

# CITY COUNCIL REPORT



Meeting Date: June 23, 2026  
General Plan Element: Land Use  
General Plan Goal: Coordinate Planning to Balance Infrastructure

## ACTION

### Hagerman Abandonment 11-AB-2017#3

#### Request to consider the following:

1. Adopt Resolution No. 13725 for a time extension (2 years) on Resolution No. 13161, abandoning the 33-foot GLOPE and the underlying 20-foot fee-simple right-of-way, and the 13-foot GLOPE located along the western (N. 71st Street alignment) and northern (E. Lowden Drive alignment) boundaries of parcel 216-67-162, with Single-family Residential Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning, located at 7107 E. Lowden Drive.

#### Key Items for Consideration

- This is a request for a two (2) year extension to the City Council adopted Resolution No. 13161.

## OWNER

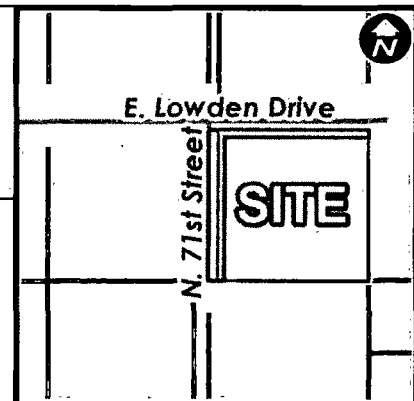
Rosemary Hagerman  
480-565-7617

## APPLICANT CONTACT

Josh G. Funkhouser  
Davidson & Kaffer, Esq.  
480-585-3100

## LOCATION

7107 E Lowden Drive



## **BACKGROUND**

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### **General Plan**

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category designation includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per acre (or more) of land. The designation and use will remain unchanged by this request.

### **Character Area Plan**

The property is located within the Desert Foothills Character Area boundary. The Desert Foothills Character Area is designed to preserve the natural and visual qualities of the Sonoran Desert by using design qualities, building materials, and construction techniques that are sensitive to the desert environment. Projects located within the Desert Foothills Character Area should preserve natural open space areas, scenic and vista corridors, and support trail links and connections.

### **Zoning**

The subject site is zoned Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO). The R1-70/ESL/FO zoning district allows for single-family residential uses and has an Environmentally Sensitive Lands and Foothills Overlay zoning designation.

The subject parcel, 216-67-162, was annexed into the City of Scottsdale in December 1983. The annexed parcel was rezoned from the county designation to Single-Family Residential, Hillside District (R1-43/HD/HC) through case 36-ZN-1984. The parcel was then rezoned from the Single-Family Residential, Hillside District (R1-43/HD/HC) to Single-Family Residential, Hillside District (R1-70/HD/HC) through case 113-ZN-1984.

In 1991, the Environmentally Sensitive Lands (ESL) ordinance was adopted as an amendment to the Hillside District overlay. Later, in March 2003, the Foothills Overlay designation was added to this site's zoning classification in response to the Desert Foothills Character Area Plan approved by City Council in June 1999. The current ESL overlay took effect in 2004. The ESL ordinance categorized these parcels within their most current zoning: Residential Single-Family, Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO).

### **Context**

The subject property is generally located at the southwest corner of E. Lone Mountain Road and N. Scottsdale Road. More specifically, the parcel is located adjacent to the N. 71<sup>st</sup> Street alignment, south of E. Lowden Road. Please refer to context graphics attached.

The subject 13 feet of General Land Office Patent Easement (GLO) is located along the northern boundary of parcel 216-67-162, and the subject 33 feet of GLO, and 20 feet of fee-simple right-of-way, is located along the western boundary of the subject parcel. The subject GLO easement was dedicated through patent serial number 1197966, and the fee-simple right-of-way through docket number 1996-558911. The subject GLO roadway easement was reserved on the original patent deed to assure legal access. Currently the majority of the GLO easement and fee-simple right-of-way are unimproved, containing minimal improvements of asphalt and grading along E. Lowden Drive.

