

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Project Data Sheet**

Cover Letter – City of Scottsdale

12/14/2016

RE: 12-AB-2016

Cactus Road Roadway Easement Abandonment

Robert F. Sonders
7655 East Cactus Road
Scottsdale AZ 85260

Hello,

This cover letter will serve as a response to all the issues identified in the first review comment letter, from the City of Scottsdale, dated 12/2/2016. There are four total issues referenced within the City of Scottsdale review. They are; Zoning, Circulation, Water and Waste Water, Other.

Responses, by requested issue, listed below.

- Zoning
 - Compensation analysis has been addressed.
 - A detailed response regarding abandonment compensation has been referenced within the revised abandonment narrative letter.

- Circulation
 - A 10 foot wide Public Non-Motorized Access Easement along the E. Cactus Road frontage will be provided. Detail referenced within the legal and graphic survey.
 - As part of the future building permit request a one foot vehicular Non-Access Easement will be dedicated. Additional details within the revised narrative regarding future Cactus driveway removal. Detail referenced within the legal and graphic survey.

- Water and Waste Water
 - A dedication of a 4 foot Water and Sewer Facilities Easement to the City of Scottsdale to offset the abandonment of the 25 foot roadway easement will be provided. Detail referenced within the legal and graphic survey.

- Other
 - A legal and graphic survey has been completed and re-submitted with this cover letter. This survey individually identifies the abandonment area, for each lot individually regarding;
 - Public Utility Easement area
 - Water and Sewer Facilities Easement area
 - Non-Motorized Access Easement area
 - Vehicular Non-Access Easement

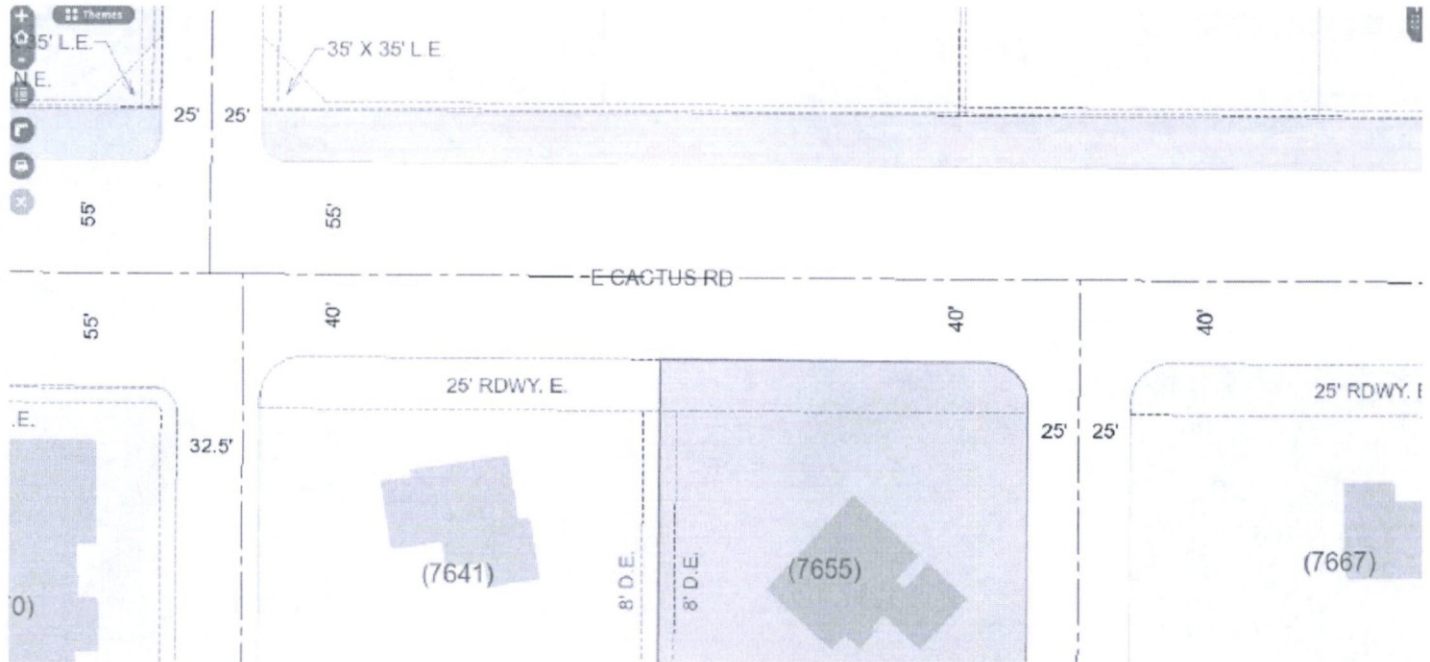
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Application Narrative document – Revised V2

My name is Robert F. Sonders.

This is a request to abandon the roadway easement that is a 25 foot area that runs parallel with Cactus Road. Along the south side of Cactus Road. The easement was put in place around 1961, when the subdivision was first developed. There are only three original lots that have the easement in place. We are requesting this easement be removed (abandoned).

- 12187 N 76th Place (Formerly 7641 East Cactus Rd)
- 7655 East Cactus Rd
- 7667 East Cactus Rd



Compensation consideration for abandonment.

In accordance with the DSPM 5-3.201 regarding Driveway Spacing, we would request consideration for the following option in lieu of a per square foot compensation.

- All three of the properties within the scope of the abandonment request, currently have driveways accessing E. Cactus Road. These driveways are considered “non-DSPM compliant”.
- At each homeowner’s expense separately, per each property individually, the driveway access will be made compliant.
- Removal and replacement of driveway access will be executed upon and required with any new City of Scottsdale building permit request to be determined and to be requested at some point in the future.
 - a) Any future building permit requests, per each property individually, will require the removal and replacement of the existing concrete driveway access, per each property individually.
 1. Request of the proper traffic right of way permitting.
 2. Removal of the driveway access pan concrete and haul away per property.
 3. Set, pour and finish both new concrete curb and sidewalk per property.

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Valuation formulas (existing Cactus driveway pan removal and replacement of curb and sidewalk)

- Each existing concrete driveway pan removal and replacement of curb and sidewalk has been estimated at \$2,000.00 per driveway access.
 - 12187 N 76th Place (Formerly 7641 East Cactus Rd)
 - One Cactus driveway access point
 - Cost = \$2,000
 - 7655 East Cactus Rd
 - Two Cactus driveway access points
 - Cost = \$4,000
 - 7667 East Cactus Rd
 - Two Cactus driveway access points
 - Cost = \$4,000
- The cost incurred per each homeowner listed above will serve as compensation consideration for the abandonment.
- No further “per square foot compensation” will be required for roadway easement abandonment.

My contact information is:

Robert F and Leslie E Sonders

7655 East Cactus Rd Scottsdale AZ 85260

rob@sonders.com

720.530.0567

Thank you,

Robert F. Sonders

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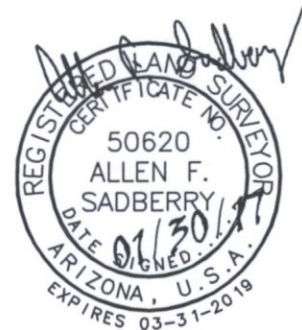
EASEMENT EXHIBIT

EXISTING 25' EASEMENT FOR FUTURE ROADWAY
AT
OF APN 175-16-031
12187 N. 76TH PLACE, SCOTTSDALE, AZ
BEING A PART OF THE NORTHEAST QUARTER OF
SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA.

THE NORTH 25.00 FEET OF LOT 10, DESERT STAR ACRES, UNIT 1, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 86 OF MAPS, PAGE 44.

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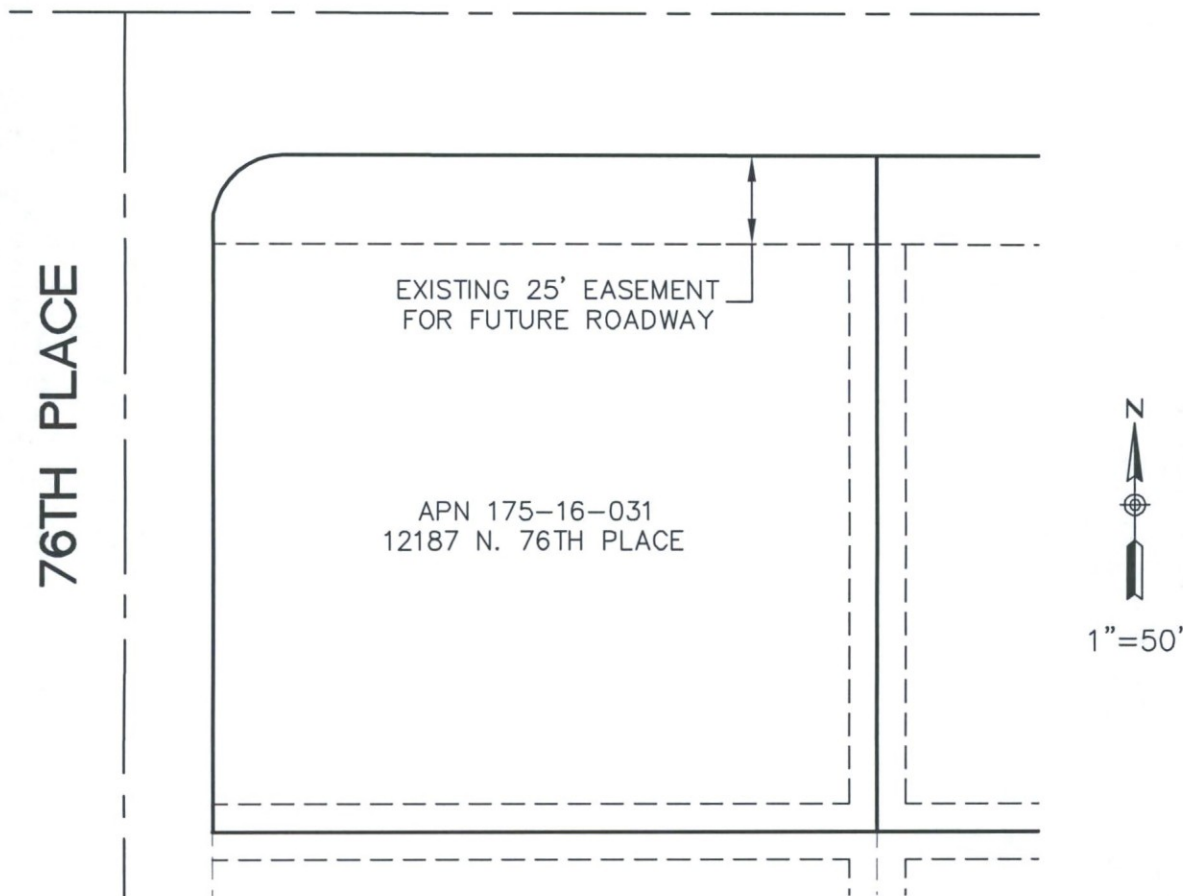
SHEET 1 OF 2



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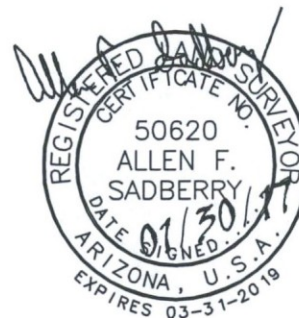
CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L1	5.01	S00°02'45"W
L2	168.51	S89°58'40"E
L3	25.00	N00°00'07"W
L4	188.52	S89°58'40"E

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CURVE TABLE			
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C1	31.41	20.00	89°58'35"



