction of subject parcel
5. Zoning Aerial
6. Map of Release and Dedication
7. Neighborhood Outreach
8. City Notification Map
9. Planning Commission Draft Meeting Minutes for March 8, 2023





Context Aerial

5-AB-2022





Close-up Aerial

5-AB-2022



# ROSENDAHL ENGINEERING, PLLC

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## URBAN DESIGN & INFRASTRUCTURE

RESIDENTIAL & COMMERCIAL

Narrative GLOPE Abandonment

APN: 216-50-028A

COS #1133-PA-2021

John Martinson

31421 N. 69<sup>th</sup> St.

This GLOPE Abandonment is for the purpose of making the lot more useable via the abandonment and use of that easement, it is relatively apparent from the assessment of the area that the GLOPE will not come into play in the future for access nor utilities. The area is well established with respect to access as well as utilities and we anticipate that the neighborhood, the staff, Planning and Zoning and the City Council will be able to support it, for the good of the property owner without compromising any public concerns.

## RESOLUTION NO. 12710

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 FOR PROPERTY LOCATED AT 31421 N 69<sup>TH</sup> STREET.

(5-AB-2022)  
(Martinson GLOPE 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 **Exhibit "B"** and depicted on **Exhibit "C"** attached hereto, and comprise an area of approximately 9,887 square-feet.

E. The Abandonment Rights-of-way fall within, serve, affect or are near a parcel comprising approximately 2.47 acres ("Owner's Parcel"), as depicted on **Exhibit "D"** attached hereto.

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

G. 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.

H. 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.

I. 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 of the parcel shall pay to City the total amount of Four Thousand Nine Hundred Forty-Three Dollars and 33/100 (\$4,943.33) 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 City, in accordance with City specifications, a 20-foot-wide right-of-way over the western portion of Owner's parcel along North 69<sup>th</sup> Street.

3.3 The Owner has delivered to City a deed, plat or other instrument that dedicates to City, in accordance with City specifications, a 13-foot-wide water and sewer facilities easement over the western portion of Owner's parcel along North 69<sup>th</sup> Street.

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 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 GLOPE to be abandoned
B	D	Legal description of street right-of-way to be abandoned
C	E	Scaled and dimensioned drawing to accompany legal description of street rights-of way to be abandon
D	D	Depiction of Subject Parcel

# ROSENDAHL ENGINEERING PLLC

## URBAN DESIGN & INFRASTRUCTURE

RESIDENTIAL & COMMERCIAL

### LEGAL DESCRIPTION

GLOPE Abandonment; APN 216-50-028A

To wit—

Being the North 33.0 feet of the following described parcel, except the West 33.0 feet thereof:

Being the northwest quarter of the southeast quarter of the southwest quarter of the southeast quarter of Section 15, township 5 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.



Resolution No. 12710

Exhibit A

Page 1 of 1



# ROSENDAHL ENGINEERING PLLC

## URBAN DESIGN & INFRASTRUCTURE

RESIDENTIAL & COMMERCIAL

### LEGAL DESCRIPTION

**City of Scottsdale Cul-de-sac Abandonment; APN 216-50-028A**

**To wit—**

Being a portion of a cul-de-sac deeded to the City of Scottsdale by instrument recorded September 11, 2007 as Document No. 2007-1009768 of the Maricopa County Recorder's Office:

Commencing from a point being the southwest corner of the northwest quarter of the southeast quarter of the southwest quarter of the southeast quarter of Section 15, township 5 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

thence S89°47'13"W. 33.00 ft. being the point of beginning of this abandonment description;

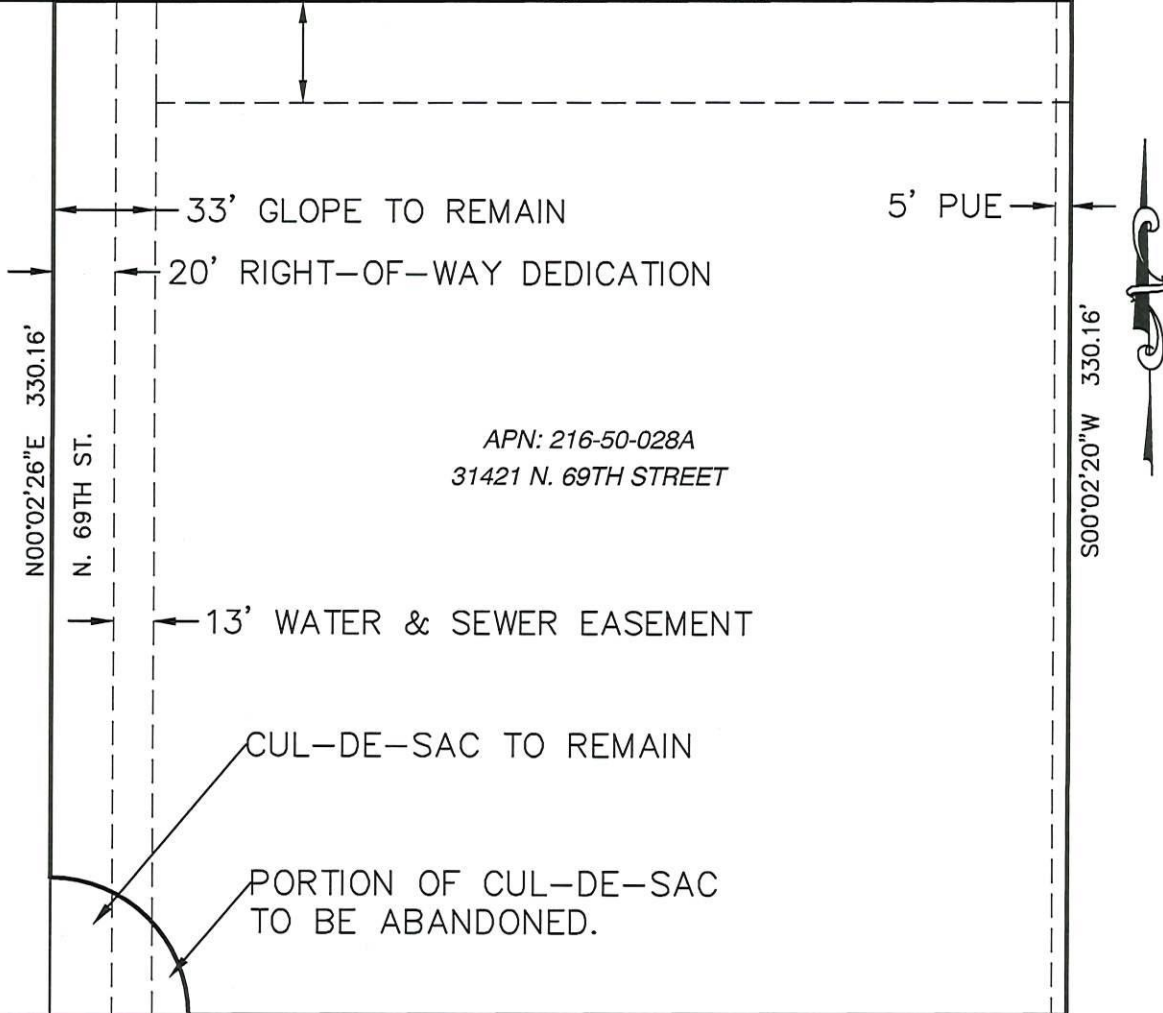
thence continuing S89°47'13"W, 12.00 ft. to a point on a non-tangent curve concave to the southwest having a central angle of 42°34'47", a radius of 45 ft. and an arc length of 33.44 ft.;

thence S00°02'20"W, 30.59 ft. to the point of beginning.