**Related Policies, References:**

2008 Scottsdale Transportation Master Plan  
Desert Foothills Area Local Area Infrastructure Plan (LAIP)

- 11-AB-2017 and 11-AB-2017#2, and 11-AB-2017#3

**APPLICANTS PROPOSAL**

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The proposal requests an extension for the resolution to abandon the 33 feet of GLOPE/fee-simple right-of-way and 13 feet of GLOPE located along the northern and western boundary of the subject parcel. The request was originally approved, along with the mirrored rights-of-way that were located adjacent to the west, through abandonment case numbers 11-AB-2017 and 11-AB-2017#3. The City Council heard the original abandonment case (11-AB-2017) on October 16, 2018 (approved with a 7-0 vote), and approved the latest request on July 1, 2024 (11-AB-2017#3) with a 7-0 vote.

**OTHER BOARDS & COMMISSIONS**

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**City Council:**

City Council heard the associated abandonment case, 11-AB-2017, on October 16, 2018, and approved the request with a 7-0 vote. The approval has since expired.

Case 11-AB-2017#3 was heard by the City Council on July 1, 2024. The City Council approved the case with a vote of 7-0.

**OPTIONS & STAFF RECOMMENDATION**

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**Recommended Approach:**

Adopt Resolution No. 13725 extending the time extension (2 years) on Resolution No. 13161, abandoning the 33-foot GLOPE and the underlying 20-foot fee-simple right-of-way, and the 13-foot GLOPE located along the western (N. 71st Street alignment) and northern (E. Lowden Drive alignment) boundaries of parcel 216-67-162, with Single-family Residential Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning, located at 7107 E. Lowden Drive.

**RESPONSIBLE DEPARTMENT**

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**Planning and Development Services**

Current Planning Services

**STAFF CONTACT**

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Jesus Murillo  
Senior Planner  
480-312-7849  
E-mail: jmurillo@scottsdaleaz.gov

**APPROVED BY**

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Jesus Murillo, Report Author

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June 4, 2026

Date



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

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6/9/2026

Date



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Erin Perreault, AICP, Sr. Director  
Planning & Development Services Department  
Phone: 480-312-7093      Email: eperreault@scottsdaleaz.gov

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06/09/2026

Date

**ATTACHMENTS**

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1. Resolution No. 13725
2. Context Aerial
3. Close-up Aerial
4. Resolution No. 13161 (for reference)

RESOLUTION NO. 13725

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, MODIFYING AND EXTENDING THE TIME PERIOD IN PARAGRAPH 4 OF THE PRIOR RESOLUTION NO. 13161 ABANDONING, SUBJECT TO CONDITIONS AND RESERVATIONS, CERTAIN INTERESTS IN A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR PROPERTY LOCATED AT 7107 E LOWDEN DRIVE.

(11-AB-2017#3)

WHEREAS:

A. On July 1, 2024, the City Council of the City of Scottsdale ("City") adopted Resolution No. 13161 (the "Original Resolution") relating to abandonment of certain right-of-way described in the Original Resolution.

B. Paragraph 4 of the Original Resolution provided that the Original Resolution would be void unless certain conditions (collectively the "Conditions") occurred within two years after the date of the Original Resolution.

C. The Original Resolution will become void because the Conditions will not be satisfied and the Original Resolution will not be properly recorded within the time period set out in the Original Resolution.

D. City now desires to modify and extend the time for satisfying the Conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsdale, Arizona, as follows.

1. Modification. The Original Resolution is hereby modified as follows:

1.1 The two-year period set out in paragraph 4 of the Original Resolution is extended to two years after the date of this resolution.

1.2 The condition identified in paragraph 3.3 shall be removed.

1.3 The City Clerk is directed to immediately mark the Original Resolution to indicate that it has been modified by this resolution.

