



Real Estate Services

One Civic Center
7447 E. Indian School Rd., Ste 205
Scottsdale, AZ 85251

November 4, 2024

Via E-mail: Real Estate Services staff to Jennifer Hall and Henry Hardy of Rose Law Group

RE: 1st review comments - 8-AB-2024
The Collector's Garages at Westworld
Subject Property - Current APN's: 217-14-037A and 217-14-038A
Current Addresses: 9875 & 9909 E McDowell Mountain Ranch Rd
Scottsdale, AZ 85260

8-AB-2024 - Real Estate case-specific review comments:

1. Abandonment Notification Letter dated September 24, 2024. This notice to property owners cites the Project as 532-PA-2024 and the written description of the requested abandonment areas are tied to the wrong parcels of land. The owners are asking that the easements on the eastern, western, and southern boundaries of lot APN 217-14-~~038A~~, and on the eastern boundary of lot APN 217-14-~~037A~~ be abandoned. The depiction on page 2 of the notice accurately shows the requested easements abandonment areas.
2. Site Plan w/ Aerial drawn by LGE Design Group dated September 5, 2024. This site plan sheet for the "APEX Motor Club" is labeled as an Architectural Site Plan. It's not clear if this site plan is the most current plan for "The Collector's Garages at Westworld" development; however, we assumed it is for the purpose of this review. Real Estate comments:
 - a. ROW and site dimensions should be consistent with submitted easement release legal descriptions and exhibits prepared by Hunter Engineering as well as the documents that created the lots and rights of way.
 - b. The leader-line for the easternmost 33' GLO easement is not leading to the correct line.
 - c. All three references to the document that created the GLO easements are incorrect.
 - d. The Westworld Sports Fields have been constructed and an updated aerial is available.
 - e. Please verify the project data, area calculations, and plan labels. Revise as necessary to correct what appear to be inconsistencies in project addressing, proposed new zoning, and improvement details.
 - f. The site plan appears to show a zero-lot line build, i.e. vertical improvements proposed to be built on or quite near, along the western lot lines and a southern lot line. In most cases, building and maintaining improvements on or very close to a lot line is not feasible without obtaining an easement from the adjacent land owner. In this case, with the exception of the eastern and southernmost borders of the larger parcel, the adjacent land is owned by the Federal Bureau of Reclamation (BOR). The Central Arizona Project (CAP) manages those parcels on behalf of the BOR. The City of Scottsdale is authorized to improve and use those parcels for recreational purposes only.

The CAP, acting on BOR's behalf, is the only entity that is authorized to issue a temporary or perpetual land right on the adjacent BOR lands. Real Estate is not aware of a scenario in which a private entity has been the recipient of a land right from the BOR for a use such as the one that is proposed for this development. If a land right cannot be obtained, please modify the site plan to allow for all

improvements, construction access, and operation/ maintenance, to be contained on the subject larger parcels.

- g. Development of the larger parcel as combined is also bound by the terms, restrictions, covenants, conditions, liabilities, and obligations of that certain Drainage Project Agreement recorded as Document No. 2022-0430791 in the Maricopa County Recorder's Office on May 18, 2022. This document is item #9 on Schedule B11 of Amendment 3 to the Applicant's Title Commitment dated September 6, 2024.

3. Legal Descriptions and Exhibits of Patent easement release areas – sealed July 26, 2024 by RLS James A Brucci with Hunter Engineering.

- a. Please revise as needed to ensure consistency between the written bearings and distances on Exhibit A and the table/graphic depiction on Exhibit B.
- b. Please add a total square footage calculation to the last line of each Exhibit A description.
- c. Please also revise documents as needed to ensure exhibits are consistent with the revised site plan.

4. Applicant Estimated GLO Abandonment Fees.

- a. Please correct mathematical and typographical errors on this document.
- b. Assuming the size of the release areas are substantially similar to the acreage cited on the legal descriptions that are part of this 1st submittal once the consistency review is complete, it appears that the applicant is proposing that the City release the public's rights to use approximately 45,676 SF (1.05 acres) of GLO roadway and utility easements reserved in the Patent to the subject lands.

Esmt Release 1 – 33' GLO on east side of APN 217-14-037A:
335' x 33' = 11,055 SF or 0.254 acres (rounded)

Esmt Release 2 – 33' GLO on east and south sides of APN 217-14-038A:
597' x 33' = 19,705 SF
117' x 33' = 3,861 SF total = 23,566 SF or 0.541 acres (rounded)

Esmt Release 3 – 33' GLO on west side of APN 217-14-038A:
335' x 33' = 11,055 SF or 0.254 acres (rounded)

- c. City Real Estate will provide an appraisal scope of work for the applicant's use once the City's first review comments are satisfactorily addressed.
- d. Applicant to procure and submit an appraisal of the market value of the easement rights to be abandoned/released using before and after methodology that will be described in the City-provided appraisal scope of work. The larger parcel shall be appraised as encumbered and available to be developed to its highest and best use (before) as well as if unencumbered and available to be developed to its highest and best use (after). The applicant shall pay 90% of the difference between the before and after market values as consideration for the abandonment/release.

Should you have any questions feel free to reach out.

Sincerely,
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