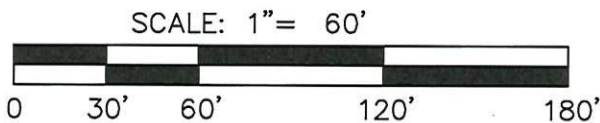


# ABANDONMENT EXHIBIT

N89°47'17"E 330.02' 33' GLOPE TO BE ABANDONED S89°47'17"W 292.02'



Resolution No. 12710  
Exhibit C  
Page 1 of 1



ROSENDAHL ENGINEERING

857 N. BARKLEY ST. (480) 599-1263 TEL  
MESA, ARIZONA 85203 (480) 834-2163 FAX

MARTINSON PROPERTY

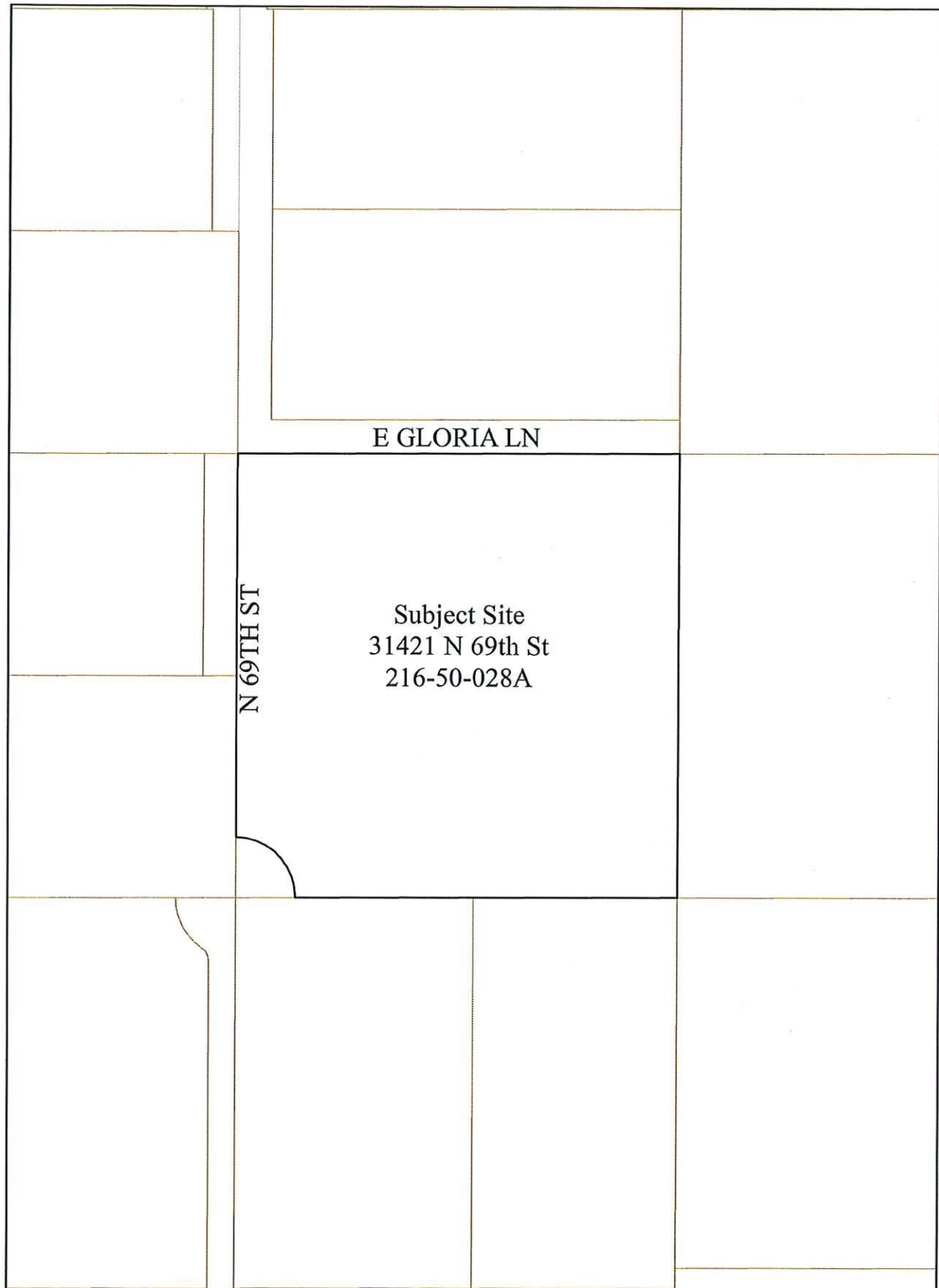
GLOPE & CUL-DE-SAC ABANDONMENT

PROJECT NO. 2108262

DATE  
1/30/23

SHEET  
1 OF 1







Zoning Aerial

5-AB-2022

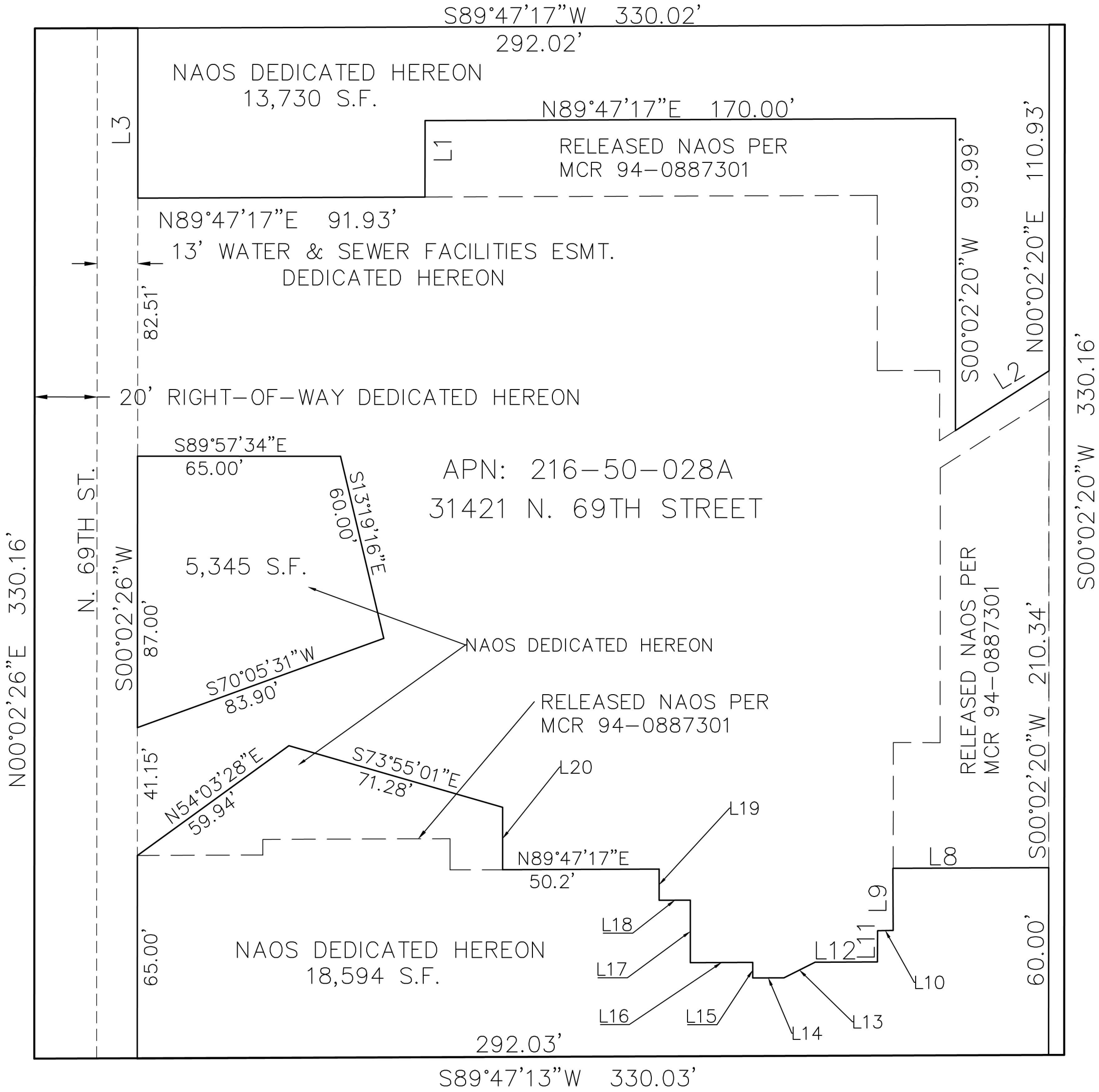


MAP OF RELEASE AND DEDICATION

PT OF THE SE ¼ SEC. 15, TWP 5 N., RNG 4 E.. OF THE  
GILA AND SALT RIVER BASE AND MERIDIAN,  
MARICOPA COUNTY, ARIZONA

LINE TABLE

LINE	BEARING	DISTANCE
L1	N00°02'20"E	24.50'
L2	N57°26'23"E	35.61'
L3	S00°02'26"W	54.50'
L4	S57°26'23"E	41.32'
L5	S00°02'20"W	53.25'
L6	N89°47'13"E	19.81'
L7	S00°02'20"W	75.00'
L8	S89°47'13"W	49.83'
L9	S00°04'09"W	19.93'
L10	S88°45'21"W	5.00'
L11	S00°02'26"W	10.00'
L12	S89°47'17"W	20.00'
L13	S63°19'41"W	11.18'
L14	S89°47'17"W	10.00'
L15	N00°02'26"E	5.00'
L16	S89°47'17"W	20.00'
L17	N00°02'26"E	20.00'
L18	S89°47'17"W	10.00'
L19	N00°02'26"E	10.00'
L20	N00°02'26"E	20.00'



OWNER

JOHN MARTINSON & SUZANNE PICKETT MARTINSON TRUSTEES  
OF THE JOHN MARTINSON & SUZANNE PICKETT MARTINSON  
FAMILY TRUST, AUGUST 1, 2003.  
31421 N. 69TH STREET  
SCOTTSDALE, ARIZONA 85266

SITE ADDRESS

31421 N. 69TH STREET  
SCOTTSDALE, ARIZONA 85266

ASSESSOR'S PARCEL NUMBER

216-50-028A

LEGAL DESCRIPTION

BEING THE NORTHWEST QUARTER OF THE SOUTHEAST  
QUARTER OF THE SOUTHWEST QUARTER OF THE  
SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 5  
NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER  
BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA,

DEDICATION

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS

THAT JOHN AND SUZANNE PICKETT MARTINSON AS TRUSTEES OF THE JOHN MARTINSON AND  
SUZANNE PICKETT MARTINSON FAMILY TRUST OF AUGUST 1, 2003 OWNER OF THE FOLLOWING  
DESCRIBED PROPERTY;

BEING THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF  
THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND  
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, EXCEPT THAT PORTION DEEDED TO  
THE CITY OF SCOTTSDALE BY INSTRUMENT RECORDED SEPTEMBER 11, 2007 AS DOCUMENT NO.  
2007-1009768 OF OFFICIAL RECORDS AND OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY  
RECORDER AS DEED NUMBER 230754356, AS SHOWN AND MAPPED HEREON, HEREBY PUBLISHES THIS  
MAP OF DEDICATION FOR SAID PROPERTY, SAID MAP SETS FORTH AND GIVES THE DIMENSIONS OF THE  
DEDICATIONS ON THE ABOVE DESCRIBED PREMISES, FOR THE PURPOSES STATED HEREON.

N. 69TH STREET, 20 FOOT WIDE RIGHT-OF-WAY; BEING THE WEST 20 FEET OF THE WEST 33 FEET  