1.4 If and when the Original Resolution is recorded, this resolution shall be recorded with the Original Resolution.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

CITY OF SCOTTSDALE, an Arizona municipal corporation


\_\_\_\_\_  
Lisa Borowsky, Mayor

ATTEST:

By: \_\_\_\_\_  
Ben Lane, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
\_\_\_\_\_  
Luis E. Santaella, Interim City Attorney  
By: Joe Padilla, Deputy City Attorney

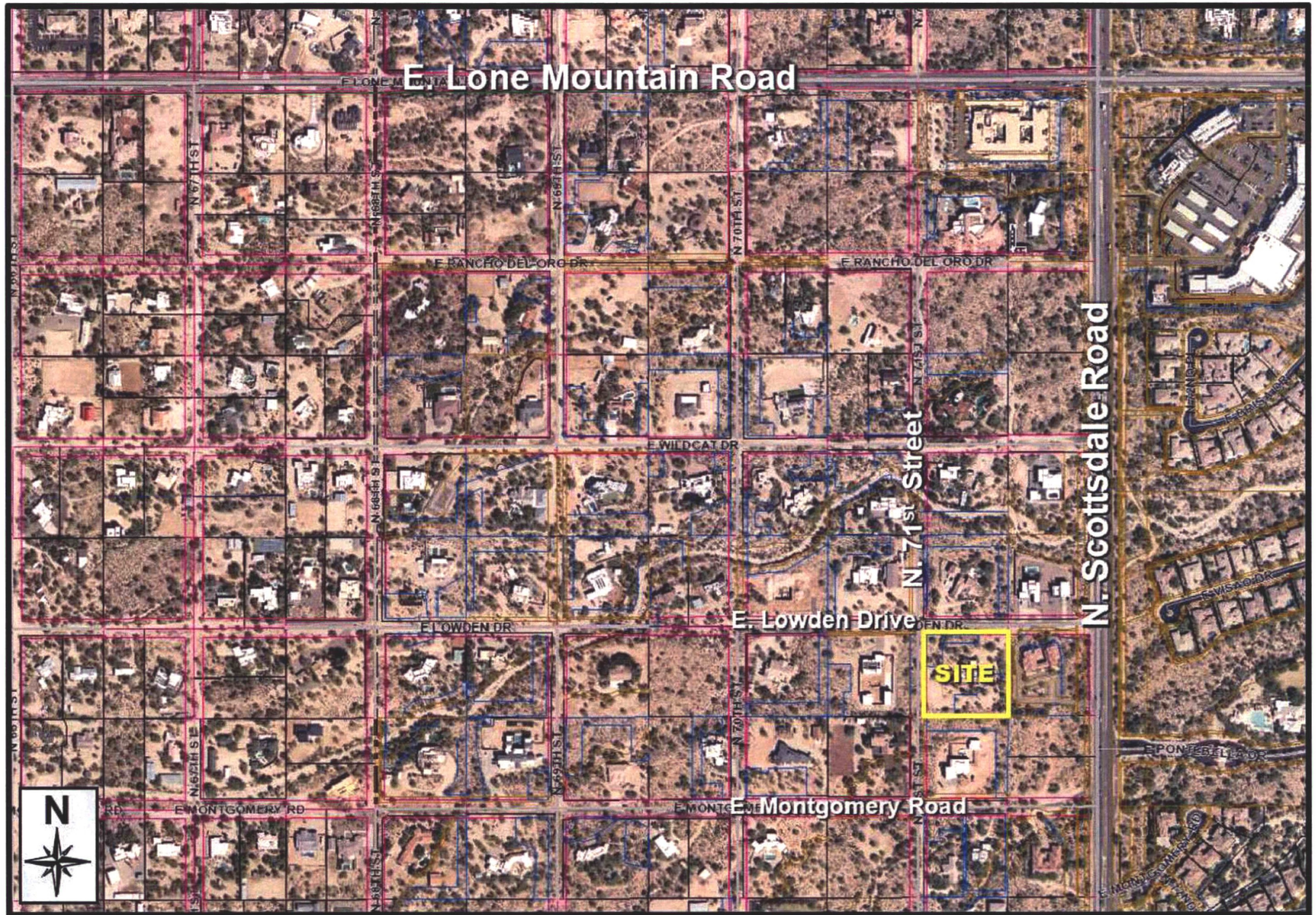
**CERTIFICATE**

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\_\_\_\_\_.