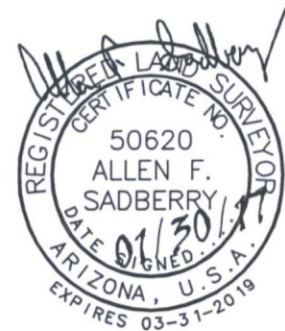
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EXISTING 25' EASEMENT FOR FUTURE ROADWAY
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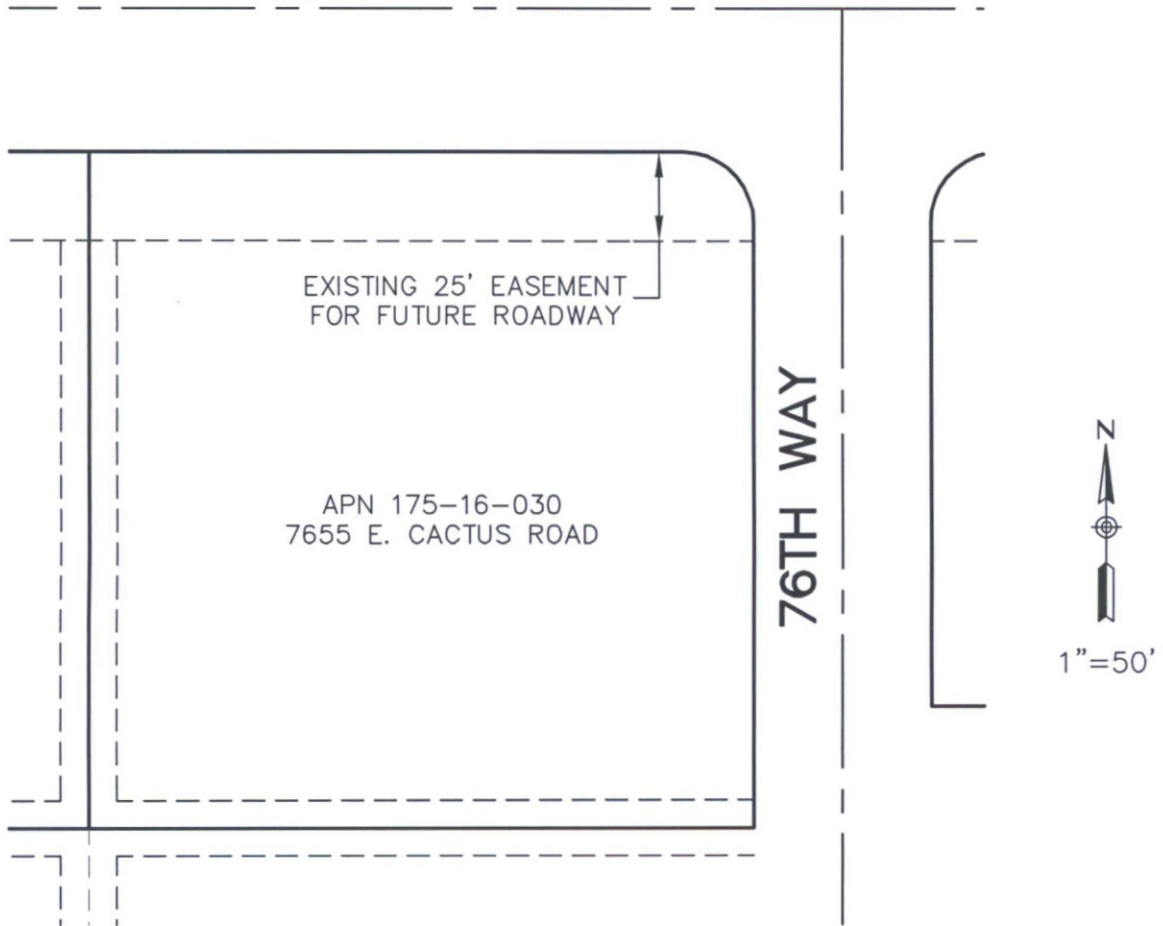
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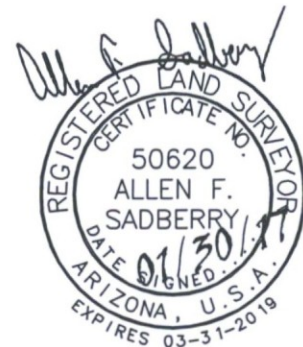
CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L3	25.00	N00°00'07"W
L5	168.88	S89°58'40"E
L6	5.01	S00°00'01"E
L7	188.87	S89°58'40"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C3	31.42	20.00	90°01'21"

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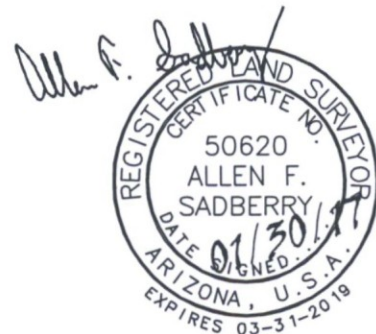
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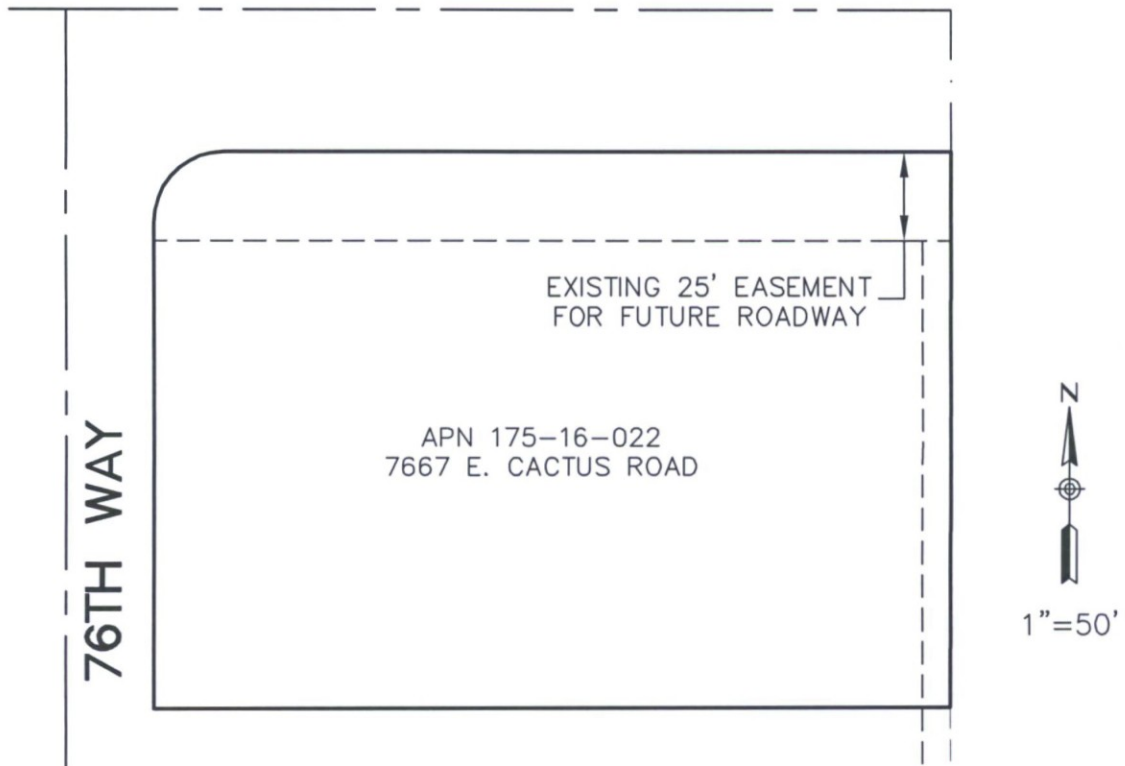
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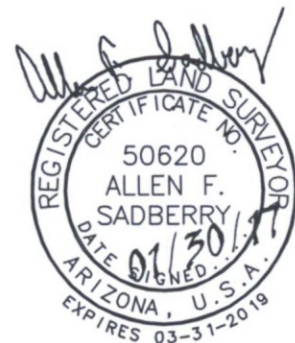
CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L8	4.99	S00°00'01"E
L9	205.99	S89°58'40"E
L10	25.00	S00°05'30"W
L11	225.96	S89°58'40"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C3	31.42	20.00	90°01'21"

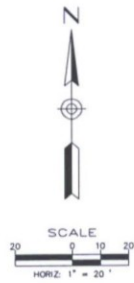
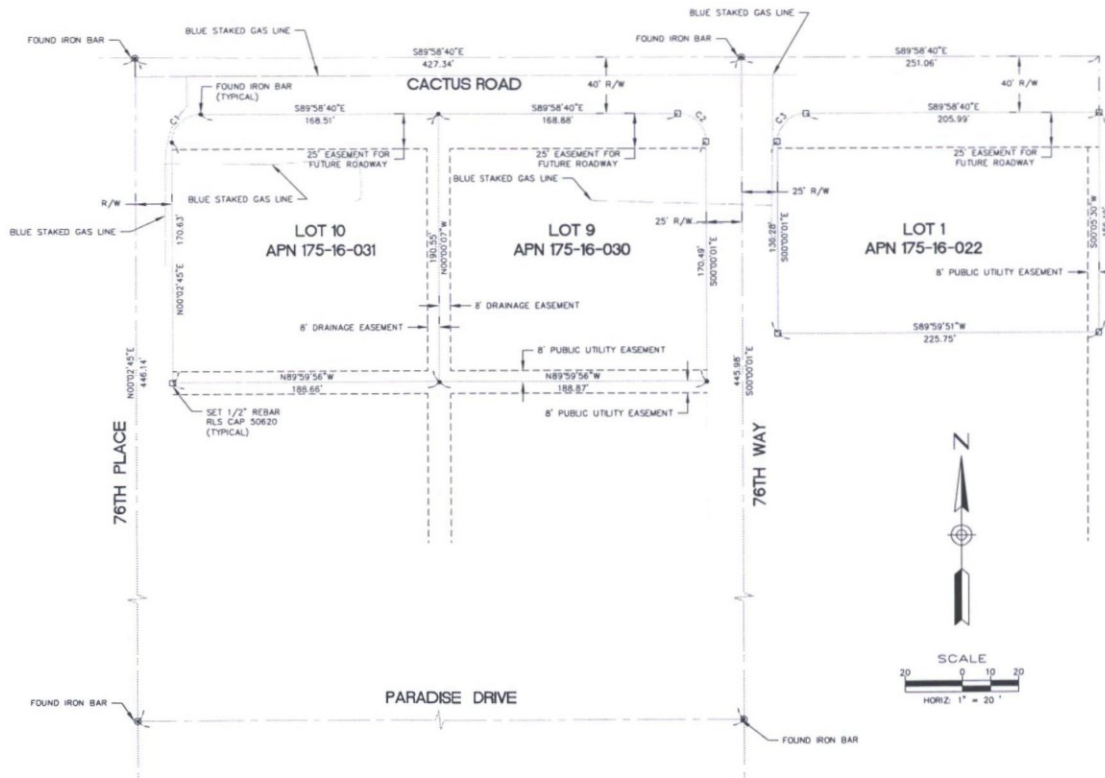
12-AB-2016
02/01/17



RECORD OF SURVEY

OF APNS 175-16-031, 175-16-030 AND 175-16-022
 12187 N. 76TH PL., 7655 AND 7667 E. CACTUS RD.
 BEING A PART OF THE NORTHEAST QUARTER OF
 SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
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LEGAL DESCRIPTION

LOTS 1, 9, AND 10, DESERT STAR ACRES,
 UNIT 1, ACCORDING TO THE PLAT OF RECORD
 IN THE OFFICE OF THE COUNTY RECORDER OF
 MARICOPA COUNTY, ARIZONA, IN BOOK 86 OF
 MAPS, PAGE 44.

NOTES

- MONUMENTS FOUND DURING THIS SURVEY WERE ACCEPTED UNLESS NOTED OTHERWISE.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEY MAKES NO WARRANTY REGARDING THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES THAT MAY EXIST.
- NO ATTEMPT HAS BEEN MADE TO SHOW DATA CONCERNING UTILITIES.
- THIS SURVEYOR OBSERVED NO ENCROACHMENTS FROM OR ONTO ADJACENT PARCELS.
- ALL DIMENSIONS SHOWN HEREON ARE CALCULATED FROM RECORD, AND ALL MEASURED DIMENSIONS FALL WITHIN ALLOWABLE TOLERANCES, UNLESS OTHERWISE NOTED.
- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD, WHETHER SHOWN OR NOT.

OWNER

BARTOSZ BRANSKI & JARINA HASK
 ROBERT & LESLIE SONDERS
 MARNE SPRENGER

RECORD DOCUMENTS

- DEED DOC. NO. 2015-0788011, M.C.R.
- DEED DOC. NO. 2015-0208866, M.C.R.
- DEED DOC. NO. 2016-0316521, M.C.R.
- PLAT OF DESERT STAR ACRES UNIT 1 BOOK 86, PAGE 44, M.C.R.

CERTIFICATION

I DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT I PERFORMED THIS SURVEY, AND THAT THE MONUMENTS SHOWN HEREON ARE CORRECTLY REPRESENTED AND ARE SUFFICIENT FOR RETRACEMENT OF THIS SURVEY.

