

Background

City of Scottsdale staff are recommending City Council approval of three (3) planning and development actions for the proposed development of the Subject Property, all of which are briefly described below:

Subject Property

Those certain portions of Lots 38 and 39 located within Section 5, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as Parcels 1 and 2 on Exhibit A¹ attached to these instructions.

Said parcels are also known as Maricopa County Assessor's Parcel Nos. (APN) 217-14-037A and 217-14-038A and have respective street addresses of 9875 and 9909 E. McDowell Mountain Ranch Rd, Scottsdale, AZ 85260.

Planning and Development Services Applications

Case 8-AB-2024: Request to approve the abandonment of the Government Land Office (GLO) easements for roadway and public utilities that currently encumber the east 33 feet of APN 217-14-037A, and the west, east, and south 33 feet of APN 217-14-038A.

Case 4-GP-2024: Request to approve a minor General Plan Amendment to the City of Scottsdale General Plan 2035 for the Subject Property from Employment Office to Employment Light Industrial/Office.

Case 5-ZN-2024: Request to approve a Zoning District Map Amendment for the Subject Property from Single-family Residential (R-1-35), Environmentally Sensitive Lands (ESL), planned Community District (PCD) to General Commercial C-4 ESL PCD with a development plan.

Professional Appraisal Services Required

The City is considering abandonment of its rights to use approximately 45,608 square feet, or 1.047 acres, of GLO easement areas described on Exhibit B attached to this document for public roadway and utility purposes (Case 8-AB-2024). The Applicant shall, at its sole cost and expense, procure and submit an independent appraisal of the value of the easement rights to be abandoned.

Appraisal Standards, Specifications, and Valuation Methodology

- The appraisal shall be performed by a licensed State of Arizona Certified General Real Estate Appraiser in good standing, and in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), and all applicable rules, regulations, and laws.
- The appraiser shall include the City of Scottsdale and the public as Intended Users of the appraisal along with any other Intended User(s) identified by the appraiser's client.
- The appraiser shall include the City of Scottsdale's Intended Use of the appraisal as "Asset management and potential disposal decisions."

¹ The 2-page legal description set forth on Exhibit A is an excerpt from the Third Amendment to First American Title Company's Commitment for Title Insurance (Order No. A-151388 dated September 6, 2024) submitted by the Applicant for the Subject Property. It is assumed to be accurate.

- The appraiser shall utilize and reference the definition of "Market Value" as defined by Arizona Revised Statute. 28-7091.
- The appraisal must:
 - Identify and describe the subject property to be appraised.
 - Include a statement of purpose, scope of the appraisal, as well as the property rights (interests) being valued, subject to encumbrances of record, or Schedule B of the title report (include in the Addenda if provided).
 - Determine and describe the larger parcel(s) and/or assemblage(s) the appraiser feels are relevant to forming and communicating the appraiser's opinion of market value.
 - Include a legal description and graphic depicting the opined larger parcel(s), assemblage(s), and the parcel(s) to be abandoned, all of which shall include each parcels' square footage.
- The easement areas to be abandoned shall be appraised using before and after methodology that values the land 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).

Consideration for Abandonment

City staff will compute the consideration due for the abandonment utilizing the appraiser's opinion of value; the consideration shall be 90% of the difference between the before and after market values.

Exhibit A - 2 Pages

Order Number: A-151388
Amend (Version 3)

Exhibit "A" Legal Description

Parcel 1

Lot 38, Section 5, Township 3 North, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona;

Except the South 280.00 feet; and

ALSO Except the West 120.00 feet of said Lot 38, lying North of said South 280.00 feet of Lot 38;

ALSO Except that portion deeded to the City of Scottsdale by instrument recorded November 24, 1999 at Recorders No. 99-1069622, described as follows:

That part of the Southwest quarter of Section 5, Township 3 North, Range 5 East of the Gila and Salt River Meridian commencing at the Center of said Southwest quarter, said point also being the Northeast corner of Lot 33 of said Section 5;

Thence North 89 degrees 50 minutes 16 seconds West along the North line of said Lot 33, a distance of 329.93 feet to the Northwest corner of said Lot 33, said point also being the Northeast corner of Lot 34;