OF AFORE DESCRIBED PROPERTY;

ALSO, A 13 FOOT WIDE WATER AND SEWER FACILITIES EASEMENT BEING THE EAST 13 FEET OF THE  
33 WEST 33 FEET OF AFORE DESCRIBED PROPERTY;

THAT JOHN AND SUZANNE PICKETT MARTINSON AS TRUSTEES OF THE JOHN MARTINSON AND  
SUZANNE PICKETT MARTINSON FAMILY TRUST, OF AUGUST 1, 2003 OWNER, DEDICATES IN FEE TO THE  
CITY OF SCOTTSDALE AN ARIZONA MUNICIPAL CORPORATION, GRANTEE, THE PUBLIC RIGHT-OF-WAY  
AS SHOWN HEREIN. SEE SCOTTSDALE REVISED CODE; CHAPTER 47, AS AMENDED FOR GRANTORS  
MAINTENANCE OBLIGATIONS. WITHOUT LIMITATION GRANTEE MAY (1) GRADE, FILL, DRAIN, PAVE,  
CONSTRUCT, OPERATE, MAINTAIN, REPAIR, AND REBUILD ROADS, HIGHWAYS, UTILITY LINES, PIPES AND  
RELATED FACILITIES WITH BRIDGES, CULVERTS, DRAINAGE WAYS, RAMPS, SIDEWALKS, CURBS, GUTTERS,  
CUTS AND OTHER RELATED IMPROVEMENTS AND (2) CUT AND TRIM BRANCHES, TREES AND GROWTH  
THAT EXTEND INTO THE IMPROVEMENTS TO PREVENT INTERFERENCE WITH THE EFFICIENT MAINTENANCE  
AND OPERATIONS OF THE IMPROVEMENTS.

THAT JOHN AND SUZANNE PICKETT MARTINSON AS TRUSTEES OF THE JOHN MARTINSON AND  
SUZANNE PICKETT MARTINSON FAMILY TRUST, OF AUGUST 1, 2003 OWNER, GRANTOR, DEDICATES TO  
THE CITY OF SCOTTSDALE, AN ARIZONA MUNICIPAL CORPORATION, GRANTEE:

NATURAL AREA OPEN SPACE, (NAOS) BEING FOUR AREAS TOTALING 40,109 S.F. AS FOLLOWS:  
NORTH AREA, 13,810 S.F., SOUTH AREA, 18,626 S.F. SOUTH AREA REVEGETATED ADDITION, 2,345 S.F.  
MIDDLE AREA REVEGETATED ADDITION, 5,328 S.F. THE REQUIRED AREA IS 31,420 S.F.

A PERPETUAL, NON-EXCLUSIVE EASEMENT SHOWN HEREON UPON, OVER, UNDER AND ACROSS THE  
PROPERTY ON THIS MAP OF DEDICATION, FOR NATURAL DESERT OPEN SPACE PRESERVATION AS  
FOLLOWS::

1. GRANTOR SHALL NOT USE THE PROPERTY IN ANY WAY INCONSISTENT WITH THE PRESERVATION  
OF THE EASEMENT IN ITS UNDISTURBED CONDITION AS PERMANENT NATURAL DESERT OPEN SPACE.
2. GRANTOR SHALL NOT GRADE, GRUB OR EXCAVATE THE EASEMENT, OR CONSTRUCT ANY  
STRUCTURE ON THE EASEMENT, EXCEPT AS APPROVED BY GRANTEE, IN WRITING, SPECIFICALLY  
REFERRING TO THIS EASEMENT.
3. GRANTOR SHALL RESTORE THE EASEMENT IN ACCORDANCE WITH PLANS APPROVED BY GRANTEE,  
IF THE EASEMENT IS DISTURBED. THE RESTORED DESERT SHALL BE PRESERVED AS DESERT OPEN  
SPACE.
4. GRANTEE MAY ENJOIN ANY VIOLATION OF THIS EASEMENT. GRANTEE MAY ENTER THE PROPERTY  
TO ENFORCE THIS EASEMENT. HOWEVER, THIS EASEMENT DOES NOT CREATE PUBLIC ACCESS TO THE  
PROPERTY.
5. MENTIONING REMEDIES IN THIS EASEMENT DOES NOT LIMIT GRANTEE'S RIGHT TO OTHER REMEDIES.
6. GRANTOR WARRANTS AND COVENANTS TO GRANTEE AND ITS SUCCESSORS AND ASSIGNS THAT  
GRANTOR 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 CLAIM OF ALL PERSONS.