ALLEN F. SADBERRY R.L.S. 50620

SURVEY ARIZONA
 14043 N. 24th AVENUE
 PHOENIX, AZ 85023
 602-576-1322

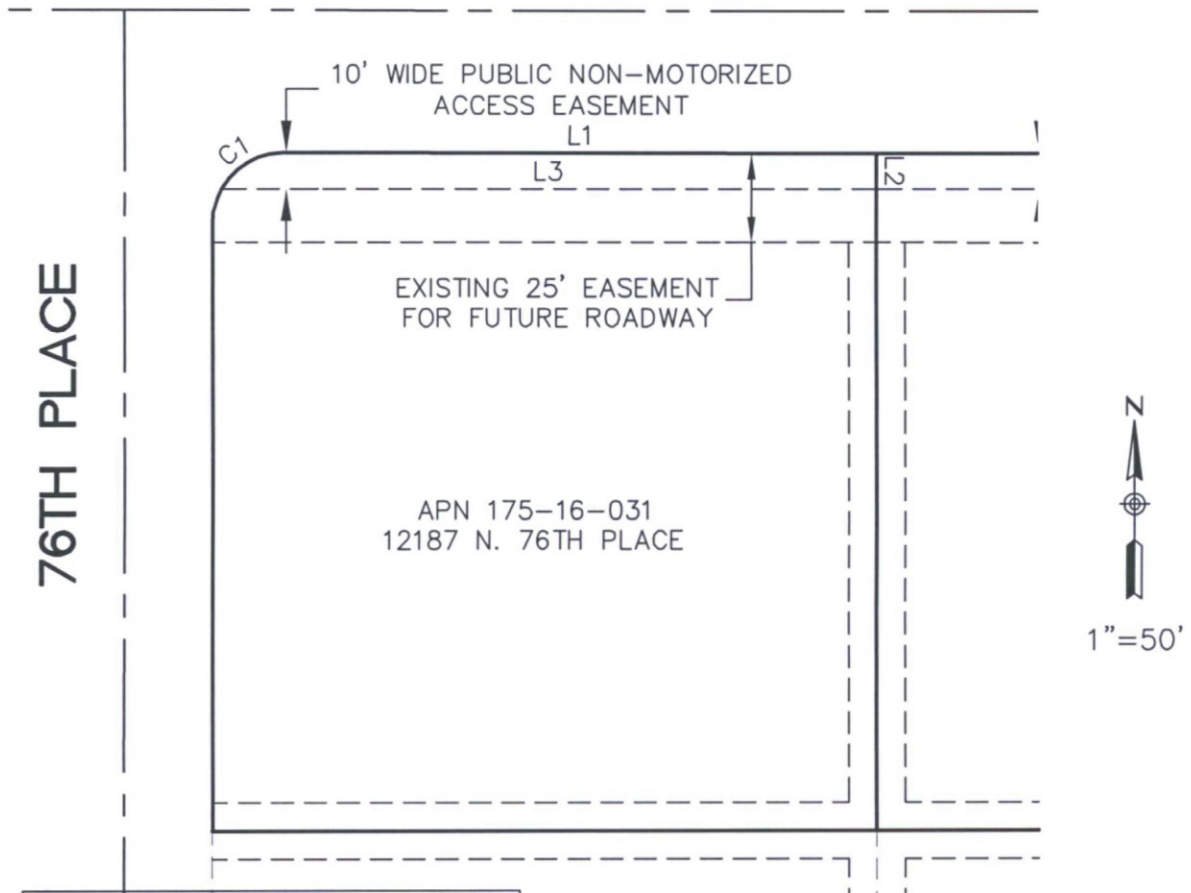
JOB NO. 16137
 DATE 07/17/16
 SHEET 1 OF 1



EASEMENT EXHIBIT

PUBLIC NON-MOTORIZED ACCESS EASEMENT
 AT
 OF APN 175-16-031
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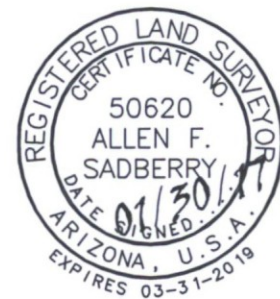
CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L1	168.51	S89°58'40"E
L2	10.00	N00°00'07"W
L3	185.83	S89°58'40"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	20.94	20.00	60°00'00"

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02/01/17



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SHEET 1 OF 2



EASEMENT EXHIBIT

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AT
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7655 E. CACTUS ROAD, SCOTTSDALE, AZ
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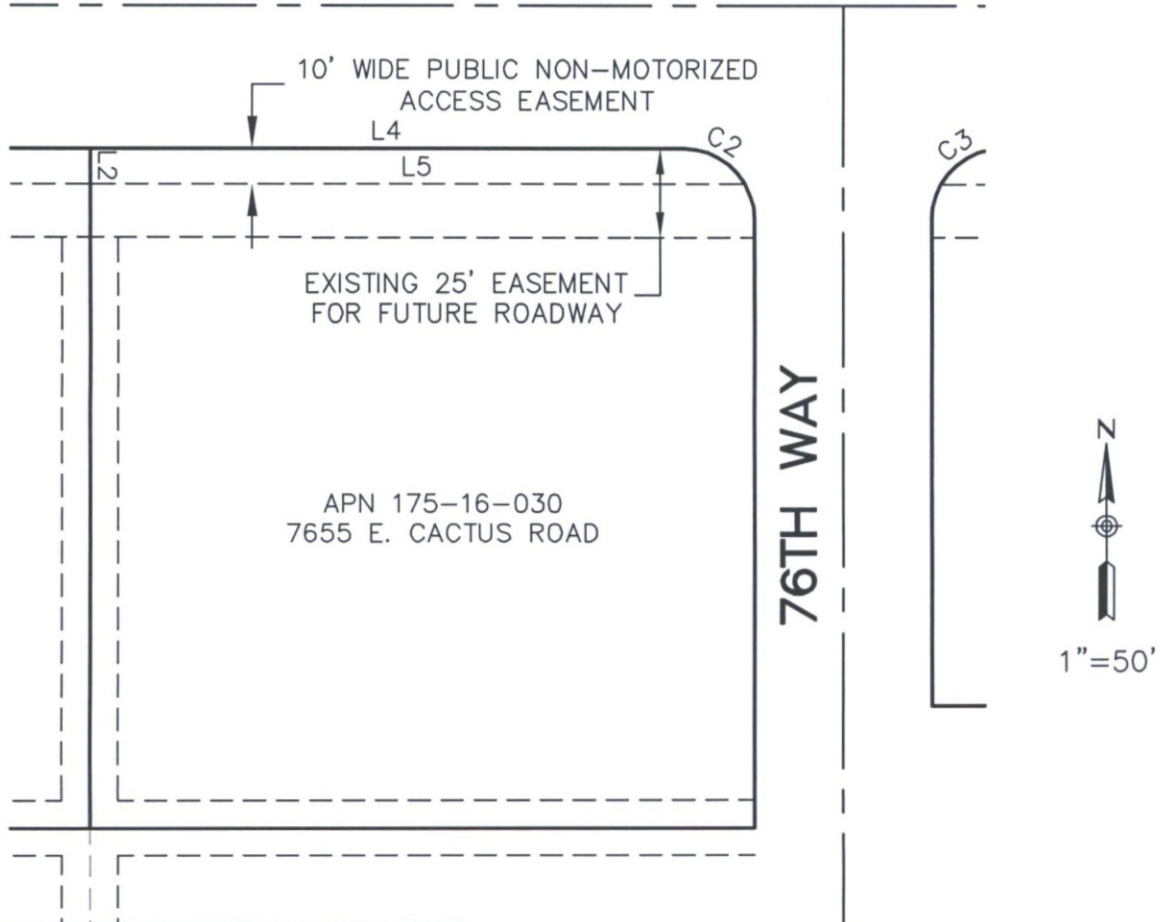
SHEET 1 OF 2



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CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L2	10.00	N00°00'07"W
L4	168.88	S89°58'40"E
L5	186.20	S89°58'40"E

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CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C2	20.94	20.00	60°00'00"



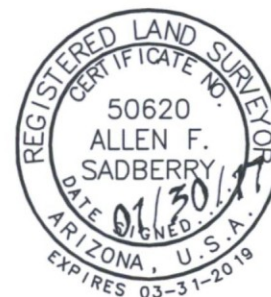
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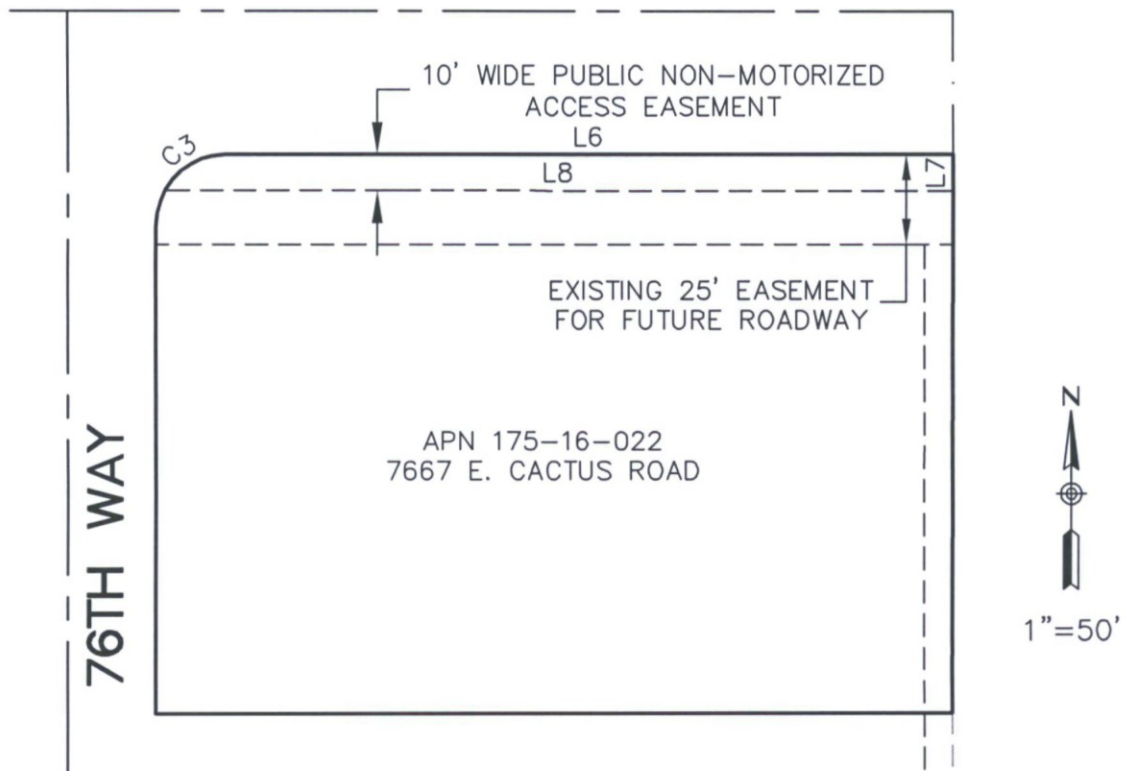
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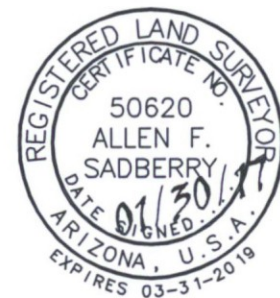
CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L6	205.99	S89°58'40"E
L7	10.00	S00°05'30"W
L8	223.30	S89°58'40"E

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CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C3	20.94	20.00	60°00'00"



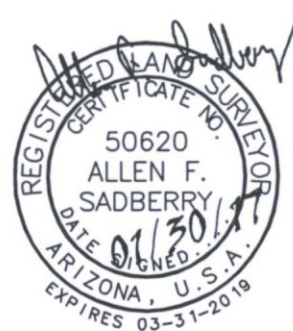
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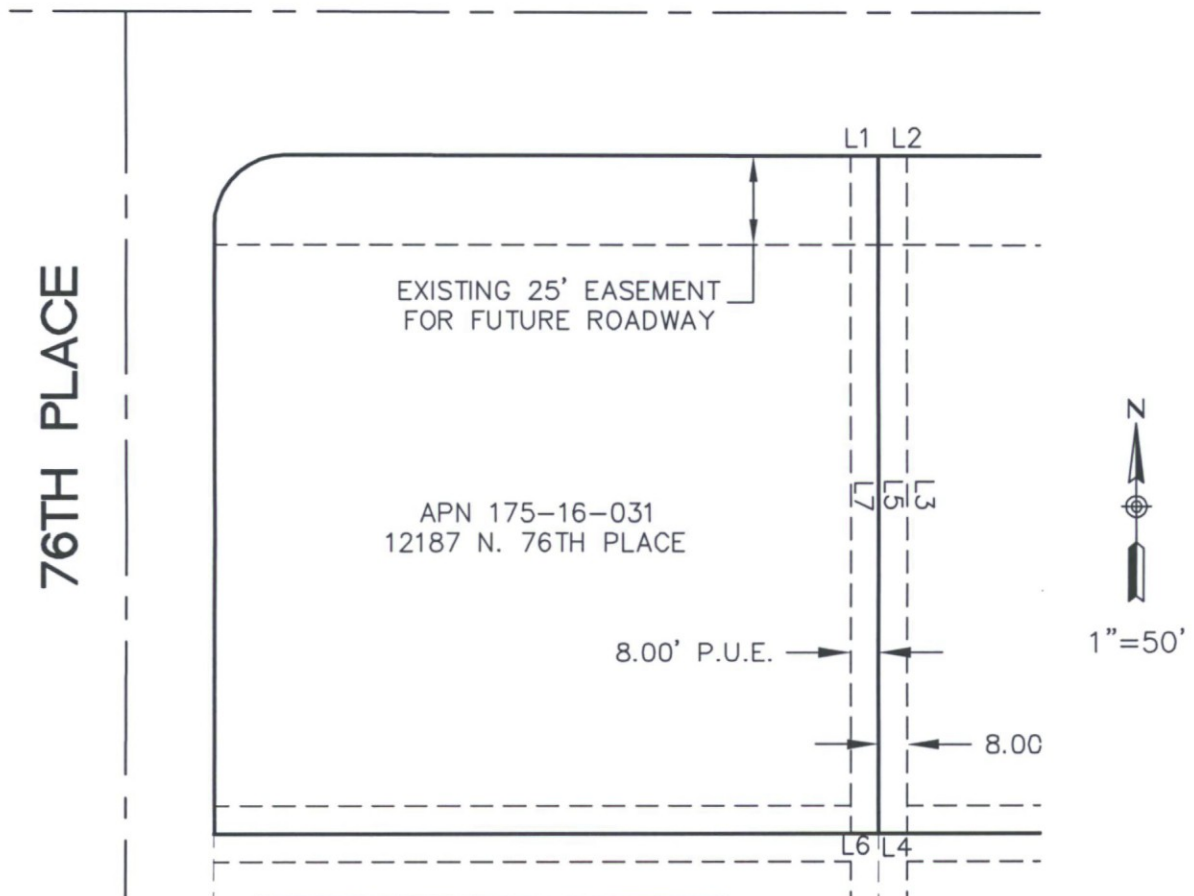
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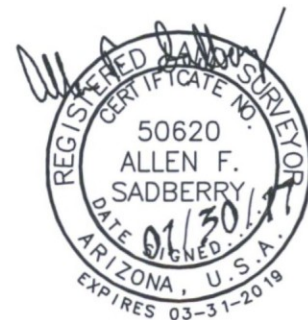
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CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L1	8.00	S89°58'40"E
L2	8.00	S89°58'40"E
L3	190.55	N00°00'07"W
L4	8.00	N89°59'56"W
L5	190.55	N00°00'07"W
L6	8.00	N89°59'56"W
L7	190.55	N00°00'07"W

