

RESOLUTION NO. 13044

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 7120 E. LOWDEN DRIVE, TOTALING APPROXIMATELY 9,702 SQUARE FEET.

(7-AB-2023)

(Kraft Residence 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 GLOPE Abandonment Rights-of-way are legally described on **Exhibit "A"** and depicted on **Exhibit "B"** attached hereto and comprise an area of approximately 9,702 square-feet.

E. The Fee-simple Abandonment Rights-of-way are legally described on **Exhibit "C"** and depicted on **Exhibit "D"** attached hereto and comprise an area of approximately 5,941 square-feet.

F. The Abandonment Rights-of-way fall within, serve, affect or are near a parcel comprising approximately 2.1 acres ("Owner's Parcel"), as depicted on **Exhibit "E"** attached hereto.

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 One Dollars and 00/100 (\$4,901.00) 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 16-foot-wide Waterline and Sewerline Easement over the western portion of Owner's parcel along the N. 71st Street alignment.

3.3 As proof of satisfaction of the conditions set forth in Section 3, The Zoning Administrator shall execute the certificate at the bottom of this resolution indicating that the Conditions have been satisfied.

4. Administration of Conditions. If the foregoing Conditions are not all satisfied prior to the second annual anniversary of this resolution, the Zoning Administrator shall report the same to the City Clerk and then the City Clerk shall mark this resolution to indicate that this resolution is void.

5. Exhibit Labeling. The text of this resolution controls any conflict with the exhibits as to the nature of the interests created, reserved or otherwise affected by this resolution. For example, if the text of this resolution indicates that City is reserving a particular type of easement, but the exhibit text or labels indicate a different type of real estate interest, then the text controls.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this ____ day of _____, 2024.

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

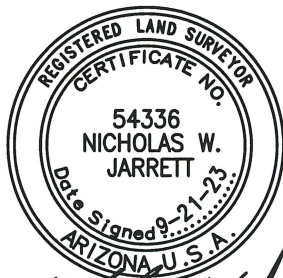
name printed

GLOPE EASEMENT – ABANDONMENT

THE WEST 33.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 33.00 FEET.

CONTAINS 9,802 +/- SQUARE FEET OR 0.225 +/- ACRES



Resolution No. 13044
Exhibit "A"
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 LANDCOR CONSULTING			1955 S. Val Vista Dr., Ste. 121 Mesa, AZ 85204 Ph: (480) 553-9433 landcorconsulting.com
DATE: 09/21/23	LOWDEN ABANDONMENT	JOB NO. 2024	
SCALE: N.T.S.			



LANDCOR
CONSULTING

1955 S. Val Vista Dr., Ste. 121
Mesa, AZ 85204
Ph: (480) 553-9433
landcorconsulting.com

DATE: 09/21/23

LOWDEN
ABANDONMENT

JOB NO.
2024

SCALE: 1" = 80'

NE COR
SEC 22, T5N, R4E G&SRM
MARICOPA COUNTY, ARIZONA



71ST STREET (ALIGNMENT)

S00°00'31"E 330.04'

297.04'

20' R/W
DOC NO. 1995-0036974

APN 216-67-161
MARGARET KRAFT TRUST

33' GLOPE
TO BE ABANDONED

33' GLOPE
EASEMENT

20' R/W
DOC NO. 1995-0036974

S00°03'21"W 330.06'

SCOTTSDALE ROAD

N00°02'04"E 1979.94'

S89°47'40"W 659.66'

W 1/4 COR OF THE SE 1/4 OF THE NE 1/4
SEC 22, T5N, R4E G&SRM

S89°48'23"W 330.26'
LOWDEN DRIVE

E 1/4 COR OF THE SE 1/4 OF THE NE 1/4
SEC 22, T5N, R4E G&SRM

S89°48'23"W 330.26'

E 1/4 COR
SEC 22, T5N, R4E G&SRM

N00°02'04"E 659.98'



Nicholas W. Jarrett

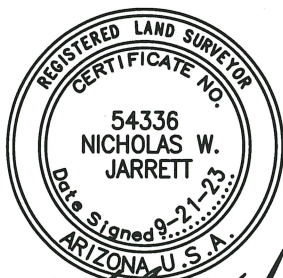
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Exhibit "B"
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RIGHT OF WAY – ABANDONMENT

THE WEST 20.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 33.00 FEET.