WATER AND SEWER FACILITIES (WSF):  
A PERPETUAL, NON-EXCLUSIVE EASEMENT SHOWN HEREON UPON, OVER, UNDER AND ACROSS THE  
PROPERTY ON THIS PLAT FOR WATER AND SEWER PIPES AND OTHER RELATED FACILITIES AND FOR  
CONSTRUCTION, OPERATION, USE, MAINTENANCE, REPAIR, MODIFICATION AND REPLACEMENT OF PIPES  
AND OTHER RELATED FACILITIES.

GRANTOR WARRANTS AND COVENANTS TO GRANTEE AND ITS SUCCESSORS AND ASSIGNS THAT  
GRANTOR 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.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

GRANTOR: JOHN MARTINSON AND SUZANNE PICKETT MARTINSON TRUSTEES OF JOHN MARTINSON AND  
SUZANNE PICKETT MARTINSON FAMILY TRUST OF AUGUST 1, 2003.

BY: \_\_\_\_\_  
JOHN MARTINSON, TRUSTEE

BY: \_\_\_\_\_  
SUZANNE PICKETT MARTINSON, TRUSTEE

SURVEY CERTIFICATION:

THIS IS TO CERTIFY THAT THE SURVEY INFORMATION SHOWN  
HEREON WAS EXECUTED UNDER MY SUPERVISION.

DESIGN: PWR DRAWN: TB	
MAP OF RELEASE & DEDICATION	
MARTINSON PROPERTY	
ROSENDAHL ENGINEERING	
• ENGINEERING • SURVEYING	
• URBAN DESIGN • COMMERCIAL / RESIDENTIAL	
857 N. BARKLEY ST. MESA, ARIZONA 85203	
(480) 599-1263 TEL (480) 834-2163 FAX	
EXP: 3/31/2024 PROJECT NO. 2102223 DATE: 11/12/21 SHEET MRD 1 OF 1	

ACKNOWLEDGMENT:

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

BY: JOHN MARTINSON AND SUZANNE PICKETT MARTINSON AS TRUSTEES OF THE JOHN MARTINSON  
AND SUZANNE PICKETT MARTINSON FAMILY TRUST OF AUGUST 1, 2003.

BY: \_\_\_\_\_ EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC

CITY OF SCOTTSDALE RELEASE OF EASEMENT

THE CITY OF SCOTTSDALE, ARIZONA, A MUNICIPAL CORPORATION, FOR VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY  
ACKNOWLEDGED, DOES HEREBY RELEASE THE INTEREST OF THE CITY OF SCOTTSDALE, BUT DOES NOT RELEASE ANY INTEREST  
OWNED OR HELD BY ANY OTHER PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER, IN THOSE CERTAIN  
DEDICATED EASEMENT IDENTIFIED AS:

PORTION OF THE NATURAL AREA OPEN SPACE EASEMENT (NAOS) DEDICATED IN MARICOPA COUNTY RECORDER DOC.  
94-0887301 MARICOPA COUNTY, ARIZONA AS SHOWN HEREON.

IT IS EXPRESSLY UNDERSTOOD AHAT THIS RELEASE IS INTENDED TO AFFECT ONLY THAT INTEREST HELD BY THE CITY OF  
SCOTTSDALE, ARIZONA, IN THE ABOVE MENTIONED EASEMENT AND DOES NOT INCLUDE NOR AFFECT ANY PROPERTY OR PORTION  
THEREOF WHICH IS NOT HEREIN ABOVE DESCRIBED SPECIFICALLY.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

CITY OF SCOTTSDALE

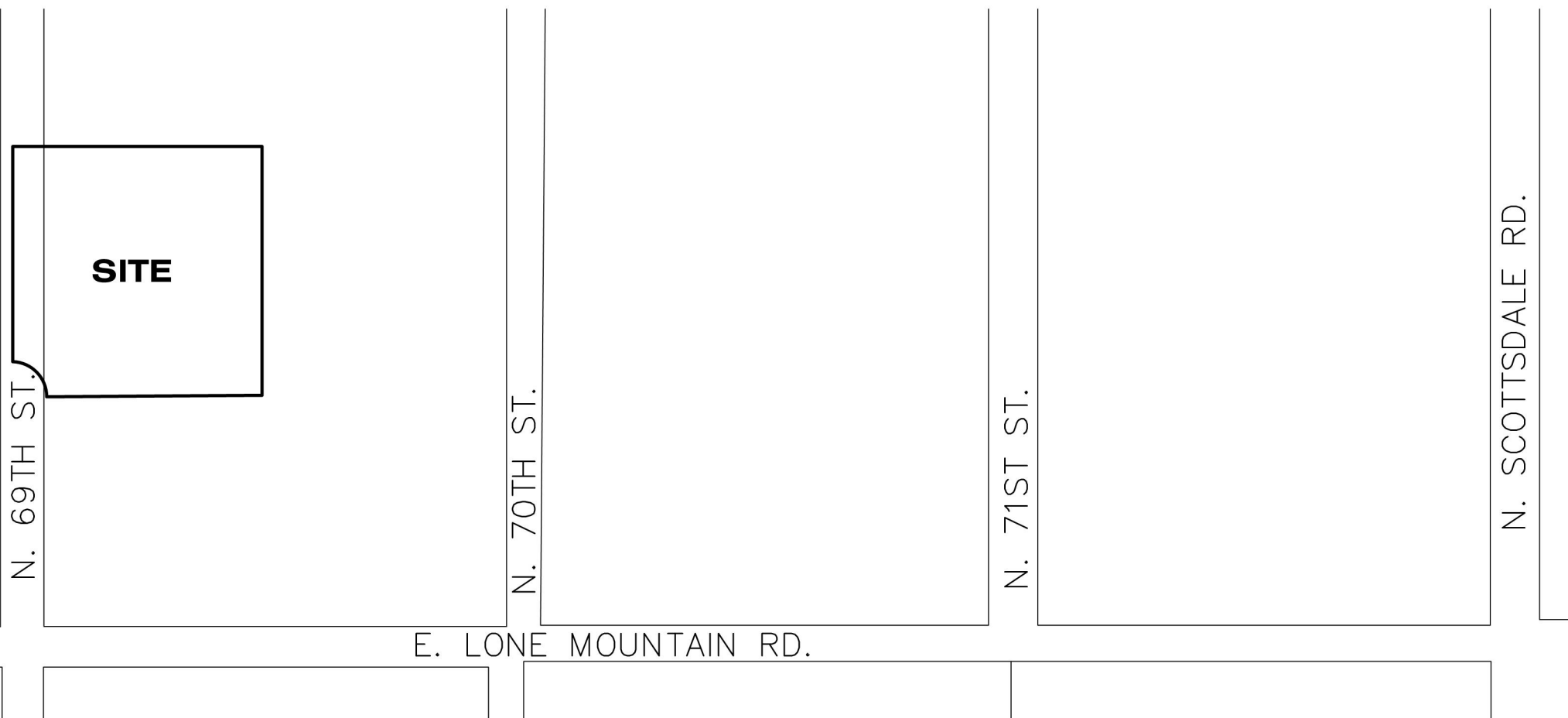
BY: \_\_\_\_\_  
MICHAEL L. CLACK  
CHIEF DEVELOPMENT OFFICER

ACKNOWLEDGMENT:

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BY MICHAEL L.  
CLARK, CHIEF DEVELOPMENT OFFICER FOR THE CITY OF SCOTTSDALE, MUNICIPAL CORPORATION, ON BEHALF THEREOF.  
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC



LOCATION MAP  
(NOT TO SCALE)  
SEC. 15, T. 5 N., R. 4 E.