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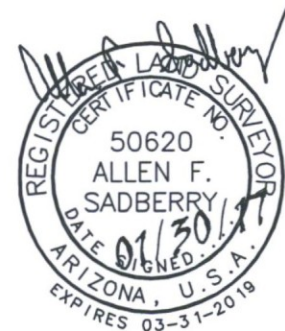
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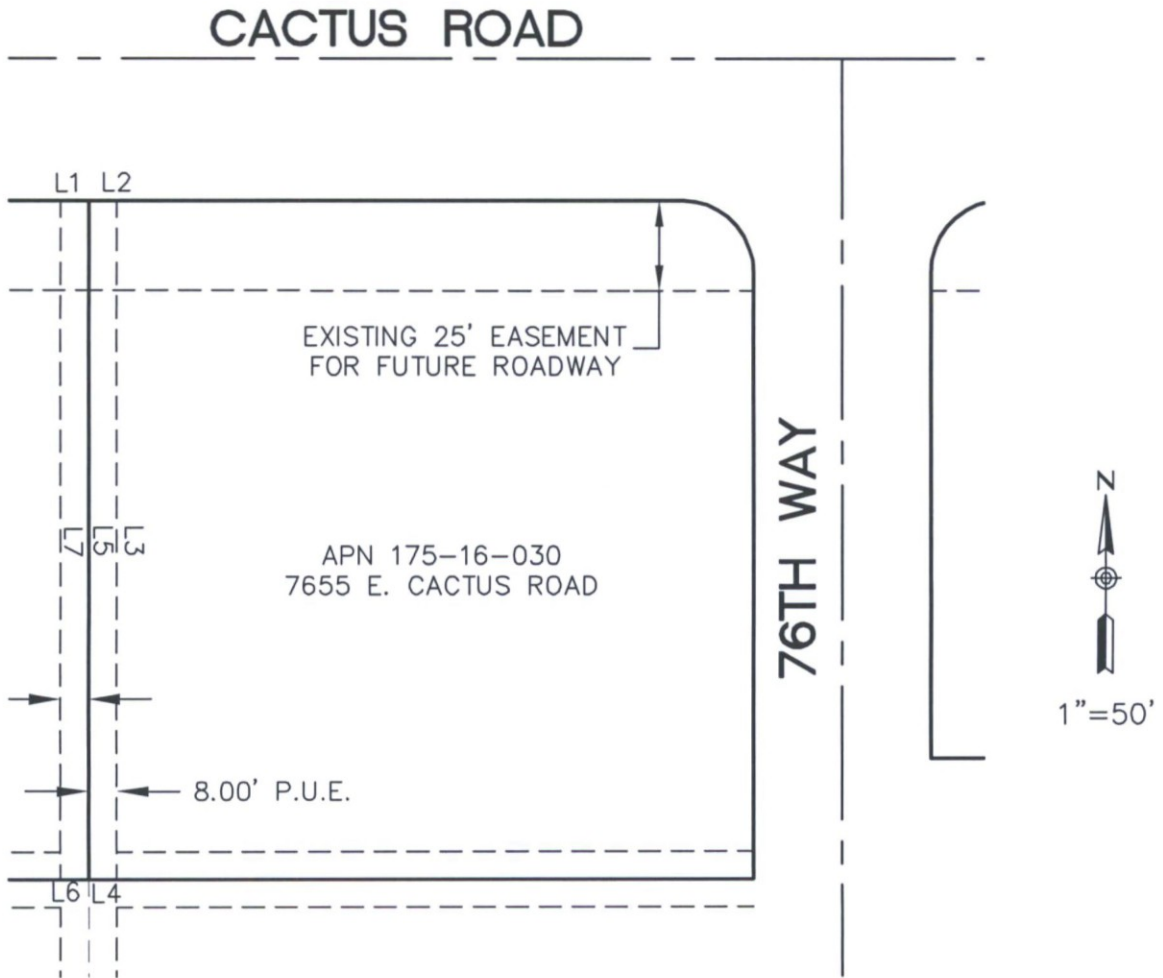
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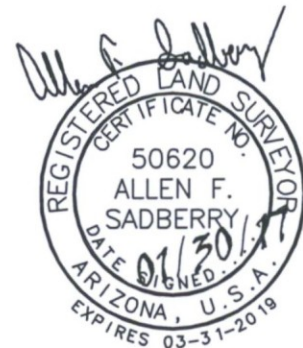
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LINE TABLE		
LINE	LENGTH	BEARING
L1	8.00	S89°58'40"E
L2	8.00	S89°58'40"E
L3	190.55	N00°00'07"W
L4	8.00	N89°59'56"W
L5	190.55	N00°00'07"W
L6	8.00	N89°59'56"W
L7	190.55	N00°00'07"W

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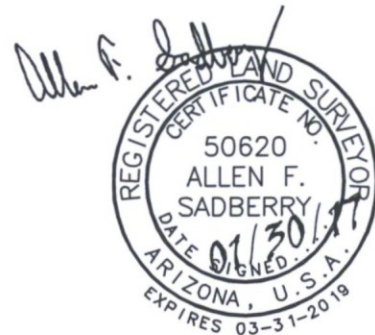
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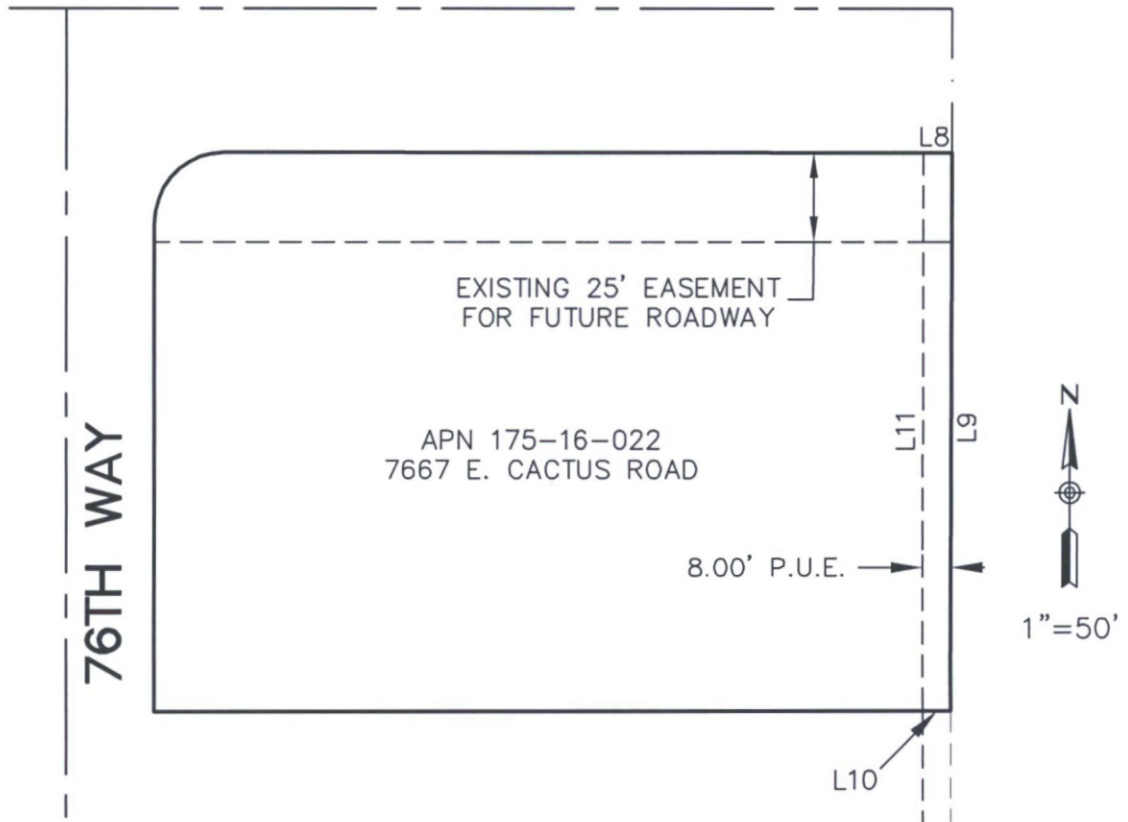
SHEET 1 OF 2



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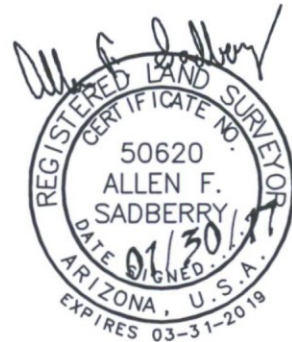
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 SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA.

CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L8	8.00	S89°58'40"E
L9	156.19	S00°05'30"W
L10	8.00	S89°59'51"W
L11	156.19	S00°05'30"W

12-AB-2016
02/01/17



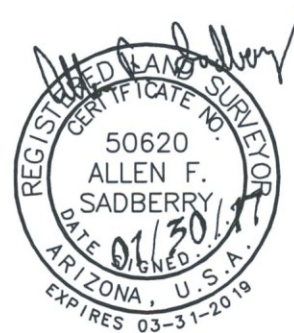
EASEMENT EXHIBIT

VEHICULAR NON-ACCESS EASEMENT
AT
OF APN 175-16-031
12187 N. 76TH PLACE, SCOTTSDALE, AZ
BEING A PART OF THE NORTHEAST QUARTER OF
SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA.

THE NORTH 1.00 FOOT OF LOT 10, DESERT STAR ACRES, UNIT 1, ACCORDING TO
THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA
COUNTY, ARIZONA, IN BOOK 86 OF MAPS, PAGE 44.