Thence continuing North 89 degrees 50 minutes 16 seconds West along the North line of said Lot 34, a distance of 329.93 feet to the Northwest corner of said Lot 34, said point also being the Northeast corner of Lot 35;

Thence South 00 degrees 15 minutes 00 seconds East along the East line of said Lot 35, a distance of 660.26 feet to the Southeast corner of said Lot 35, said point also being the Northeast corner of Lot 38 and the TRUE POINT OF BEGINNING;

Thence South 00 degrees 12 minutes 30 seconds East along the East line of said Lot 38, a distance of 45.00 feet to a point;

Thence North 89 degrees 44 minutes 14 seconds West parallel to the North line of said Lot 38, a distance of 210.50 feet to a point;

Thence North 00 degrees 12 minutes 30 seconds West, a distance of 45.00 feet to a point on the North line of said Lot 38;

Thence South 89 degrees 44 minutes 14 seconds East along the North line of said Lot 38, a distance of 210.50 feet to the TRUE POINT OF BEGINNING; and

ALSO Except all coal, oil, gas and other mineral deposits and Except all uranium, thorium or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials whether of not of commercial value, as reserved in Patent from the United States of America.

This page is only a part of a 2021 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I- Requirements; and Schedule B, Part II - Exceptions; and a signature by the Company or its issuing agent that may be in electronic form.

Parcel 2

Lot 39, Section 5, Township 3 North, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona;

Except the West 180 feet of the South 280 feet thereof; and

ALSO Except that portion of said land conveyed to the City of Scottsdale, a municipal corporation in General Warranty Deed recorded August 31, 1999 at Recorders No. 99-0821451; and

ALSO Except all coal, oil, gas and other minerals and Except all uranium, thorium or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value as reserved in Patent from the United States of America.

This page is only a part of a 2021 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I- Requirements; and Schedule B, Part II – Exceptions; and a signature by the Company or its issuing agent that may be in electronic form.

LEGAL DESCRIPTION EXHIBIT A

A PARTIAL RELEASE OF PATENT EASEMENT LYING WITHIN GLO LOT 38, AS IDENTIFIED IN DOCKET 2904, PAGE 175, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT RELEASE 1:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 5, BEING A CALCULATED POSITION PER PLSS GDAC, BOOK 752, PAGE 339, MARICOPA COUNTY RECORDER, FROM WHICH A GLO BRASS CAP MARKING THE SOUTHWEST CORNER OF SAID SECTION 5 BEARS NORTH 89°52'19" WEST, A DISTANCE OF 2642.74 FEET;

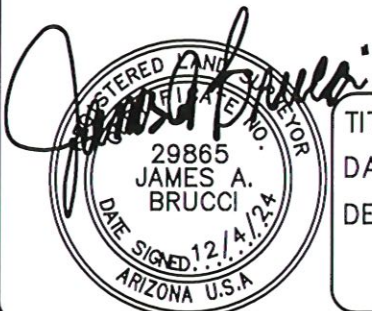
THENCE NORTH 00°18'20" WEST, A DISTANCE OF 1320.02 FEET TO THE SOUTHEAST CORNER OF GLO LOT 40;
THENCE NORTH 00°18'54" WEST, A DISTANCE OF 659.70 FEET TO THE NORTHEAST CORNER OF GLO LOT 40;
THENCE NORTH 89°48'44" WEST, A DISTANCE OF 466.50 FEET TO THE NORTHEAST CORNER OF GLO LOT 39;

THENCE CONTINUING NORTH 89°48'44" WEST, A DISTANCE OF 329.89 FEET TO THE NORTHEAST CORNER OF GLO LOT 38;

THENCE SOUTH 00°22'51" EAST, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING OF EASEMENT RELEASE 1;

THENCE SOUTH 89°48'44" EAST, A DISTANCE OF 33.00 FEET;
THENCE SOUTH 00°22'50" EAST, A DISTANCE OF 334.97 FEET;
THENCE NORTH 89°50'20" WEST, A DISTANCE OF 33.00 FEET;
THENCE NORTH 00°22'51" WEST, A DISTANCE OF 334.98 FEET, TO THE POINT OF BEGINNING OF EASEMENT RELEASE 1.

SAID DESCRIPTION CONTAINING 0.253 ACRES ±, 11,021 SQUARE FEET ±.