CONTAINS 5,941 +/- SQUARE FEET OR 0.136 +/- ACRES



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Exhibit "C"
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 LANDCOR CONSULTING		1955 S. Val Vista Dr., Ste. 121 Mesa, AZ 85204 Ph: (480) 553-9433 landcorconsulting.com	
DATE: 09/21/23	LOWDEN		JOB NO.
SCALE: N.T.S.	ABANDONMENT		2024



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CONSULTING

1955 S. Val Vista Dr., Ste. 121
Mesa, AZ 85204
Ph: (480) 553-9433
landcorconsulting.com

DATE: 09/21/23

LOWDEN
ABANDONMENT

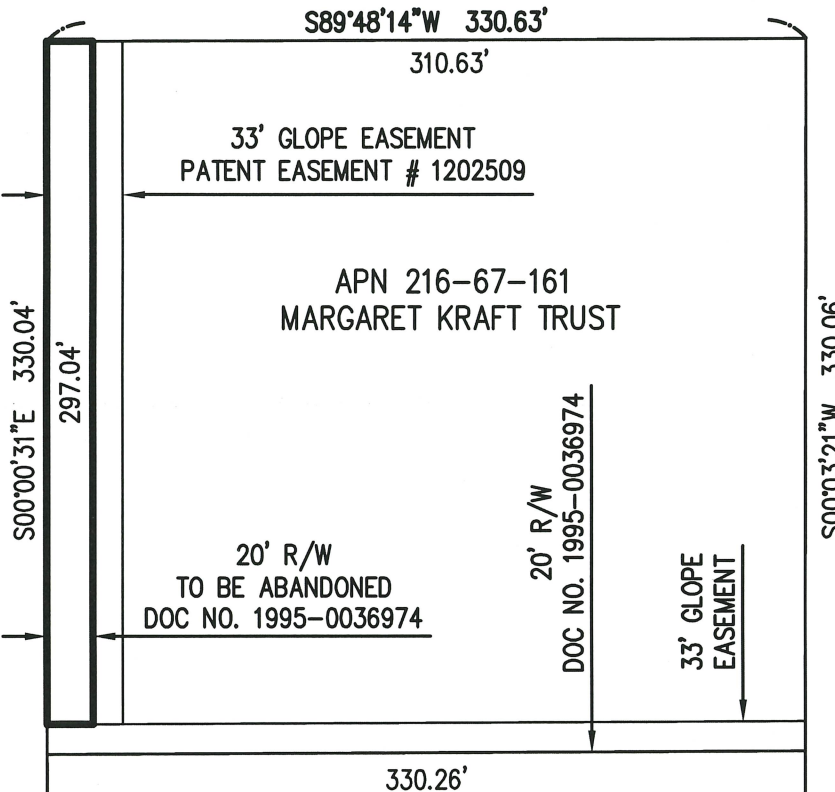
JOB NO.
2024

SCALE: 1" = 80'

NE COR
SEC 22, T5N, R4E G&SRM
MARICOPA COUNTY, ARIZONA



71ST STREET (ALIGNMENT)



S89°47'40\"/>

W 1/4 COR OF THE SE 1/4 OF THE NE 1/4
SEC 22, T5N, R4E G&SRM

S89°48'23\"/>

E 1/4 COR OF THE SE 1/4 OF THE NE 1/4
SEC 22, T5N, R4E G&SRM

S89°48'23\"/>

S00°02'04\"/>

E 1/4 COR
SEC 22, T5N, R4E G&SRM



Nicholas W. Jarrett

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Exhibit "D"
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LEGEND

Site Boundary Area

GLOPE Abandonment Area

R.O.W. Abandonment Area

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Exhibit "E"
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