# ROSENDAHL ENGINEERING, PLLC

## URBAN DESIGN & INFRASTRUCTURE

RESIDENTIAL & COMMERCIAL

January 5, 2022

Re: **Abandonment Notification: City of Scottsdale #1133-PA-2021**

This mailing is to inform you that the owner of the property 31421 N. 69<sup>th</sup> St., is requesting the City of Scottsdale to abandon the 33 foot wide Government Land Office Public Easement (GLOPE) along the North and West boundaries of the property. By doing so they will be able to reconfigure the natural area open space (NAOS) to provide more useable space. The City is requesting the abandonment of an unused cul-de-sac on the southwest corner of the site, the dedication of a 20 foot wide road right-of-way and a 13 foot wide public utility easement to replace the current 33 foot wide GLOPE along N. 69<sup>th</sup> Street.

Pre-application number; 1133-PA-2021

Location; 31421 N. 69<sup>th</sup> Street

Area of Property; 2.47 Acres

Zoning; R1-70

The applicant for this abandonment is Wayne Rosendahl of Rosendahl Engineering, he can be reached to answer any questions you may have by phone at 480-599-1263 or by email at [wayne@rosendahlengineering.com](mailto:wayne@rosendahlengineering.com).

The City of Scottsdale contact for any questions or to voice concerns is Desirae Mayo, she can be reached by direct line to 480-312-4218 or email to [dmayo@scottsdaleaz.gov](mailto:dmayo@scottsdaleaz.gov). Notifications of the public hearings will come from the City of Scottsdale.

Respectfully:

Rosendahl Engineering, PLLC



Phillip W. Rosendahl PE & RLS

1. Cindy D. Murray Revocable Living Trust 12595 E. Gold Dust Ave. Scottsdale, AZ 85259 (City and Zip Code, same unless spelled out)	217-32-046B
2. Christopher T. and Gail Carlson 10145 N. 126 <sup>th</sup> St.	217-32-045E
3. Prabhakaran Vinay/Kolandra Jansy 10075 N. 126 <sup>th</sup> St.	217-32-045F
4. Thomas D. / Shannan L. Barrett 12626 E. turquoise Dr.	217-32-045C
5. Dennis C. & Debra J. Eckel Trust 12650 E. turquoise Ave.	217-32-045D
6. Alexander K. /Rita Ann Laky 11445 E. Via Linda Ste. 2-612	217-32-069J
7. Andre Lamarre / Susan Houde 9970 N. 126 <sup>th</sup> St.	217-32-068D
8. USA Bureau of Reclamation 23636 N. 7 <sup>th</sup> St. Phoenix, AZ 85204	217-32-067B
9. Ibid	217-32-066B
10. MV Sunrise, LLC 12430 E. Mountain View Rd.	217-32-066C
11. Richard Surran/Geiger Harrison/ TR D. Burris 12201 E. Mountain View Rd.	217-32-067A
12. Steven P. & Allison L. Kalina 9920 N. 126 <sup>th</sup> St.	217-32-068C
13. Ibid #8	217-32-068B
14. William F. Nutting Jr. & Keri A. Nutting 9909 N 126 <sup>th</sup> St.	217-32-069G
15. Dyer Family Trust 12612 E. Mountain View Rd.	217-32-069F
16. Lynch Family Living Trust 21414 E. Mountain View Rd.	217-32-065B
17. Ted H. & Gloria A. Mackay 9869 N. 124 <sup>th</sup> St.	217-32-065C
18. Hendry Living Trust 9911 N. 124 <sup>th</sup> St.	217-32-065E
19. Kelldorf Family Trust 9989 N 124 <sup>th</sup> St.	217-32-065G
20. Ibid #8	217-32-049B
21. Ibid #8	217-32-048B
22. Anne S. Blethen Trust 10239 N. 125 <sup>th</sup> St.	217-32-047H
23. Judith A Bitenc Trust 12555 E. Gold Dust Ave.	217-32-046C
24. Neil D. & Michelle L. Lende 10249 N. 125 <sup>th</sup> St.	217-32-047G

25. Glorianne Michels Trust 10242 N. 125 <sup>th</sup> St.	217-32-048E
26. Michael K. & Natalie C. Pfleger 10101 N. 124 <sup>th</sup> St.	217-32-049D
27. Lori A. McAllister 12425 E. Gold Dust Ave.	217-32-049E
28. Vincenzo & Nunzia Rossiello 12495 E. Gold Dust Ave.	217-32-048C
29. Scott L. Murray & Jennifer L. Madrid 12525 E. Gold Dust Ave.	217-32-047F
30. Dino D. & Patricia M. Lopesio 10180 E. Cholla St. 85260	217-32-044K
31. Joshua R. Hader Living Trust 12655 E. Gold Dust Ave.	217-32-044L
32. Jonathan A. & Rachel L. Johnson 12707 E. Gold Dust Ave.	217-32-043G
33. David Leerman 12712 E. turquoise Ave.	217-32-043H
34. Dan Francis 12684 E. Turquoise Ave.	217-32-044F
35. Valana L. Wells 12652 E. Turquoise Ave.	217-32-044J
36. 12635 Turquoise, LLC 346 Oak Ln. Farmington, UT 84025	217-32-070E
37. Jimmie V. & Elana C. Sandoval 12501 E. Saddlehorn Tr. Scottsdale, AZ 85259	217-32-070D
38. Andrew & Jill B. Hasman 650 West 41st Ave., Ste 410 Vancouver, BC Canada V5Z2M9	217-32-071E
39. Dandee Properties, LLC 12660 E. Mountain View Rd.	217-32-070B
40. Thomas Curmbley 12636 E. Mountain View Rd.	217-32-070C
41. Wayne & Karen Schreck 9651 N. 125 <sup>th</sup> Pl.	217-32-182A
42. Joyce S. Wierz 12524 E. Saddlehorn Tr.	217-32-165
43. Justin & Tiffini Johnson 12501 E. Mountain View Rd.	217-32-164
44. Safa & Maryam K. Matin P.O. Box 15141 Scottsdale, AZ 85267	217-32-163
45. Graulich Family Trust 12468 El Gold Dust Ave.	217-32-035C
46. David & Kimberly Wilkinson	217-32-035B