TITLE: XB01
DATE: 12/4/24
DESC: LEGAL DESC.
EASEMENT
RELEASE

HUNTER ENGINEERING	CIVIL AND SURVEY
10446 N. 74TH STREET, SUITE 140 SCOTTSDALE, AZ 85258 T 480 991 3985 F 480 991 3986	PAGE 1 OF 5
	PROJ.NO. LGEC324

LEGAL DESCRIPTION EXHIBIT A

PARTIAL RELEASE OF PATENT EASEMENT LYING WITHIN GLO LOT 39, AS IDENTIFIED IN DOCKET 2397, PAGE 159, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT RELEASE 2:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 5, BEING A CALCULATED POSITION PER PLSS GDAC, BOOK 752, PAGE 339, MARICOPA COUNTY RECORDER, FROM WHICH A GLO BRASS CAP MARKING THE SOUTHWEST CORNER OF SAID SECTION 5 BEARS NORTH 89°52'19" WEST, A DISTANCE OF 2642.74 FEET;

THENCE NORTH 00°18'20" WEST, A DISTANCE OF 1320.02 FEET TO THE SOUTHEAST CORNER OF GLO LOT 40;

THENCE NORTH 00°18'54" WEST, A DISTANCE OF 659.70 FEET TO THE NORTHEAST CORNER OF GLO LOT 40;

THENCE NORTH 89°48'44" WEST, A DISTANCE OF 466.50 FEET TO THE NORTHEAST CORNER OF GLO LOT 39;

THENCE SOUTH 00°18'14" EAST, A DISTANCE OF 66.52 FEET TO THE POINT OF BEGINNING FOR EASEMENT RELEASE 2;

THENCE SOUTH 00°18'14" EAST, A DISTANCE OF 593.07 FEET TO THE SE CORNER OF GLO LOT 39;

THENCE NORTH 89°51'12" WEST, A DISTANCE OF 150.20 FEET;

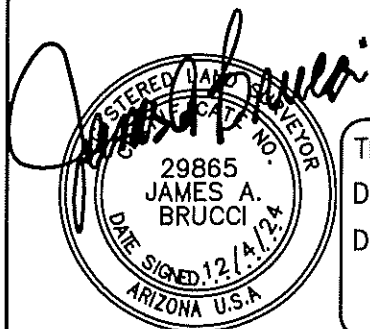
THENCE NORTH 00°07'29" EAST, A DISTANCE OF 33.00 FEET;

THENCE SOUTH 89°51'12" EAST, A DISTANCE OF 116.95 FEET;

THENCE NORTH 00°18'14" WEST, A DISTANCE OF 567.63 FEET, TO A POINT OF NON-TANGENT CURVATURE, CONCAVE SOUTHERLY WHOSE RADIUS IS 706.81 FEET AND WHOSE CHORD BEARS SOUTH 76°58'00" EAST, A CHORD DISTANCE OF 33.91 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 02°44'58", AN ARC LENGTH OF 33.92 FEET, TO THE POINT OF BEGINNING OF EASEMENT RELEASE 2.

SAID DESCRIPTION CONTAINING 0.541 ACRES ±, **23,566 SQUARE FEET ±.**



TITLE: XB01
DATE: 12/4/24
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EASEMENT
RELEASE

HUNTER
ENGINEERING

10446 N. 74TH STREET,
SUITE 140
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

CIVIL AND SURVEY

PAGE 2 OF 5

PROJ. NO. LGEC324

LEGAL DESCRIPTION EXHIBIT A

PARTIAL RELEASE OF PATENT EASEMENT LYING WITHIN GLO LOT 39, AS IDENTIFIED IN DOCKET 2397, PAGE 159, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT RELEASE 3:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 5, BEING A CALCULATED POSITION PER PLSS GDAC, BOOK 752, PAGE 339, MARICOPA COUNTY RECORDER, FROM WHICH A GLO BRASS CAP MARKING THE SOUTHWEST CORNER OF SAID SECTION 5 BEARS NORTH 89°52'19" WEST, A DISTANCE OF 2642.74 FEET;

THENCE NORTH 00°18'20" WEST, A DISTANCE OF 1320.02 FEET TO THE SOUTHEAST CORNER OF GLO LOT 40;