12-AB-2016
02/01/17

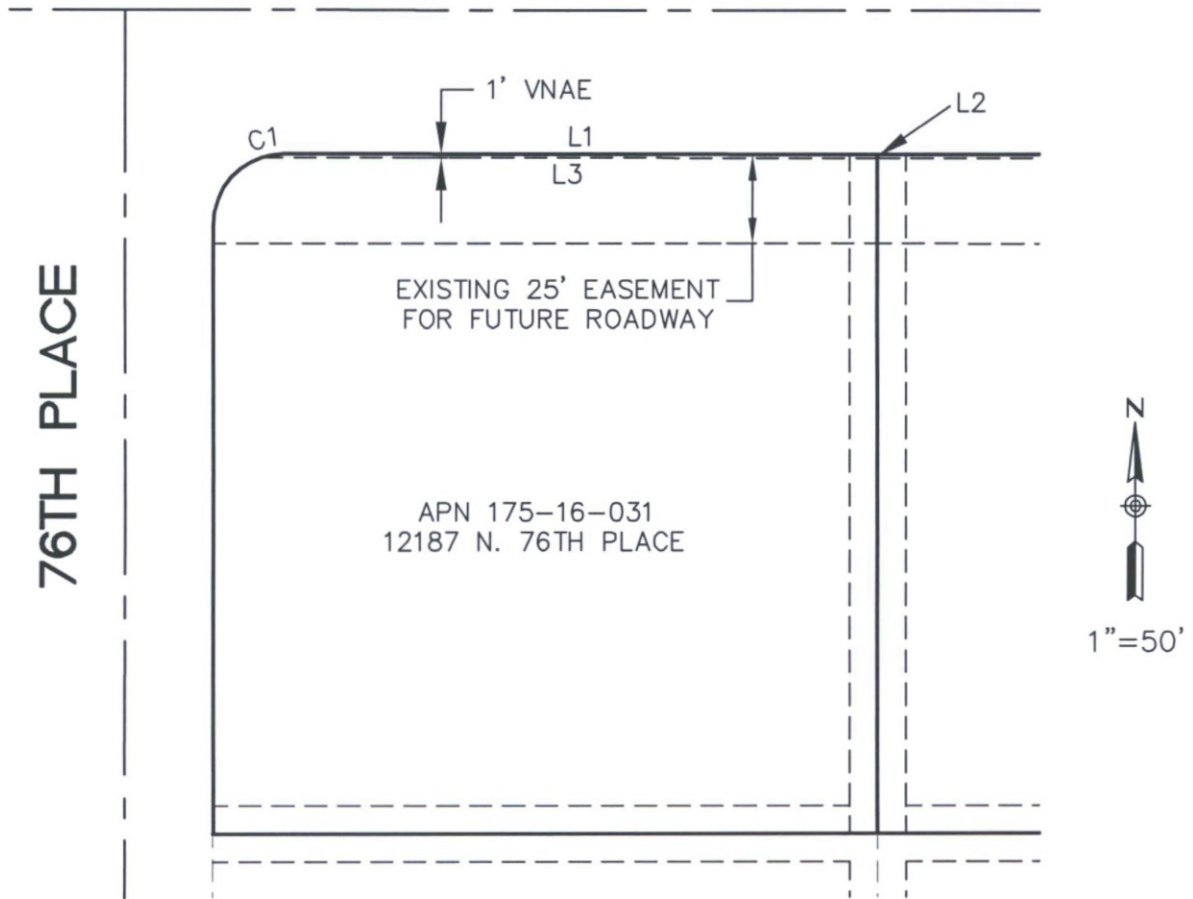
SHEET 1 OF 2



EASEMENT EXHIBIT

VEHICULAR NON-ACCESS EASEMENT
 AT
 OF APN 175-16-031
 12187 N. 76TH PLACE, SCOTTSDALE, AZ
 BEING A PART OF THE NORTHEAST QUARTER OF
 SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA.

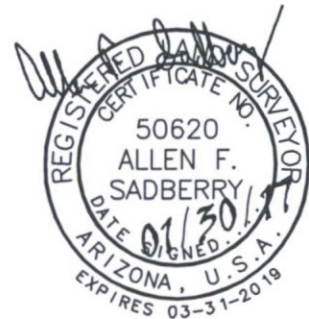
CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L1	168.51	S89°58'40"E
L2	1.00	S00°00'07"E
L3	174.75	S89°58'40"E

12-AB-2016
02/01/17

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	6.35	20.00	18°11'42"



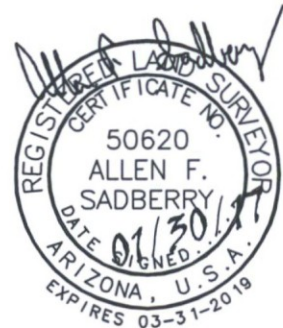
EASEMENT EXHIBIT

VEHICULAR NON-ACCESS EASEMENT
AT
OF APN 175-16-030
7655 E. CACTUS ROAD, SCOTTSDALE, AZ
BEING A PART OF THE NORTHEAST QUARTER OF
SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA.

THE NORTH 1.00 FOOT OF LOT 9, DESERT STAR ACRES, UNIT 1, ACCORDING TO
THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA
COUNTY, ARIZONA, IN BOOK 86 OF MAPS, PAGE 44.

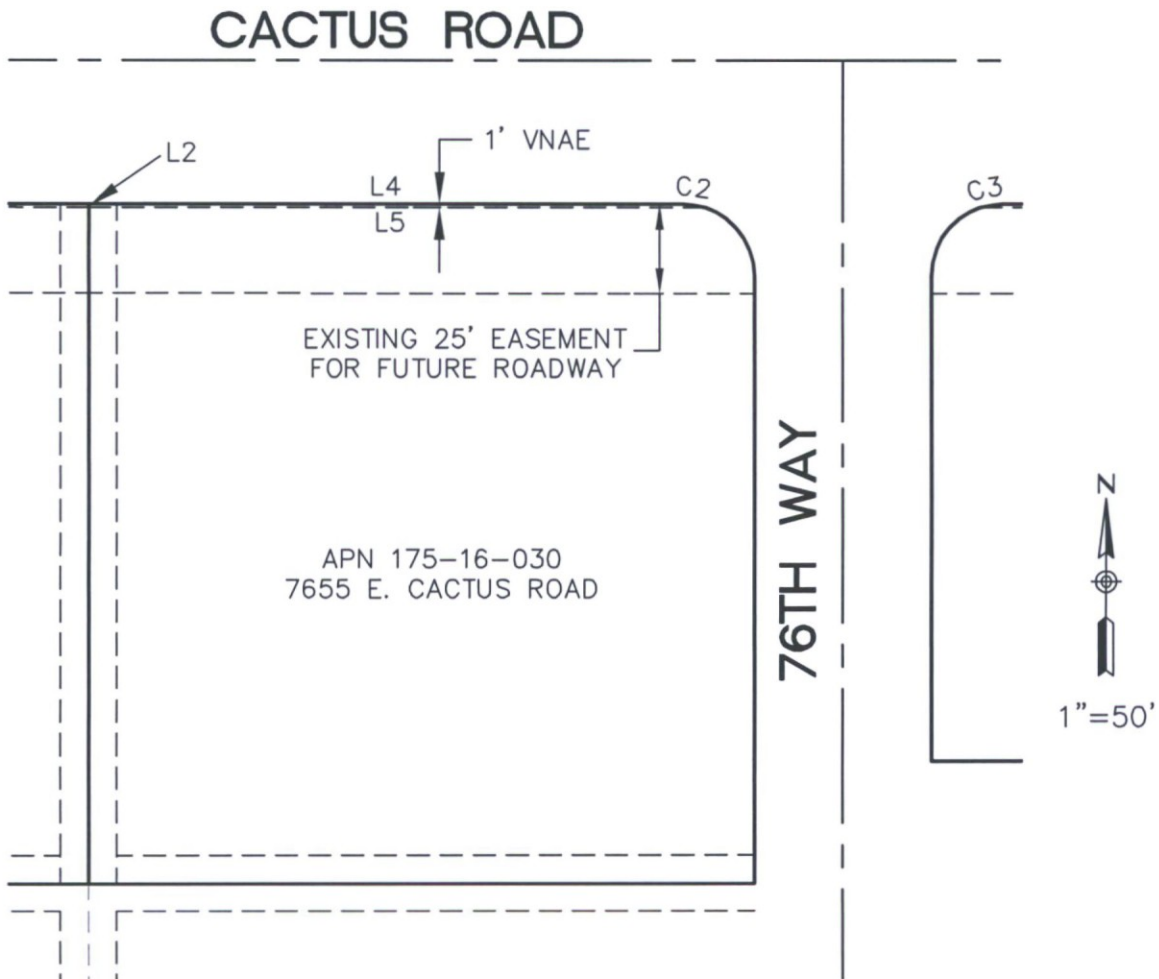
12-AB-2016
02/01/17

SHEET 1 OF 2



EASEMENT EXHIBIT

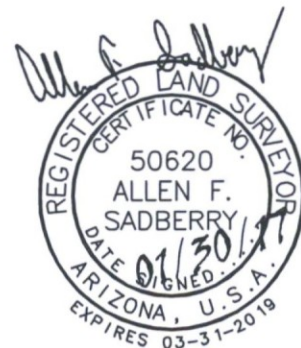
VEHICULAR NON-ACCESS EASEMENT
 AT
 OF APN 175-16-030
 7655 E. CACTUS ROAD, SCOTTSDALE, AZ
 BEING A PART OF THE NORTHEAST QUARTER OF
 SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA.



LINE TABLE		
LINE	LENGTH	BEARING
L2	1.00	S00°00'07"E
L4	168.88	S89°58'40"E
L5	175.12	S89°58'40"E

12-AB-2016
02/01/17

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C2	6.35	20.00	18°11'42"
C3	6.35	20.00	18°11'42"



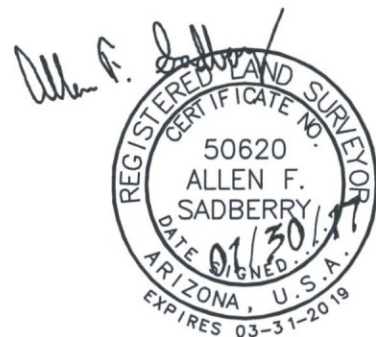
EASEMENT EXHIBIT

VEHICULAR NON-ACCESS EASEMENT
AT
OF APN 175-16-022
7667 E. CACTUS ROAD, SCOTTSDALE, AZ
BEING A PART OF THE NORTHEAST QUARTER OF
SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA.

THE NORTH 1.00 FOOT OF LOT 1, DESERT STAR ACRES, UNIT 1, ACCORDING TO
THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA
COUNTY, ARIZONA, IN BOOK 86 OF MAPS, PAGE 44.

12-AB-2016
02/01/17

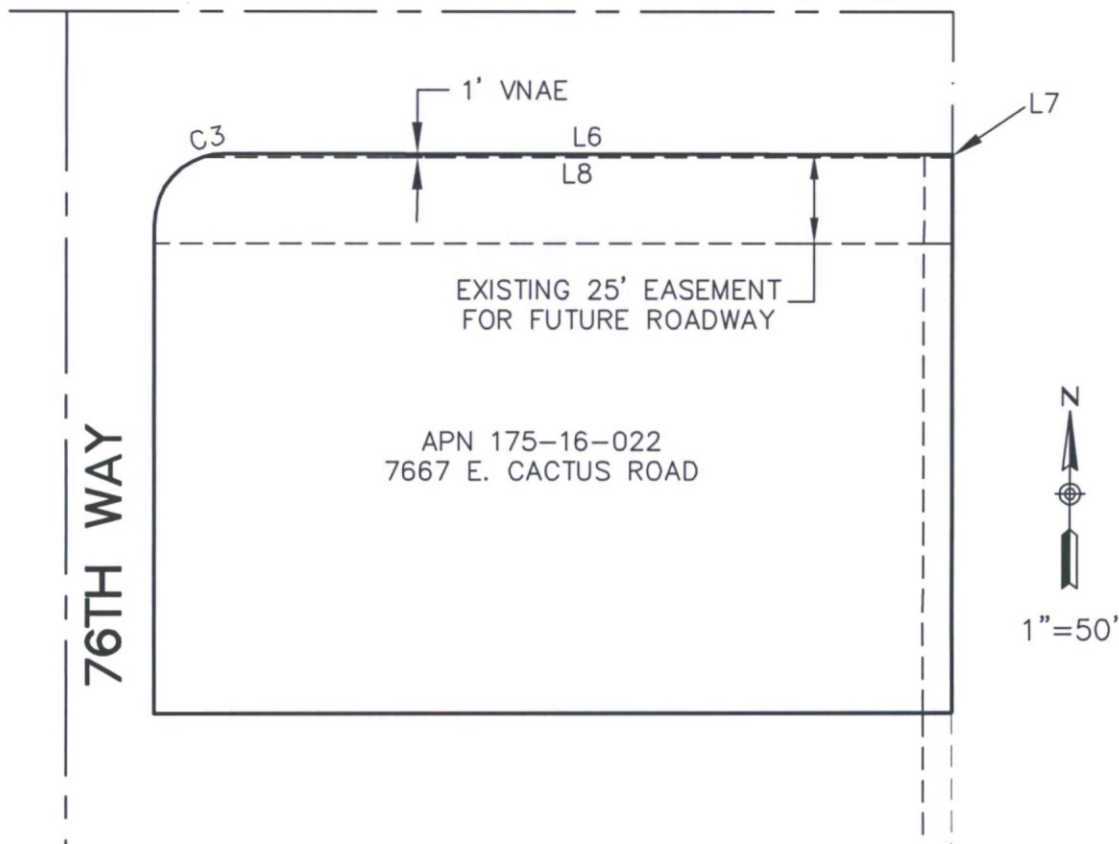
SHEET 1 OF 2



EASEMENT EXHIBIT

VEHICULAR NON-ACCESS EASEMENT
 AT
 OF APN 175-16-022
 7667 E. CACTUS ROAD, SCOTTSDALE, AZ
 BEING A PART OF THE NORTHEAST QUARTER OF
 SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA.

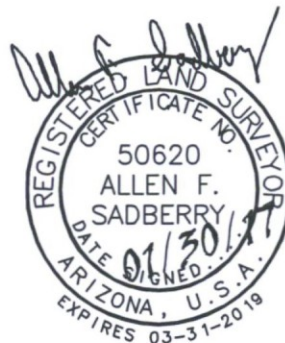
CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L6	205.99	S89°58'40"E
L7	1.00	S00°05'30"W
L8	212.23	S89°58'40"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C3	6.35	20.00	18°11'42"

12-AB-2016
02/01/17



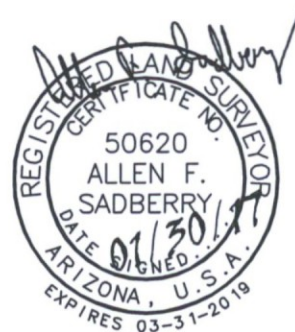
EASEMENT EXHIBIT

WATER AND SEWER FACILITIES EASEMENT
AT
OF APN 175-16-031
12187 N. 76TH PLACE, SCOTTSDALE, AZ
BEING A PART OF THE NORTHEAST QUARTER OF
SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA.