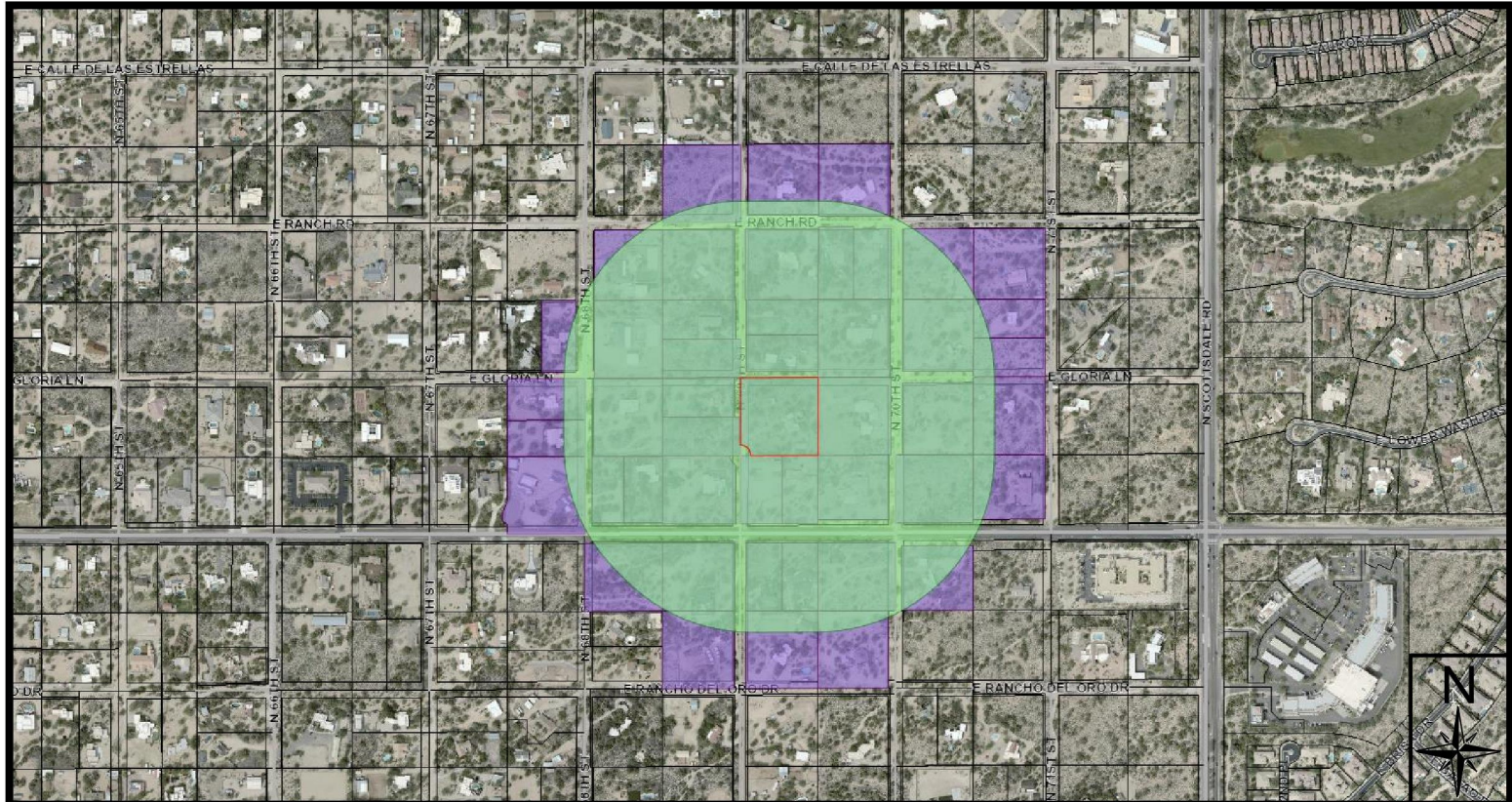


12496 E. Gold Dust Ave.

- |   |             |
|---|-------------|
| 47. Vazgen R. Artounian<br>12504 E. Gold Dust Ave.                                  | 217-32-036D |
| 48. Deborah & Michael Hurst<br>12508 E. Gold Dust Ave.                              | 217-32-036C |
| 49. Steven W. & Jennifer R. Hudson<br>12580 E. Gold Dust Ave.                       | 217-32-037C |
| 50. David E. & Lisa D. Morgan<br>12590 E. Gold Dust Ave.                            | 217-32-037F |
| 51. Marcus M & Birgit Schwickert<br>13475 E. Del Timbre Dr.<br>Scottsdale, AZ 85259 | 217-32-038G |
| 52. Estate of Wynne Martin<br>12640 E. Gold Dust Ave.                               | 217-32-038D |
| 53. Benson K. Boreyko<br>8322 E. Hartford Dr.<br>Scottsdale, AZ 85255-5466          | 217-32-453  |
| 54. Neil D. & Sherri K. Ginsberg<br>12686 E. Gold Dust Ave.                         | 217-32-452  |
| 55. M&M Revocable Trust<br>12653 E. Cochise Dr.                                     | 217-32-517  |
| 56. Sanfilippo Family Trust<br>12645 e. Cochise Dr.                                 | 217-32-038F |
| 57. Olcavage Trust<br>12601 E. Cochise Dr.  | 217-32-038H |
| 58. Sanfam, LLLP<br>2815 E. Baseline Rd., Ste. 104<br>Gilbert, AZ 85234             | 217-32-037E |
| 59. Sathish & Bernadette Chari<br>12511 E. Cochise Dr.                              | 217-32-036F |
| 60. Michele Lopopolo Testamentary<br>238 Van Sicklen St.<br>Brooklyn, NY 11223      | 217-32-036E |

# City Notifications – Mailing List Selection Map

## Martinson GLOPE Abandonment

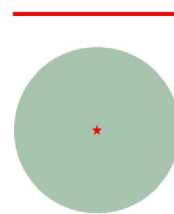


### Additional Notifications:

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

Pulled Labels  
January 9, 2023

### Map Legend:



Site Boundary

Properties within 750-feet

Postcards: 103

5-AB-2022



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

**WEDNESDAY, MARCH 8, 2023**

**\*DRAFT SUMMARIZED MEETING MINUTES \***

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

**REMOTE:** Christian Serena, Commissioner

**STAFF:** Tim Curtis  
Eric Anderson  
Jesús Murillo  
Chris Zimmer  
Bryan Cluff  
Becca Cox  
Caitlyn Gulsvig  
Jason McWilliams  
Karissa Rodorigo

**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 February 22, 2023 [Regular Meeting Minutes](#).

**Commissioner Kaminski moved to approve the February 22, 2023 regular meeting minutes. Seconded by Commissioner Scarbrough, the motion carried unanimously with a vote of seven (7) to zero (0) by Chair Higgs, Vice Chair Young, Commissioner**

ATTACHMENT #9

\* 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"



**Gonzales, Commissioner Kaminski, Commissioner Ertel, Commissioner Scarbrough and Commissioner Serena.**

## **CONSENT AGENDA**

2. [3-AB-2022 \(Kaufax Residence Abandonment\)](#)  
Request by owner to abandon portions of N. 69th Street, E. Mark Lane, and N. 70th Street, adjacent to parcels 216-68-099A, 216-68-097A, 216-68-099B, and 216-68-097B, with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning designation, located at 28357 and 28221 N. 69th Street, and 28228 and 28212 N. 70th Street. Owner to dedicate property interests to the City. Staff contact person is Jesus Murillo, 480-312-7849. **Applicant contact person is Pearl Kaufax, 480-947-5504.**
3. [5-AB-2022 \(Martinson GLOPE Abandonment\)](#)  
Request by owner to abandon the 33-foot wide GLO roadway easement along the northern property line and to abandon +/-250 square feet of a ¼ cul-de-sac abutting N. 69th Street of parcel 216-50-028A, with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning located at 31421 N. 69th Street. Owner to dedicate property interests to the City. Staff contact person is Chris Zimmer, 480-312-2347. **Applicant contact person is Wayne Rosendahl, 480-599-1263.**
4. [7-UP-2022 \(Puttshack\)](#)  
Request by owner for a Conditional Use Permit for a Bar use (Puttshack at Scottsdale Quarter) in a +/- 26,244 square foot suite with +/- 3,097 of outdoor patio space, located at 15059 N. Scottsdale Road, Suite 100 with Planned Regional Center (PRC) zoning. Staff contact person is Bryan Cluff, 480-312-2258. **Applicant contact person is Brian Greathouse, 602-234-9930.**

**Vice Chair Young moved to make a recommendation to City Council for approval of cases 3-AB-2022, 5-AB-2022, and 7-UP-2022, per the staff recommended stipulations after determining that the proposed Abandonments are consistent and conform with the adopted General Plan and based upon the finding that the Conditional Use Permit criteria have been met. 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.**

## **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:06 p.m.

\* 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"