THENCE NORTH 00°18'54" WEST, A DISTANCE OF 659.70 FEET TO THE NORTHEAST CORNER OF GLO LOT 40;

THENCE NORTH 89°48'44" WEST, A DISTANCE OF 466.50 FEET TO THE NORTHEAST CORNER OF GLO LOT 39;

THENCE CONTINUING NORTH 89°48'44" WEST, A DISTANCE OF 329.89 FEET TO THE NORTHEAST CORNER OF GLO LOT 38;

THENCE SOUTH 00°22'51" EAST, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING OF EASEMENT RELEASE 3;

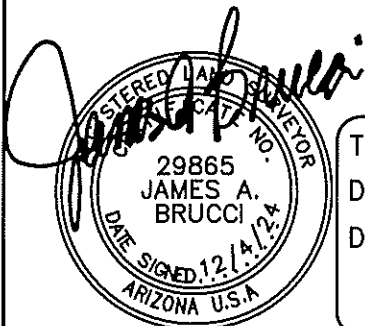
THENCE SOUTH 00°22'51" EAST, A DISTANCE OF 334.98 FEET;

THENCE NORTH 89°50'17" WEST, A DISTANCE OF 33.00 FEET;

THENCE SOUTH 00°22'51" EAST, A DISTANCE OF 335.00 FEET;

THENCE SOUTH 89°48'44" EAST, A DISTANCE OF 33.00 FEET, TO THE POINT OF BEGINNING OF EASEMENT RELEASE 3.

SAID DESCRIPTION CONTAINING 0.253 ACRES ±, 11,021 SQUARE FEET ±.



TITLE: XB01
DATE: 12/4/24
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EASEMENT
RELEASE

HUNTER
ENGINEERING

10448 N. 74TH STREET,
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SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3988