THE NORTH 4.00 FEET OF LOT 10, DESERT STAR ACRES, UNIT 1, ACCORDING TO
THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA
COUNTY, ARIZONA, IN BOOK 86 OF MAPS, PAGE 44.

12-AB-2016
02/01/17

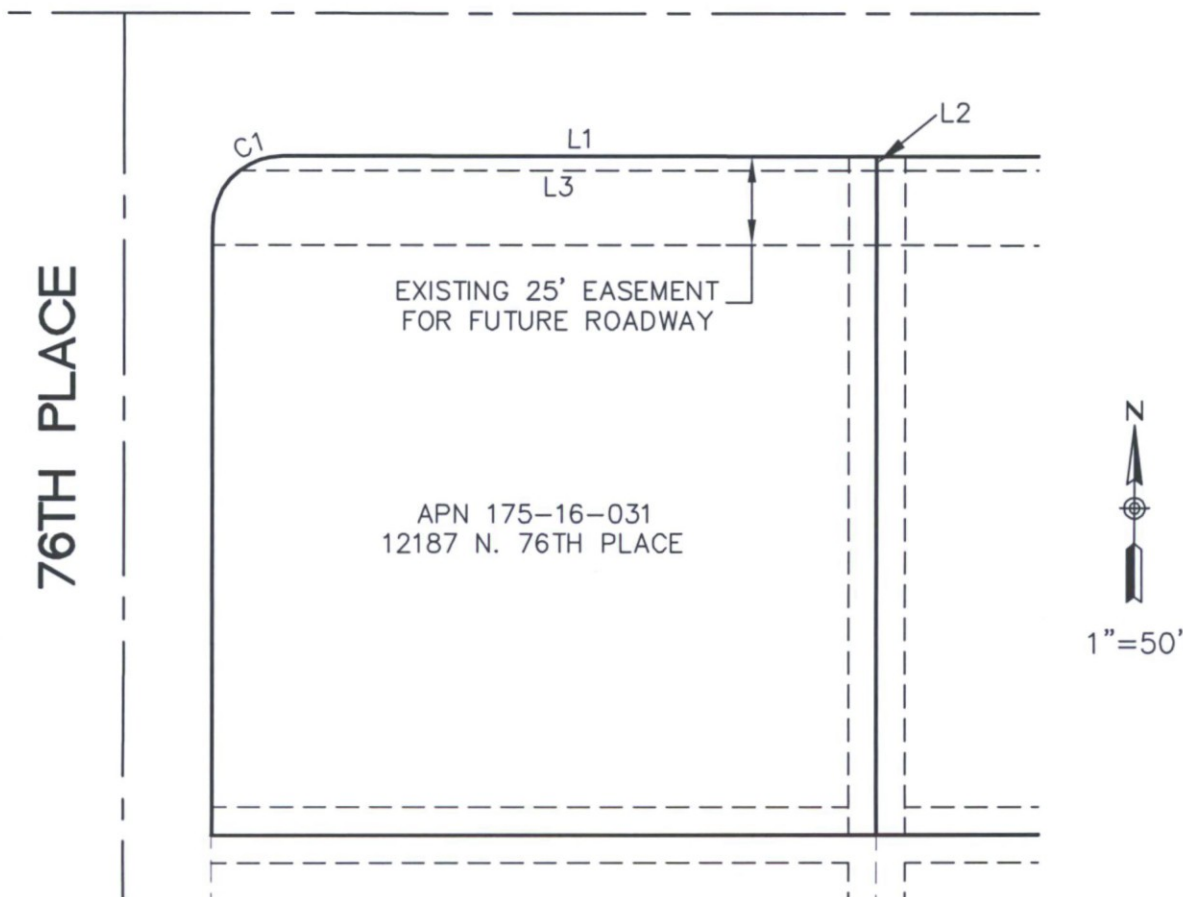
SHEET 1 OF 2



EASEMENT EXHIBIT

WATER AND SEWER FACILITIES EASEMENT
 AT
 OF APN 175-16-031
 12187 N. 76TH PLACE, SCOTTSDALE, AZ
 BEING A PART OF THE NORTHEAST QUARTER OF
 SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA.

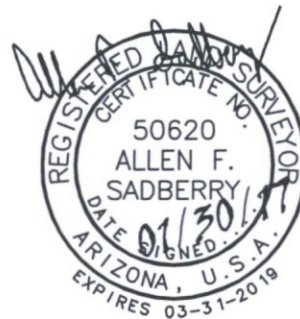
CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L1	168.51	S89°58'40"E
L2	4.00	S00°00'07"E
L3	180.51	S89°58'40"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	12.87	20.00	36°52'12"

12-AB-2016
02/01/17



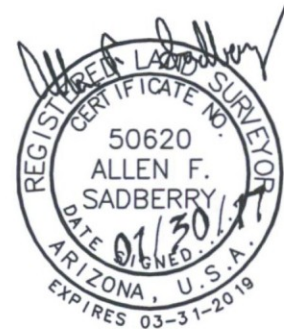
EASEMENT EXHIBIT

WATER AND SEWER FACILITIES EASEMENT
AT
OF APN 175-16-030
7655 E. CACTUS ROAD, SCOTTSDALE, AZ
BEING A PART OF THE NORTHEAST QUARTER OF
SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA.

THE NORTH 4.00 FEET OF LOT 9, DESERT STAR ACRES, UNIT 1, ACCORDING TO
THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA
COUNTY, ARIZONA, IN BOOK 86 OF MAPS, PAGE 44.

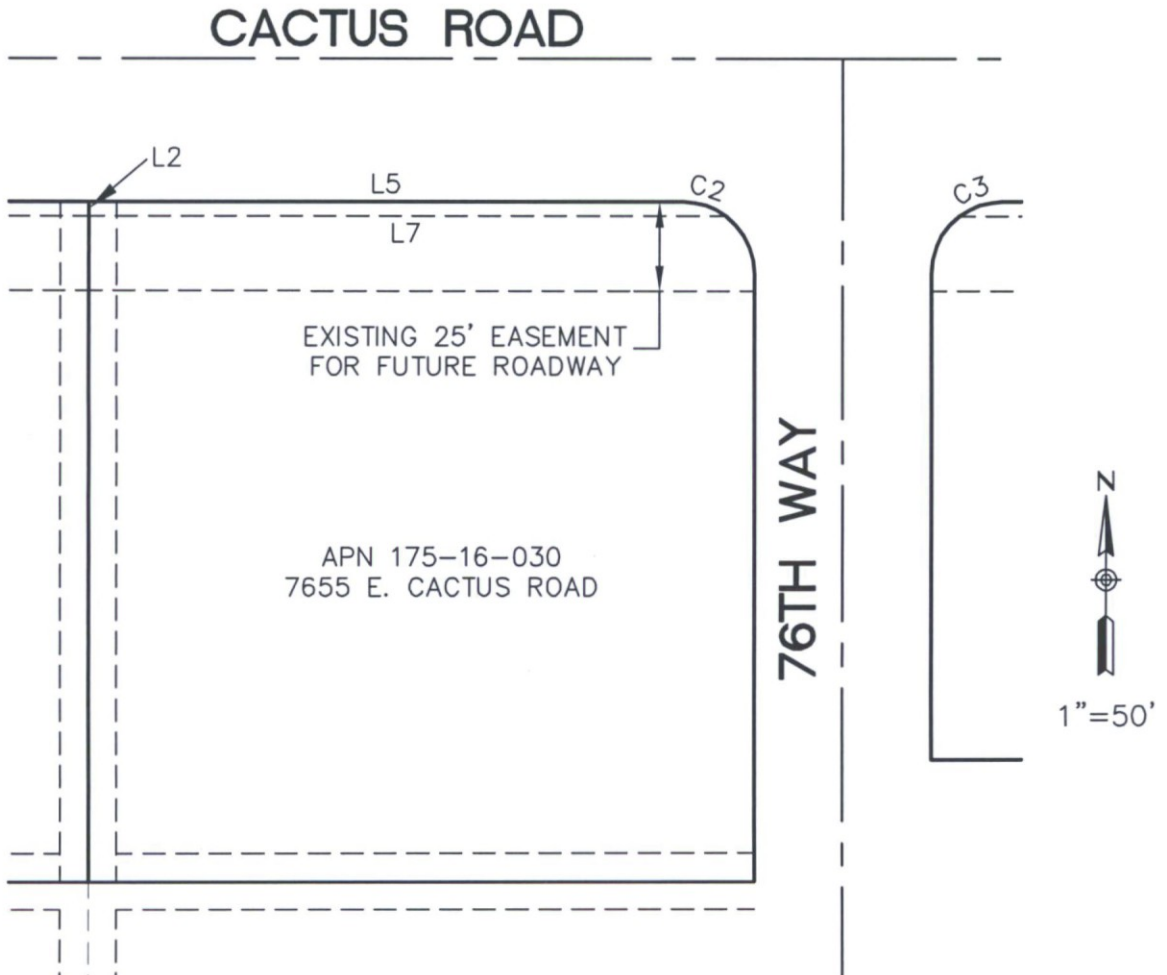
12-AB-2016
02/01/17

SHEET 1 OF 2



EASEMENT EXHIBIT

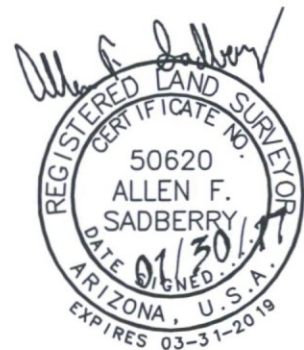
WATER AND SEWER FACILITIES EASEMENT
 AT
 OF APN 175-16-030
 7655 E. CACTUS ROAD, SCOTTSDALE, AZ
 BEING A PART OF THE NORTHEAST QUARTER OF
 SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA.



LINE TABLE		
LINE	LENGTH	BEARING
L2	4.00	S00°00'07"E
L5	168.88	S89°58'40"E
L7	180.88	S89°58'40"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C2	12.87	20.00	36°52'12"
C3	12.87	20.00	36°52'12"

12-AB-2016
02/01/17



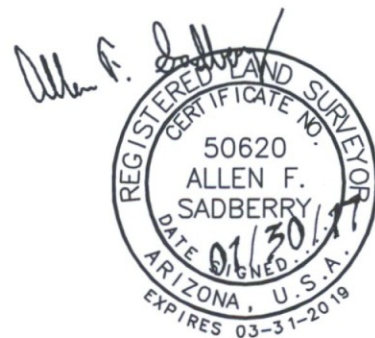
EASEMENT EXHIBIT

WATER AND SEWER FACILITIES EASEMENT
AT
OF APN 175-16-022
7667 E. CACTUS ROAD, SCOTTSDALE, AZ
BEING A PART OF THE NORTHEAST QUARTER OF
SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA.

THE NORTH 4.00 FEET OF LOT 1, DESERT STAR ACRES, UNIT 1, ACCORDING TO
THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA
COUNTY, ARIZONA, IN BOOK 86 OF MAPS, PAGE 44.