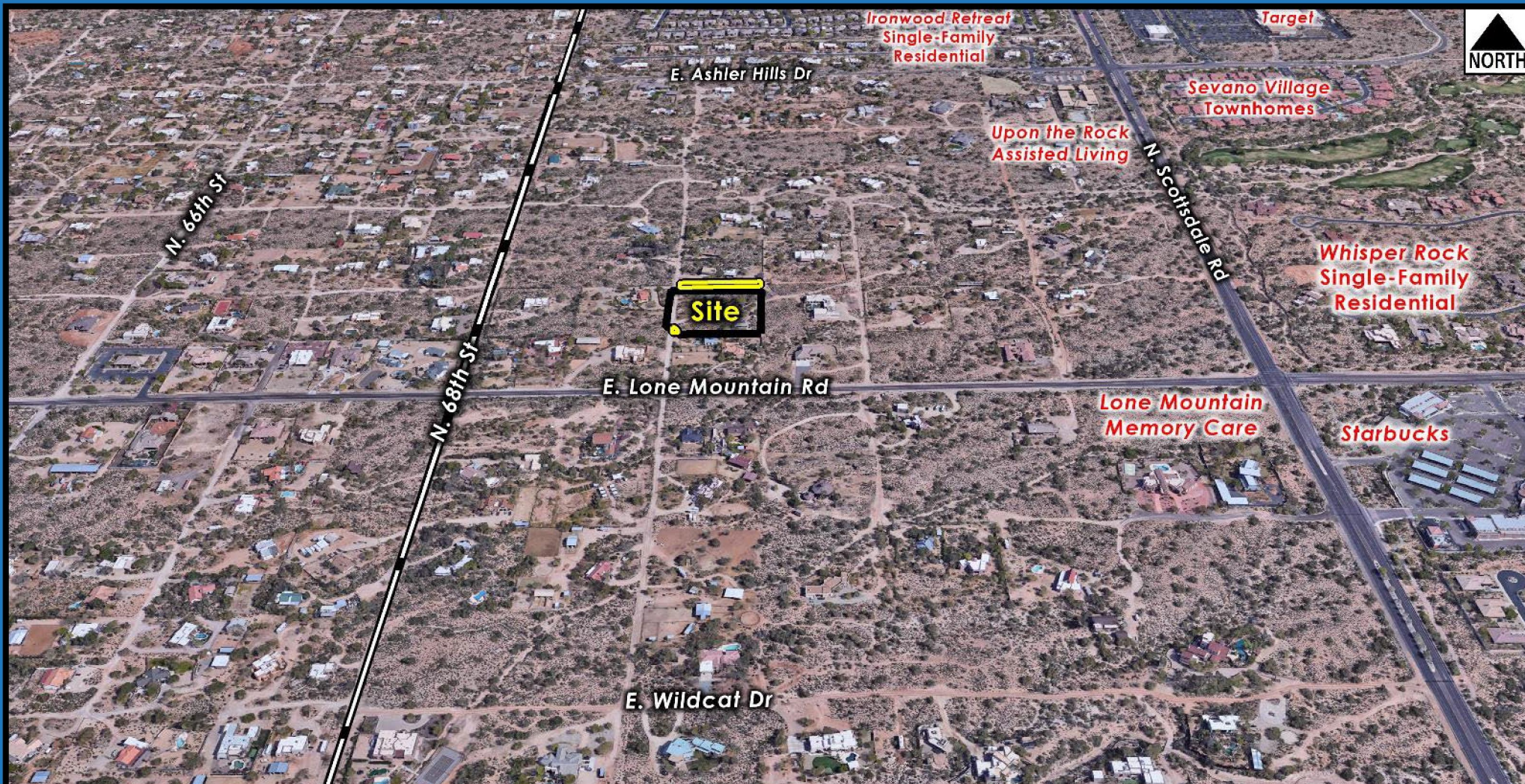
# **Martinson GLOPE Abandonment**

## **5-AB-2022**

**City Council**  
**3/21/2023**

**Coordinator: Chris Zimmer**





Context Aerial

5-AB-2022





Detail Aerial

5-AB-2022



# Action Requested

1. Adopt Resolution No. 12710 to abandon the 33-foot wide GLO roadway easement along the northern property line and to abandon 250 square feet of a ¼ cul-de-sac abutting N. 69<sup>th</sup> Street of parcel 216-50-028A, with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning located at 31421 N. 69th Street, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:
2. The property owner shall dedicate a 20-foot-wide fee-simple half-street right-of-way along N. 69<sup>th</sup> Street via a Map of Dedication;
3. The property owner shall dedicate a 13-foot-wide water and sewer facilities easement along N. 69<sup>th</sup> Street via a Map of Dedication;
4. The property owner pay the combined total amount of \$4,943.33 as compensation to the city for the abandonment of fee-simple right-of-way and General Land Office Patent Easements.