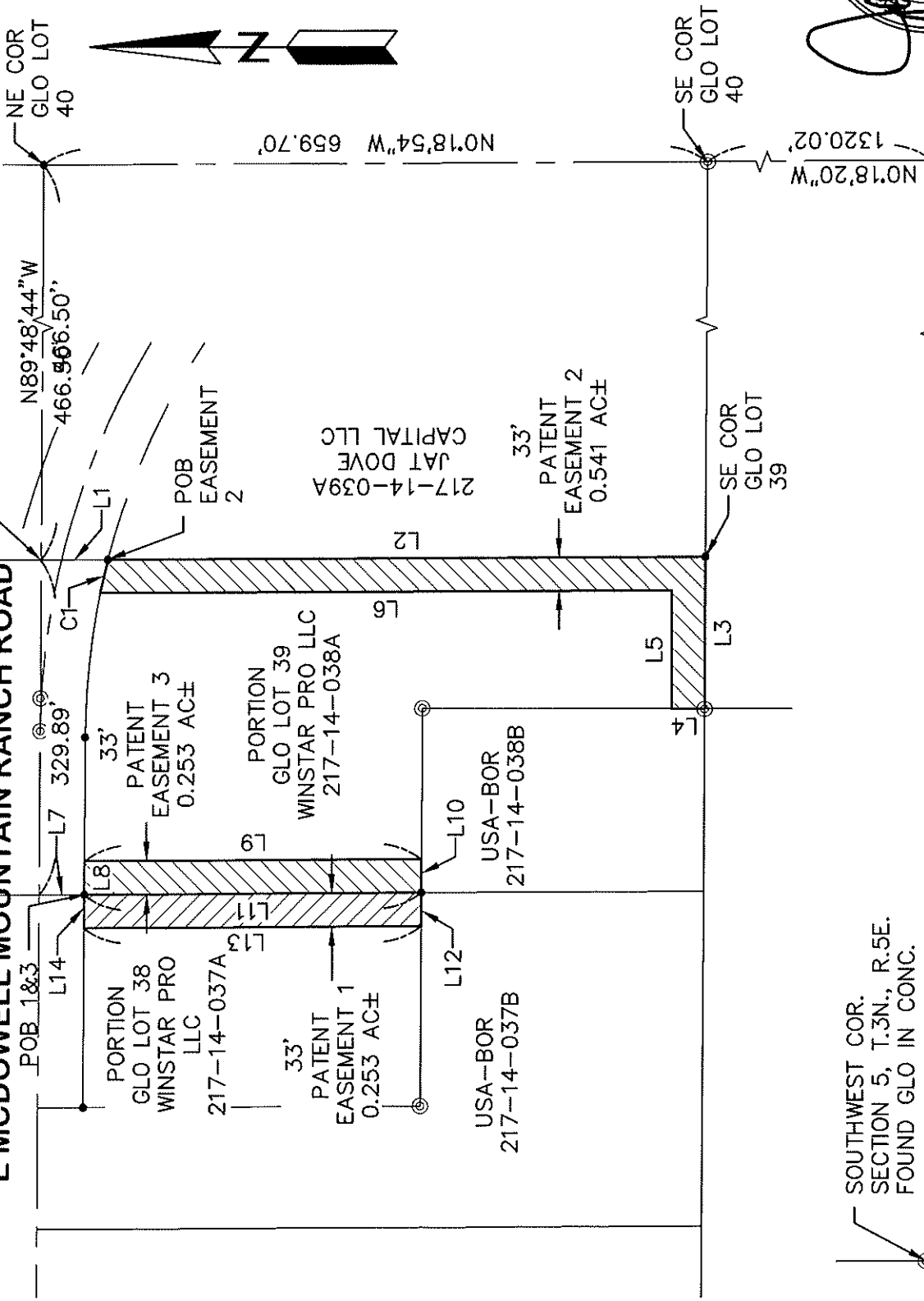
CIVIL AND SURVEY

PAGE 3 OF 5

PROJ. NO. LGEC324

EXHIBIT B

EMCDOWELL MOUNTAIN RANCH ROAD



SOUTHWEST COR.
SECTION 5, T.3N., R.5E.
FOUND GLO IN CONC.

S89°52'19"E BASIS OF BEARING 2642.74'

SOUTH 1/4 COR. SEC. 5, T.3N., R.5E.,
CALCULATED PER PLSS GDAC BK.
752, PG. 339, M.C.R.

N01°18'20"W 1320.02'

N01°18'54"W 659.70'

NE COR
GLO LOT
40

SE COR
GLO LOT
40

SE COR
GLO LOT
39

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T 480 991 3985
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PROJ. NO. LGE0324

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TITLE: XB01
DATE: 12/4/24
SCALE: 1"=150'
DESC: EASEMENT RELEASE

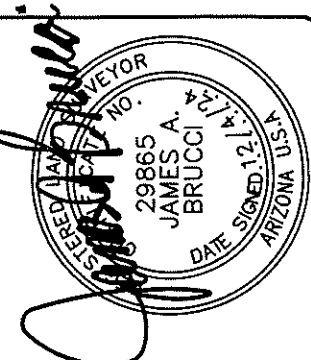
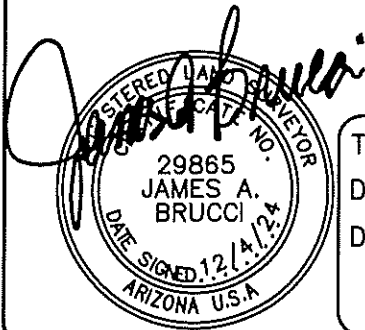


EXHIBIT B

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°18'14"E	66.52'
L2	S00°18'14"E	593.07'
L3	N89°51'12"W	150.20'
L4	N00°07'29"E	33.00'
L5	S89°51'12"E	116.95'
L6	N00°18'14"W	567.63'
L7	S00°22'51"E	45.00'
L8	S89°48'44"E	33.00'
L9	S00°22'50"E	334.97'
L10	N89°50'20"W	33.00'
L11	N00°22'51"W	334.98'
L12	N89°50'17"W	33.00'
L13	N00°22'51"W	335.00'
L14	S89°48'44"E	33.00'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	$\Delta = 2^{\circ}44'58''$	706.81'	33.92'	S76°58'00"E	33.91'



TITLE: XB01
DATE: 7/26/24
DESC: EASEMENT
RELEASE

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10446 N. 74TH STREET, SUITE 140 SCOTTSDALE, AZ 85258 T 480 991 3985 F 480 991 3986	PAGE 5 OF 5
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