12-AB-2016
02/01/17

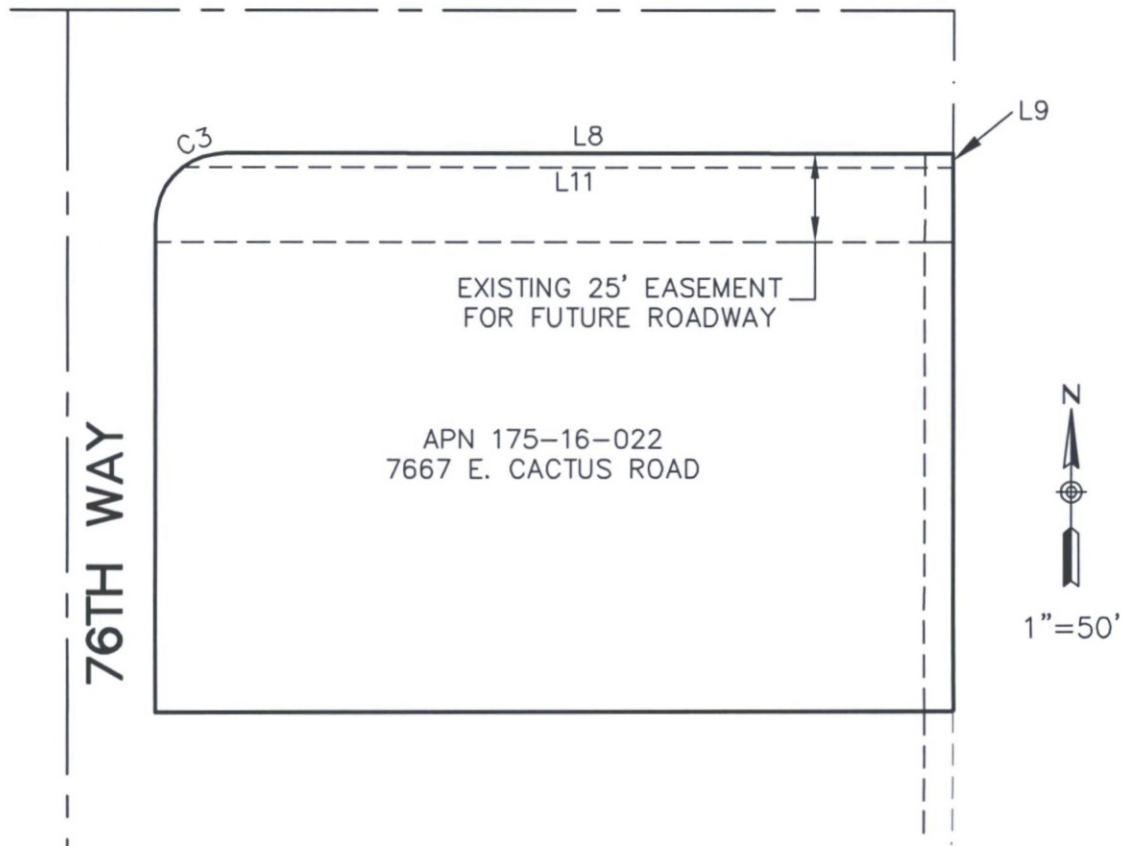
SHEET 1 OF 2



EASEMENT EXHIBIT

WATER AND SEWER FACILITIES EASEMENT
 AT
 OF APN 175-16-022
 7667 E. CACTUS ROAD, SCOTTSDALE, AZ
 BEING A PART OF THE NORTHEAST QUARTER OF
 SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA.

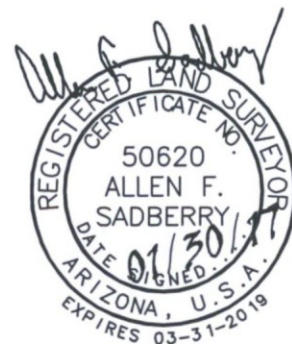
CACTUS ROAD



LINE TABLE		
LINE	LENGTH	BEARING
L8	205.99	S89°58'40"E
L9	4.00	N00°05'30"E
L11	217.98	S89°58'40"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C3	12.87	20.00	36°52'12"

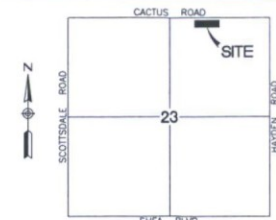
12-AB-2016
02/01/17



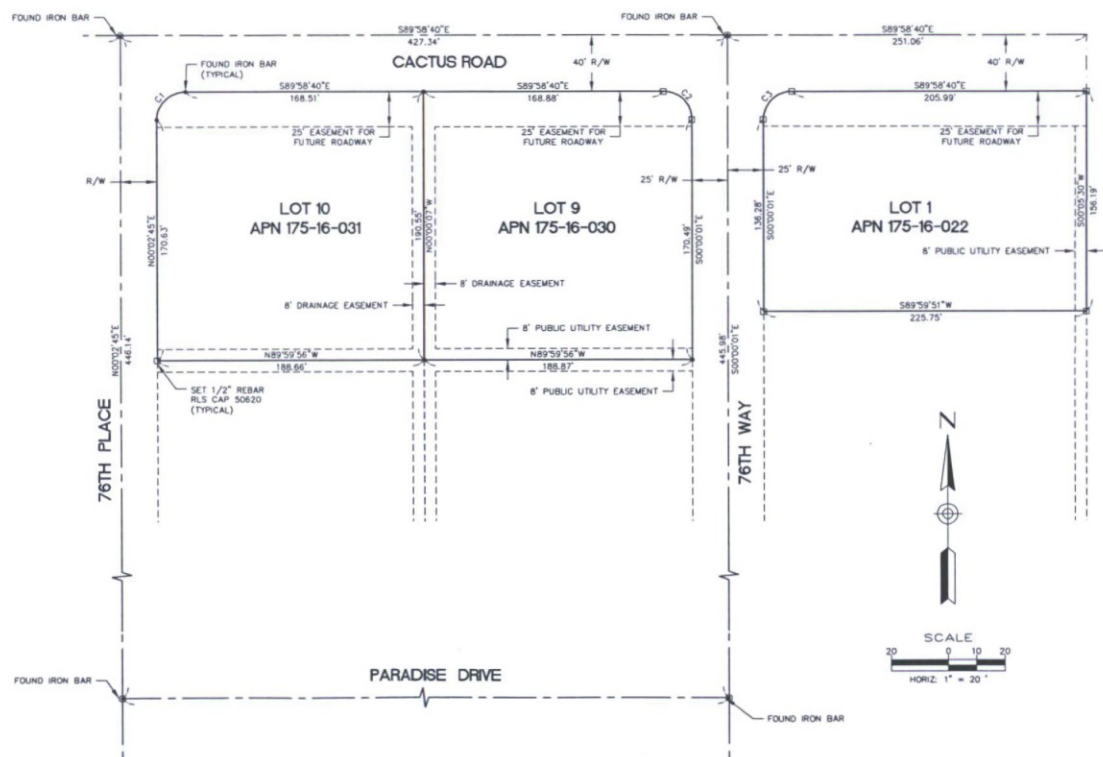
RECORD OF SURVEY

OF APNS 175-16-031, 175-16-030 AND 175-16-022
 12187 N. 76TH PL., 7655 AND 7667 E. CACTUS RD.
 BEING A PART OF THE NORTHEAST QUARTER OF
 SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA.

12-AB-2016
02/01/17



VICINITY MAP
 SECTION 23, TOWNSHIP 3 NORTH,
 RANGE 4 EAST,
 GILA AND SALT RIVER MERIDIAN,
 MARICOPA COUNTY, ARIZONA.



LEGAL DESCRIPTION

LOTS 1, 9, AND 10, DESERT STAR ACRES,
 UNIT 1, ACCORDING TO THE PLAT OF RECORD
 IN THE OFFICE OF THE COUNTY RECORDER OF
 MARICOPA COUNTY, ARIZONA, IN BOOK 86 OF
 MAPS, PAGE 44.

NOTES

- MONUMENTS FOUND DURING THIS SURVEY WERE ACCEPTED UNLESS NOTED OTHERWISE.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEY MAKES NO WARRANTY REGARDING THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES THAT MAY EXIST.
- NO ATTEMPT HAS BEEN MADE TO SHOW DATA CONCERNING UTILITIES.
- THIS SURVEYOR OBSERVED NO ENCROACHMENTS FROM OR ONTO ADJACENT PARCELS.
- ALL DIMENSIONS SHOWN HEREON ARE CALCULATED FROM RECORD, AND ALL MEASURED DIMENSIONS FALL WITHIN ALLOWABLE TOLERANCES, UNLESS OTHERWISE NOTED.
- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD, WHETHER SHOWN OR NOT.

OWNER

BARTOSZ BRANSKI & JARINA HASIC
 ROBERT & LESLIE SONDERS
 MARNE SPRENGER

RECORD DOCUMENTS

- DEED
 DOC. NO. 2015-0788011, M.C.R.
 - DEED
 DOC. NO. 2015-0206866, M.C.R.
 - DEED
 DOC. NO. 2016-0316521, M.C.R.
- PLAT OF DESERT STAR ACRES UNIT 1
 BOOK 86, PAGE 44, M.C.R.

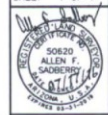
CERTIFICATION

I DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT I PERFORMED THIS SURVEY, AND THAT THE MONUMENTS SHOWN HEREON ARE CORRECTLY REPRESENTED AND ARE SUFFICIENT FOR RETRACEMENT OF THIS SURVEY.

Allen F. Saberry
 ALLEN F. SABERRY R.L.S. 50620

SURVEY ARIZONA
 14043 N. 24th AVENUE
 PHOENIX, AZ 85023
 602-576-1322

JOB NO. 16137
 DATE 07/17/16
 SHEET 1 OF 1





City of Scottsdale Cash Transmittal

108540

108540
 00946234
 11/3/2016 PLN-1STOP
 KMHLELER HPTC600512
 11/3/2016 3:33 PM
 \$533.00

Received From :

Bartosz W Branski
 7641 E CACTUS RD
 SCOTTSDALE, AZ 85260

Bill To :

Reference # 388-pa-2016
Address 7655 E CACTUS RD
Subdivision DESERT STAR ACRES UNIT 01

Issued Date 11/3/2016
Paid Date 11/3/2016
Payment Type CHECK

Marketing Name
MCR 086-44
APN 175-16-030

Lot Number 9
County No
Gross Lot Area 0
NAOS Lot Area 0
Net Lot Area 0
Number of Units 1
Density 1

Cost Center
Metes/Bounds No
Water Zone
Water Type
Sewer Type
Meter Size
 QS 30-46

Owner Information
 Robert F. Sonders
 7655 East Cactus Road
 Scottsdale , CO 85260
 720-530-0567

Code	Description	Additional	Qty	Amount	Account Number
3136	ABANDONMENT		1	\$533.00	100-21200-44209

12-AB-2016
11/3/2016

 Applicant Signature

Total Amount

\$533.00

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANSMITTAL # 108540



City of Scottsdale Cash Transmittal

108539

108539
 6 00946233
 11/3/2016 PLN-1STOP
 KWHEELER HPTC600512
 11/3/2016 3:33 PM
 \$533.00

Received From :

Marnie Sprenger
 4656 N MAGNOLIA UNIT 1
 CHICAGO, IL 60640

Bill To :

Reference # 388-pa-2016
 Address 7655 E CACTUS RD
 Subdivision DESERT STAR ACRES UNIT 01

Issued Date 11/3/2016
 Paid Date 11/3/2016
 Payment Type CHECK

Marketing Name
 MCR 086-44
 APN 175-16-030
 Owner Information
 Robert F. Sonders
 7655 East Cactus Road
 Scottsdale, CO 85260
 720-530-0567

Lot Number 9
 County No
 Gross Lot Area 0
 NAOS Lot Area 0
 Net Lot Area 0
 Number of Units 1
 Density 1

Cost Center
 Metes/Bounds No
 Water Zone
 Water Type
 Sewer Type
 Meter Size
 QS 30-46

Code	Description	Additional	Qty	Amount	Account Number
3136	ABANDONMENT		1	\$533.00	100-21200-44209

12-AB-2016
11/3/2016

Total Amount **\$533.00**

 Applicant Signature

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANSMITTAL # 108539



City of Scottsdale Cash Transmittal

108538

108538
 00946232
 11/3/2016 PLN-1STOP
 KWHEELER HPTC600512
 11/3/2016 3:33 PM
 \$534.00

Received From :

ROB & LESLIE SONDEERS
 7655 E CACTUS RD
 SCOTTSDALE, AZ 85260
 720-530-0567

Bill To :

Robert F. Sonders
 7655 East Cactus Road
 Scottsdale , AZ 85260
 720-530-0567

Reference #	388-pa-2016	Issued Date	11/3/2016
Address	7655 E CACTUS RD	Paid Date	11/3/2016
Subdivision	DESERT STAR ACRES UNIT 01	Payment Type	CHECK
Marketing Name		Cost Center	
MCR	086-44	County	No
APN	175-16-030	Gross Lot Area	0
Owner Information		NAOS Lot Area	0
Robert F. Sonders		Net Lot Area	0
7655 East Cactus Road		Number of Units	1
Scottsdale , CO 85260		Density	
720-530-0567		Water Zone	
		Water Type	
		Sewer Type	
		Meter Size	
		QS	30-46

Code	Description	Additional	Qty	Amount	Account Number
3136	ABANDONMENT		1	\$534.00	100-21200-44209

12-AB-2016
11/3/2016


 SIGNED BY ROB SONDEERS ON 11/3/2016

Total Amount **\$534.00**

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANSMITTAL # 108538



**Community & Economic Development Division
Planning, Neighborhood & Transportation**

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: 11/3/16
Contact Name: Robert Sanders
Firm name: _____
Address: 7655 E Cactus
City, State Zip: Scottsdale AZ 85260

RE: Application Accepted for Review.
388 - PA- 2016

Dear Mr. Sanders:

It has been determined that your Development Application for Cactus Roadway Abandonment has been accepted for review.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information or corrections; 2) the date that your Development Application will be scheduled for a public hearing or, 3) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me.

Sincerely,

Name: Jeff Barnes
Title: Planner
Phone number: 480-312-2376
Email address: jbarnes@scottsdaleaz.gov



Abandonment

Development Application Checklist

At your pre-application meeting, your project coordinator will identify which items indicated on this Development Application Checklist are required.