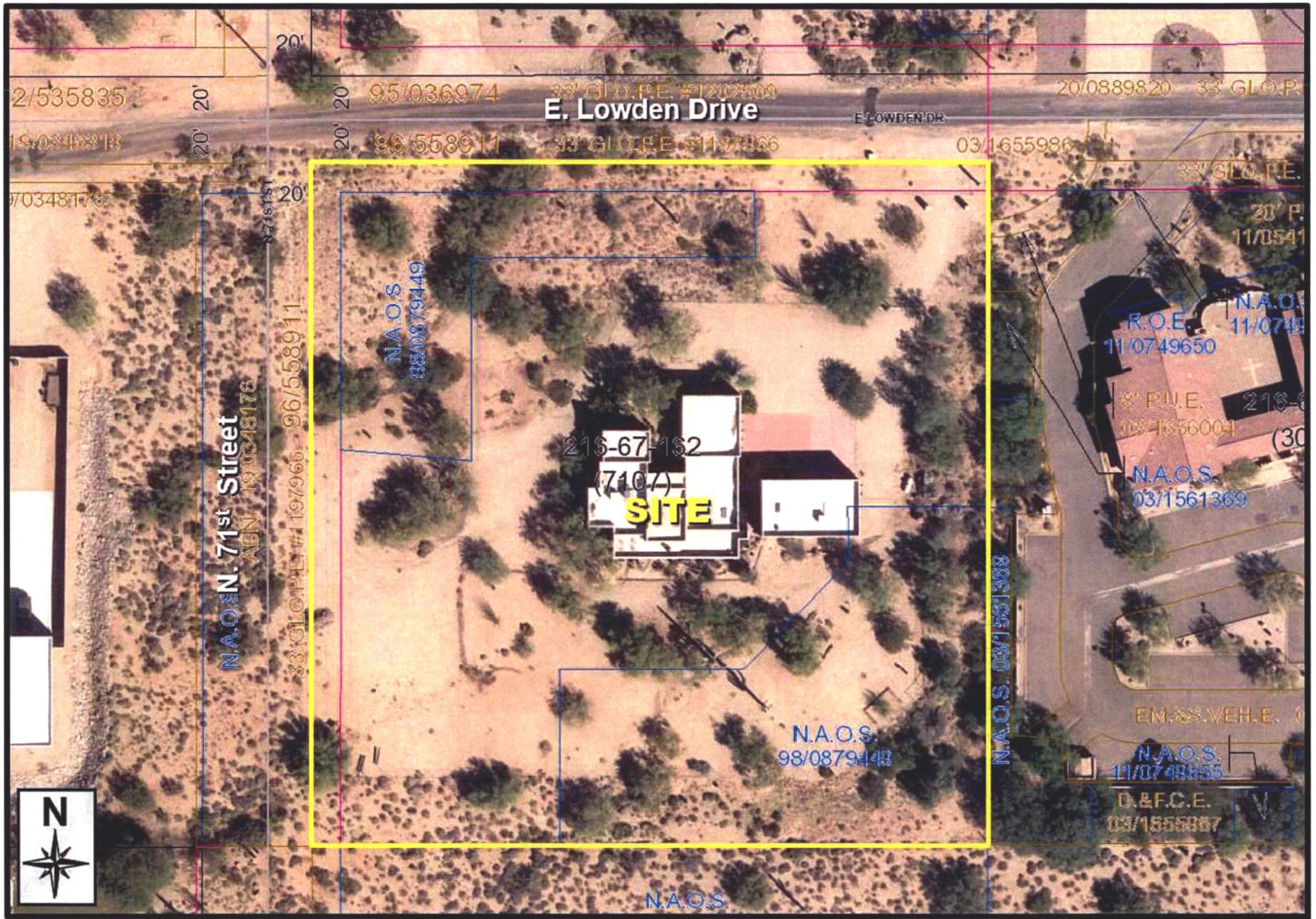
\_\_\_\_\_  
Signature

\_\_\_\_\_  
name print



Context Aerial

11-AB-2017#3



Aerial Close-up

11-AB-2017#3

RESOLUTION NO. 13161

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 7107 E. LOWDEN DRIVE, TOTALING APPROXIMATELY 14,093 SQUARE-FEET OF RIGHT-OF-WAY. OWNER TO DEDICATE PROPERTY INTERESTS TO THE CITY

(11-AB-2017#3)  
(Hagerman 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 and Fee-simple Abandonment Rights-of-way are legally described on Exhibit "A" and depicted on Exhibit "B" attached hereto, and comprise an area of approximately 6,199 square-feet.

E. The GLOPE Abandonment Rights-of-way are legally described on Exhibit "C" and depicted on Exhibit "D" attached hereto, and comprise an area of approximately 7,894 square-feet.

F. The Abandonment Rights-of-way fall within, serve, affect or are near a parcel comprising approximately 2.21 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 Six Hundred Seventy-eight Dollars and 20/100 (\$4,678.20) 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 the City, in accordance with City specifications, twenty-foot (20-ft) waterline and sewerline easement along the subject property's N. 71<sup>st</sup> Street alignment.

3.3 The owner has delivered to City a deed, plat or other instrument that dedicates to City, in accordance with City specifications, a 50-foot-wide scenic corridor easement over the northern portion of Owner's parcel, along East Shea Blvd.

3.4 The owner has delivered to City a deed, plat or other instrument that dedicates to City, in accordance with City specifications, an eight-foot (8-ft) public utility easement along the subject property's E. Lowden Road frontage, and a 6-foot radius of waterline easement around the water meter.

3.5 The owner shall revegetate the disturbed NAOS areas back to a natural state to the satisfaction of the Ordinance.