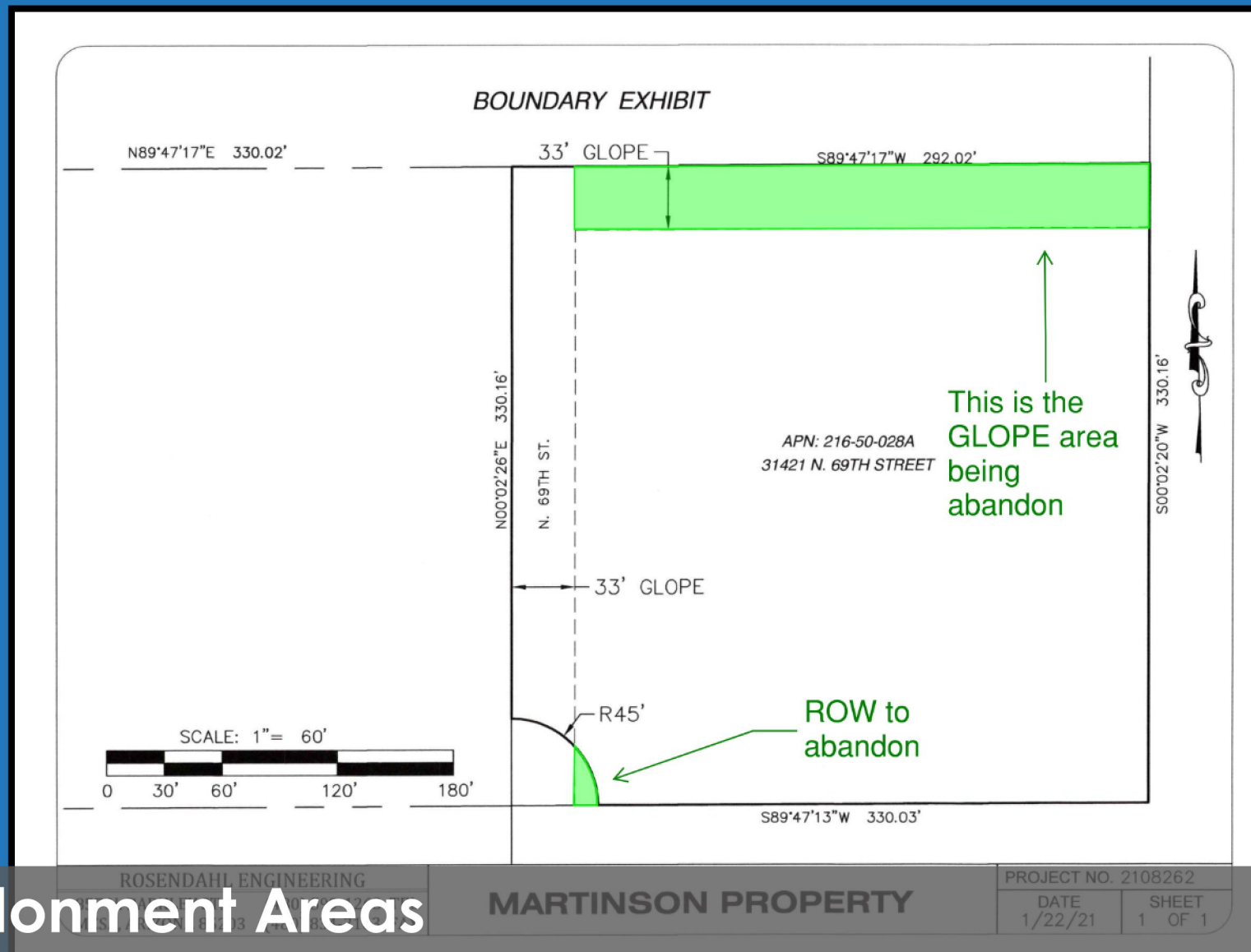
# **Martinson GLOPE Abandonment**

## **5-AB-2022**

**City Council**  
**3/21/2023**

**Coordinator: Chris Zimmer**



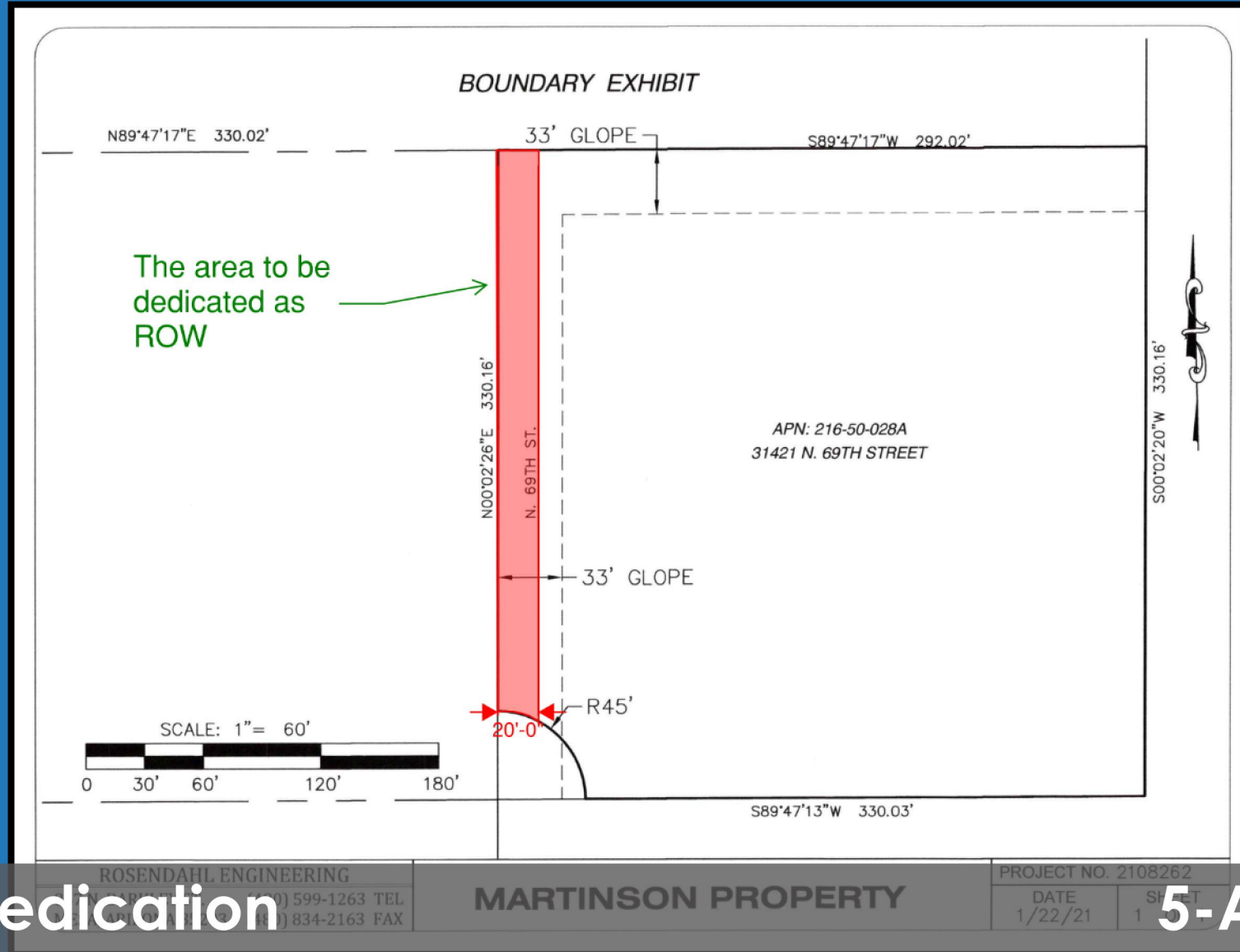


Abandonment Areas

MARTINSON PROPERTY

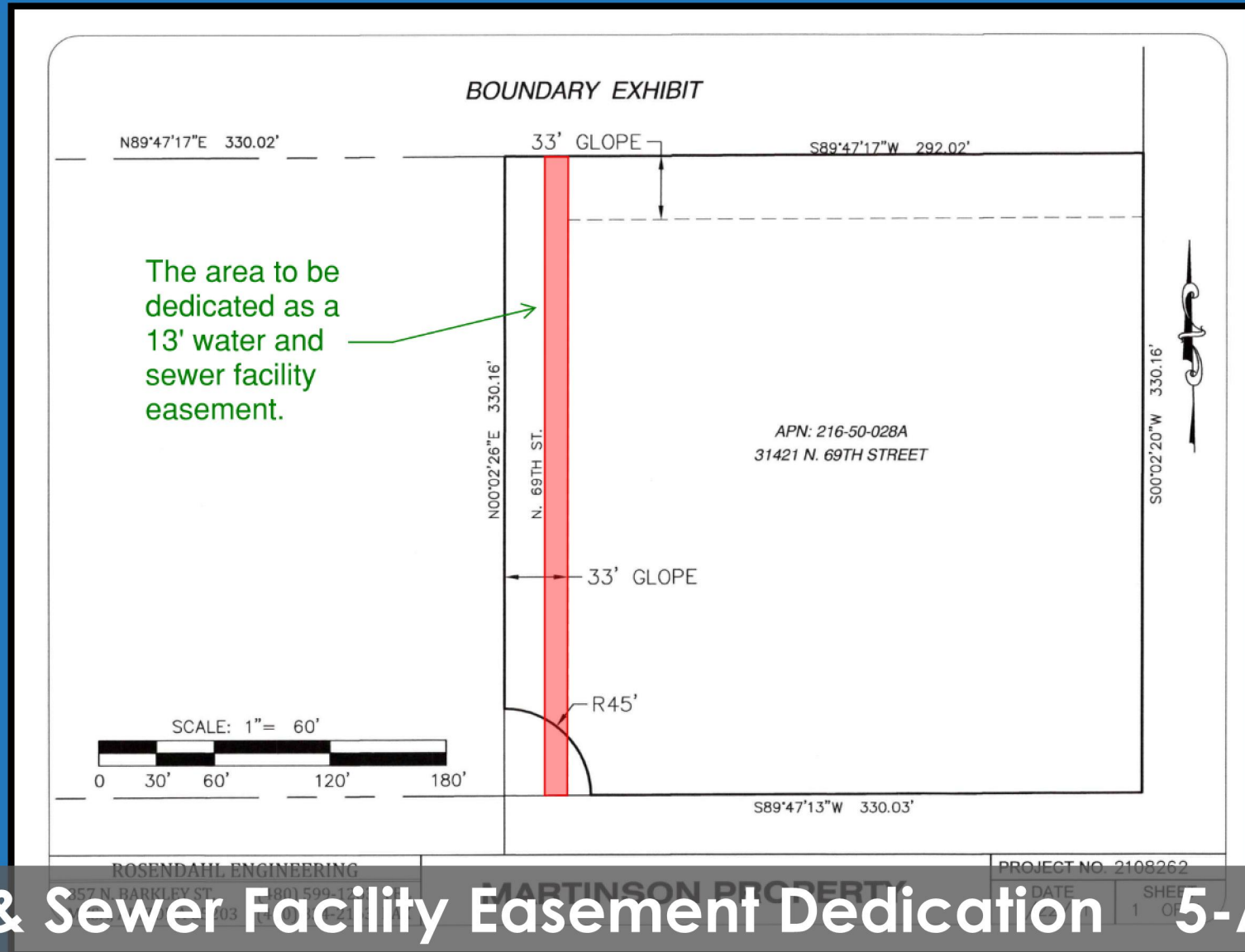
PROJECT NO. 2108262  
DATE 1/22/21 SHEET 1 OF 1

5-AB-2022



**ROW Dedication**

**5-AB-2022**



**Water & Sewer Facility Easement Dedication 5-AB-2022**





**Water & Sewer Facility Easement Dedication 5-AB-2022**





Existing Zoning

5-AB-2022