To avoid delays, all documents in your Development Application must be complete and comply with the following:

- The General Plan
- The Scottsdale Revised Code, including the Zoning Ordinance
- Stipulations of any Development Application approved before this application is submitted
- Scenic Corridor Design Guidelines
- Transportation Master Plan and related local plans
- The Design Standards & Policies Manual

A Development Application that does not include all the required items, does not meet the standards above, or is inconsistent with previously submitted pre-application information may not be accepted. A Development Application received by the City does not mean that the application meets the minimum submittal requirements. The City may request additional information to facilitate review, even if the Development Application is deemed complete.

Prior to application submittal, please research original zoning case history to find the original adopted ordinance(s) and exhibit(s) to confirm the zoning for the property. This will help to define your application accurately. The City's full-service Records Department can assist.

★ When Items 1 through 16 are ready for submittal, call 480-312-7000 to schedule a submittal meeting with a Planning Specialist; provide your pre-application number: 388-PA-2016

SUBMITTAL REQUIREMENTS

Req'd	Rec'd	Documents required for a complete application. Unless otherwise indicated, all documents shall be provided in an 8 1/2" x 11" format.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1. Abandonment Development Application Checklist (this Checklist)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Application Fee \$ <u>1600</u> (subject to change)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3. Development Application Form (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4. Application Narrative <ul style="list-style-type: none"> • Reason for request • Consideration for Abandonment • 4 copies
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	5. Consideration for Abandonment Information <i>compensation for abandoned area</i>

Planning and Development Services

7447 E Indian School Road Suite 105, Scottsdale, AZ 85251 Phone: 480-312-7000 Fax: 480-312-7088

Abandonment Development Application Checklist

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>6. Affidavit of Authorization to Act for Property Owner (form provided; required only for non-city-owned property)</p> <ul style="list-style-type: none"> • Required when the applicant is not the property owner • Required when the applicant is an organization
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>7. Legal Description and Graphic of Area(s) to be Abandoned</p> <ul style="list-style-type: none"> • Include required reservations on both legal description and graphic <i>*Survey</i> • Comply with all Maricopa County Recorder requirements, including minimum 10 point font, 1/2" clear borders and acid free paper
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>8. Title Insurance Commitment <i>for each property involved</i></p> <p>(form provided: Requirements for Submitting Evidence of Title to the City of Scottsdale Planning Department)</p> <ul style="list-style-type: none"> • Include Schedule A and B • Commitment shall be dated no later than 30 days before application submittal.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>9. Utility Consent Letters (See the City website for contact information: http://www.scottsdaleaz.gov/codes/walls/pue) <i>water cable gas electric</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	10. Request to Submit Concurrent Development Applications (form provided)
<input type="checkbox"/>	<input type="checkbox"/>	<p>11. Agreement and Release by GLO Abandonment Parcel Owner (form provided)</p> <ul style="list-style-type: none"> • Originally signed agreement form must be return. Copy and faxes will not be accepted.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>12. Photo Exhibit of Existing Conditions: Printed digital photos on 8-1/2"x11" Paper</p> <ul style="list-style-type: none"> • 8-1/2" x 11" - 1 copy of the set of prints • See attached Existing Conditions Photo Exhibit graphic showing required photograph locations and numbers. • 8-1/2" x 11" - 11 copies of the set of prints (Delayed submittal). At the time your Project Coordinator is preparing the public hearing report(s), he/she will request these items, and they are to be submitted by the date indicated in the request.
<input type="checkbox"/>	<input type="checkbox"/>	<p>13. Aerial Photo with Proposed Site Plan Overlay (all photos must be suitable for reproduction)</p> <ul style="list-style-type: none"> • 24" x 36" - 2 color copies, folded • 11" x 17" - 1 color copy • 8 1/2" x 11" - 1 color copy <p>Photo shall be the most recent available, and should not be more than 1 year old.</p> <p>Site plan overlay shall show lot lines, tracts, easements, street locations and names, and surrounding zoning:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 750 foot radius from site <input type="checkbox"/> 1/4 mile radius from site <input type="checkbox"/> Other _____ radius from site
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>14. Neighborhood Notification Checklist: (forms provided)</p> <ul style="list-style-type: none"> • If substantial modifications are made to an application, additional notification may be required
<input type="checkbox"/>	<input type="checkbox"/>	15. Request for Neighborhood Group/Homeowners Association (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	16. Request for Site Visits and/or Inspections (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	17. Appeals of Dedication, Exactions, or Zoning Regulations (form provided)

Planning and Development Services

7447 E Indian School Road Suite 105, Scottsdale, AZ 85251 Phone: 480-312-7000 Fax: 480-312-7088

Abandonment Development Application Checklist

Application contact

Name (print):

Jeff Barnes

Phone Number:

480-312-2376

email:

jbarnes @scottsdaleaz.gov

Date:

5/18/16

Signature:



An applicant may request a clarification from the City regarding an interpretation or application of a statute, ordinance, code, or authorized substantive policy statement related to this abandonment application. The request shall be in writing on the City form and submitted to:

Planning & Development Director
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251

For City use only:

This application needs a New project number, or

New phase to an old project number _____

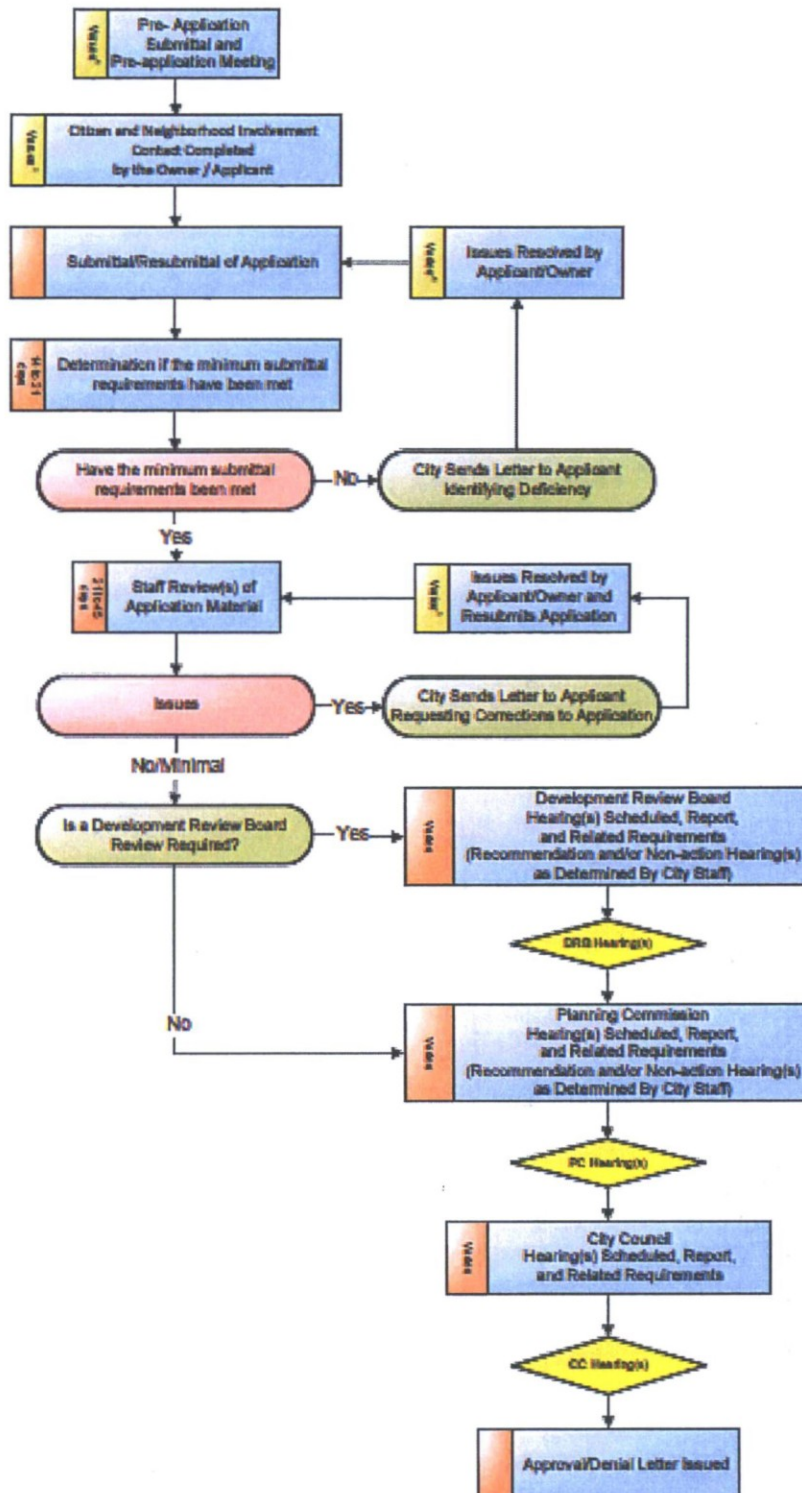
Planning and Development Services

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Development Application Process

Abandonment (AB), Municipal Use Master Site Plan (UP),
Infill Incentive (II) & Zoning District Map Amendment (ZN)



Note:
1. Time period determined by owner/applicant.

Planning and Development Services Division
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Development Application

Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: Cactus Roadway Abandonment

Property's Address: 7655, 7667 Cactus, 12187 N. 76th Way

Property's Current Zoning District Designation:

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: <u>Robert F. Sanders</u>	Agent/Applicant: <u>Robert F. Sanders</u>
Company:	Company:
Address: <u>7655 East Cactus Rd</u>	Address: <u>7655 East Cactus Rd</u>
Phone: <u>7205300567</u> Fax:	Phone: <u>7205300567</u> Fax:
E-mail: <u>rob@sonders.com</u>	E-mail: <u>rob@sonders.com</u>
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology.

<input checked="" type="checkbox"/> Enhanced Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/> Standard Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

7655 E Cactus Rd - Robert Sanders
12187 N 76th Pl. - Bartosz Branski
7667 E Cactus - Marnie Sprenger

Owner Signature

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

12-AB-2016

11/3/2016

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



Development Application

Arizona Revised Statutes Notice

§9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

Planning, Neighborhood & Transportation

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City of Scottsdale's Website: www.scottsdaleaz.gov



Affidavit of Authority to Act as the Property Owner

1. This affidavit concerns the following parcel of land:

- a. Street Address: 7655, 7667 Cactus, 12187 N. 76th Way
- b. County Tax Assessor's Parcel Number: _____
- c. General Location: Cactus Road
- d. Parcel Size: _____
- e. Legal Description: Desert Star Acres 1, 9, 10
(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
<u>7655 East Cactus</u>	<u>10-25</u> , 20 <u>16</u>	<u>[Signature] Robert F. Sanders</u>
<u>12187 N 76th Pl.</u>	<u>10/25</u> , 20 <u>16</u>	<u>[Signature] Bertosz Branski</u>
<u>7667 E Cactus</u>	<u>10/25</u> , 20 <u>16</u>	<u>[Signature] M-H Harnie Sprenger</u>
_____	_____, 20____	_____

12-AB-2016
11/3/2016

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



Appeals of Dedication, Exactions, or Zoning Regulations

Rights of Property Owner

In addition to the other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication of exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) when an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violations of Arizona and federal court decision.

Appeal Procedure

The appeal must be in writing and specify the City action appealed and the date final action was taken, and must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken

- No fee will be charged for filing
- The city Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply
- Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- The City will submit a takings impact report to the hearing officer.
- In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication of exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- The hearing officer must render his decision within five working days after the appeal is heard.
- The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial nevo with the Superior Court within 30 days of the hearing officer's decision.

For questions, you may contact:
City's Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2405

Address your appeal to:
Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd
Scottsdale, AZ 85251

12-AB-2016
11/3/2016

Please be aware that City Staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

Planning, Neighborhood and Transportation Division

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications

I hereby certify that I am the owner of property located at:

(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.

7655 E. Cactus Rd. - Robert F. Sanders - *[Signature]*
12187 N 76th Pl. - Bartosz Branski - *[Signature]*
7667 E. Cactus Murnie Sprenger M - *[Signature]*

Signature of Property Owner

Date



Request for Site Visits and/or Inspections Development Application (Case Submittals)

This request concerns all property identified in the development application.

Pre-application No: _____ - PA - _____

Project Name: Cactus Roadway Abandonment

Project Address: 7655, 7667, 12187 N. 76th Way
Cactus Rd.

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owners agent: 7655 East Cactus - Robert F. Sankis
12187 N 76th Pl. Print Name Bertosz Brandis
7667 E Cactus Marnie Sprenger

Signature

12-AB-2016

11/3/2016

City Use Only:

Submittal Date: _____ Case number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088



Current Planning Services
Long Range Planning Services

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, _____

at the following number _____

Signature: _____

Date: _____

Printed Name: _____

Check box if signature refused

Copy of Bill of Rights left at: _____

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
 - 1. Committed intentionally.
 - 2. Not correctable within a reasonable period of time as determined by the municipality.
 - 3. Evidence of a pattern of noncompliance.
 - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
 - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
 - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
 - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
 - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
 - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
 - 1. Shall not be used to exclude evidence in a criminal proceeding.
 - 2. Does not apply to a municipal inspection that is requested by the regulated person.