3.6 The owner shall remove any walls, fences, or hedges that do not meet the requirements of the underlying zoning district, ESL, and FO.

3.7 The owner has delivered to City a plat that incorporates the proposed abandonment area and the subject property.

3.8 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

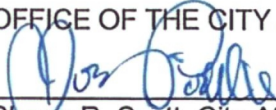
\_\_\_\_\_  
David D. Ortega, Mayor

ATTEST:

By: \_\_\_\_\_  
Ben Lane, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
\_\_\_\_\_  
Sherry R. Scott, City Attorney  
By: Joe Padilla, Deputy 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

# DESCRIPTION

OF PORTION OF RIGHT OF WAY DEDICATION  
TO BE RELEASED AND ABANDONED  
7107 E. LOWDEN DRIVE, SCOTTSDALE, AZ 85262

A portion of that right-of-way described in Deed of Right of Way Dedication in Recording Number 1996-558911, Records of Maricopa County, Arizona, located within the Northwest quarter of the Southeast quarter of the Southeast quarter of the Northeast quarter of Section 22, Township 5 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

**BEGINNING** at the Southwest corner of said Northwest quarter from which the Southeast corner of said Northwest quarter bears North 89 degrees 48 minutes 26 seconds East 330.14 feet;

**THENCE** North 00 degrees 00 minutes 13 seconds East 309.97 feet along the West line of said Northwest quarter to the South line of the North 20.00 feet of said Northwest quarter;

**THENCE** North 89 degrees 48 minutes 33 seconds East 20.00 feet along said South line to the East line of the West 20.00 feet of said Northwest quarter;

**THENCE** South 00 degrees 00 minutes 13 seconds West 309.97 feet along said East line to the South line of said Northwest quarter;

**THENCE** South 89 degrees 48 minutes 26 seconds West 20.00 feet along said South line to the **POINT OF BEGINNING**.

Comprising 6,199 square feet more or less, subject to all easements of record.

Resolution No. 13161  
Exhibit "A"  
Page 1 of 1



2122 W. Lone Cactus Dr.  
Ste. 11, Phoenix, AZ 85027  
623-869-0223 (office)  
623-869-0726 (fax)  
www.superiorsurveying.com  
info@superiorsurveying.com

DATE: 2/13/24

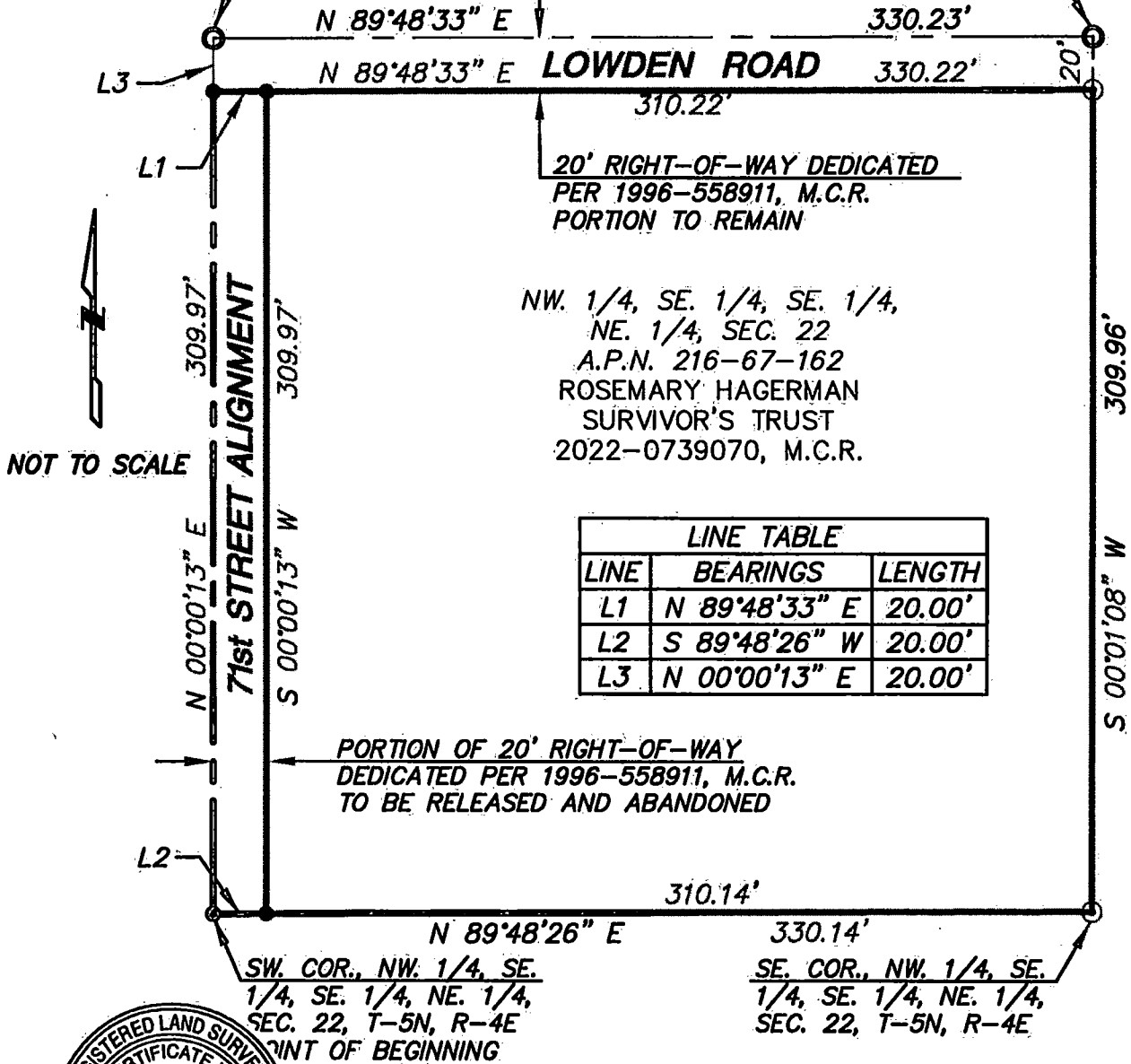
JOB NO.: 170475

# EXHIBIT

OF PORTION OF RIGHT OF WAY DEDICATION  
TO BE RELEASED AND ABANDONED  
7107 E. LOWDEN DRIVE, SCOTTSDALE, AZ 85262

NW. COR., NW. 1/4, SE.  
1/4, SE. 1/4, NE. 1/4,  
SEC. 22, T-5N, R-4E

NE. COR., NW. 1/4, SE.  
1/4, SE. 1/4, NE. 1/4,  
SEC. 22, T-5N, R-4E



LINE TABLE		
LINE	BEARINGS	LENGTH
L1	N 89°48'33" E	20.00'
L2	S 89°48'26" W	20.00'
L3	N 00°00'13" E	20.00'

PORTION OF 20' RIGHT-OF-WAY  
DEDICATED PER 1996-558911, M.C.R.  
TO BE RELEASED AND ABANDONED



David S. Klein



Resolution No. 13161  
Exhibit "B"  
Page 1 of 1

DATE: 2/13/24

JOB NO.: 170475

LEGAL DESCRIPTION  
RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITIES PURPOSES  
ABANDONMENT & RELEASE

Abandonment and Release of a portion of the Right of Way for Roadway and Public Utilities Purposes described in Patent Number 1197966 of the General Land Office Records of the Bureau of Land Management, in the city of Scottsdale, County of Maricopa, State of Arizona described as follows:

The East 13 feet of the West 33 feet of the Northwest quarter of the Southeast 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.

EXCEPT the North 33 feet thereof.

AND

The South 13 feet of the North 33 feet of the Northwest quarter of the Southeast 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.

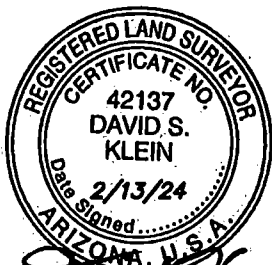
EXCEPT the West 20 feet thereof.

Comprising 7,894 square feet more or less, subject to all easements.

Resolution No. 13161

Exhibit "C"

Page 1 of 1



	2122 W. Lone Cactus Dr. Ste. 11, Phoenix, AZ 85027 623-869-0223 (office) 623-869-0726 (fax) www.superiorsurveying.com info@superiorsurveying.com
	DATE: 2/13/24

ABANDONMENT & RELEASE

NW. COR., NW. 1/4, SE.  
1/4, SE. 1/4, NE. 1/4,  
SEC. 22, T-5N, R-4E

NE. COR., NW. 1/4, SE.  
1/4, SE. 1/4, NE. 1/4,  
SEC. 22, T-5N, R-4E

**LOWDEN ROAD**

1996-558911 R/W

20'

GLO PATENT  
#1197966  
PORTION  
REMAINING



NOT TO SCALE

**71st STREET**

1996-558911 R/W

RIGHT OF WAY  
1996-055891 M.C.R.  
PORTION ABANDONED

A.P.N. 216-67-162  
ROSEMARY HAGERMAN  
SURVIVOR'S TRUST  
2022-0739070, M.C.R.

SW. COR., NW. 1/4, SE.  
1/4, SE. 1/4, NE. 1/4,  
SEC. 22, T-5N, R-4E  
POINT OF BEGINNING

SE. COR., NW. 1/4, SE.  
1/4, SE. 1/4, NE. 1/4,  
SEC. 22, T-5N, R-4E



*David S. Klein*



Resolution No. 13161  
Exhibit "D"  
Page 1 of 1

DATE: 2/13/24

JOB NO.: 170475

**LEGEND**  
 Proposed Abandonment Area

E. Lowden Drive

N. 71<sup>st</sup> Street Alignment

Parcel  
216-67-162



Resolution No. 13161  
EXHIBIT "E"  
Page 1 of 1