

PLANNING COMMISSION REPORT



Meeting Date: September 14, 2022
General Plan Element: *Land Use*
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Cochise Lot 1 & 2 abandonment 9-AB-2021

Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon the 33-foot-wide GLO roadway easements along the eastern and western boundaries, and south 13-feet of the 33-foot along the northern boundary, of a site with Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning, located at 12549 and 12595 E. Cochise Drive.

Goal/Purpose of Request

The applicant's request is to abandon the existing GLO easements around the west, north, and east boundaries of this site. This site was recently divided into two parcels and this abandonment will remove some development encumbrances.

Key Items for Consideration

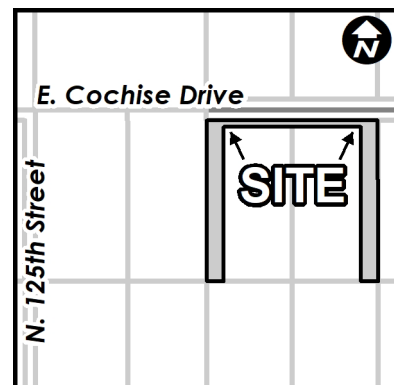
- Access and utilities are not impacted by the proposed abandonment
- Conformance with the Transportation Master Plan
- No public input received regarding the proposed abandonment

OWNER/APPLICANT CONTACT

Kayvan Sanaiha
SANFAM LLLP
(602) 486-0300

LOCATION

12595 E Cochise Drive
12549 E Cochise Drive



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category includes the largest-lot, single-family neighborhoods. Densities in Rural Neighborhoods are usually one dwelling unit per one or more acres. Within the Environmentally Sensitive Lands (ESL) areas, native desert vegetation is abundant and special care is needed to preserve open desert character and environmental features. The goal in Rural Neighborhoods is to retain the large-lot character while preserving desert vegetation, washes, and natural features. Clustering of development may be used to achieve this goal. Rural Neighborhoods may also include equestrian or limited golf course uses.

Character Area Plan

This site falls within the Shea Area Character Area Plan which promotes single-family residential neighborhoods.

Zoning

This site is zoned Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL), which allows for single-family residences.

Context

The subject +/-2.3-acre site is located on the south side of E. Cochise Drive, between N. 124th Street and N. 128th Street. The site was recently subdivided into two lots for development of a single-family residence on each.

Adjacent Uses and Zoning

- North: Undeveloped single-family residential parcels; zoned Single-family Residential Environmentally Sensitive Lands (R1-43 ESL)
- South: Developed single-family residential parcels; zoned Single-family Residential Environmentally Sensitive Lands (R1-43 ESL)
- East: Developed single-family residential parcels; zoned Single-family Residential Environmentally Sensitive Lands (R1-43 ESL)
- West: Developed single-family residential parcels; zoned Single-family Residential Environmentally Sensitive Lands (R1-43 ESL)

The subject 33-foot General Land Office Patent Easement(s) (GLO) located along the northern western and eastern and southern boundaries of the site was dedicated in June 1954, through patent serial number 114975. The subject GLO roadway easements were reserved on the original patent deed to assure legal access. Currently the subject areas of GLO easements are unimproved.

General Land Office Patent Easements (general information)

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33-foot (or sometimes 50-foot) roadway and public utility easements typically “as near as practicable to the exterior boundaries” of the GLO lot.

- The City has viewed these patent roadway and utility easements as assured access for these lots, at least until a local circulation plan is established.
- As GLO lots come in for development (i.e., lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per city circulation plans. The City's transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements may be requested to be abandoned if it is in excess of the current requirements of the City's circulation plans (including trails) or City roadway standards, and not required to ensure access to any other lot.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all rights-of-way, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.24 became effective. This provision gives the local municipality the right to abandon GLO patent easements, and concurs with the City's position on abandonment of GLO patent easements.

Related Policies, References:

2008 Scottsdale Transportation Master Plan
General Plan 2035
Shea Character Area Plan
Zoning Ordinance

IMPACT ANALYSIS

Land Use

This site consists of 2 single-family residential lots to be developed with a single-family residence on each.

Traffic/Trails

Access to the site is provided by E. Cochise Drive. The applicant is proposing, as part of the associated home construction, to straighten out the pavement in front of this site which currently dips down and extends outside of the remaining dedicated street right-of-way. In conjunction with additional pavement to the north of the existing street improvements there is an active relocation of a Cox utility pedestal that currently sits at the centerline of the dedicated street right-of-way for Cochise Drive.

Emergency/Municipal Services and Utilities

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way along E. Cochise Drive. No impacts are anticipated.

Public Utilities

The public utility providers have been notified of the applicant’s request. The utility companies have indicated that there are no conflicts with and support the proposed abandonment. A 5-foot-wide Water Facilities Easement is conditioned as part of this abandonment along the eastern site boundary, within the GLO abandonment area, to account for maintenance access to an existing Water service line that runs north/south within an easement through the neighboring property. An 8-foot-wide Public Utility Easement was previously dedicated along the site frontage, within the abandonment area, as part of the prior subdivision plat (MCR 1598-33).

Open space, Scenic Corridor

Dedications of Natural Area Open Space (NAOS) were provided with the subdivision plat (MCR 1598-33) to meet the requirements for each of the two lots. NAOS is provided outside of the abandonment area and is unaffected by the scope of this abandonment.

Community Involvement

With the application submittal, property owners within 750-feet of the site were notified. Staff has not received any public comment as of the writing of this report.

Policy Implications

The approval of this abandonment will remove easement encumbrances from the site currently imposed by the GLO easements.

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the identified GLO easements, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner reserves a 5.10-foot-wide Water Facilities Easement along the eastern site boundary.
2. The property owner pays to the city the combined total amount determined by city council as compensation to the City for the GLO abandonment area.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Jeff Barnes
Senior Planner
480-312-2376
E-mail: jbarnes@ScottsdaleAZ.gov

APPROVED BY



Jeff Barnes, Report Author

8/18/2022

Date



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

8/30/2022

Date



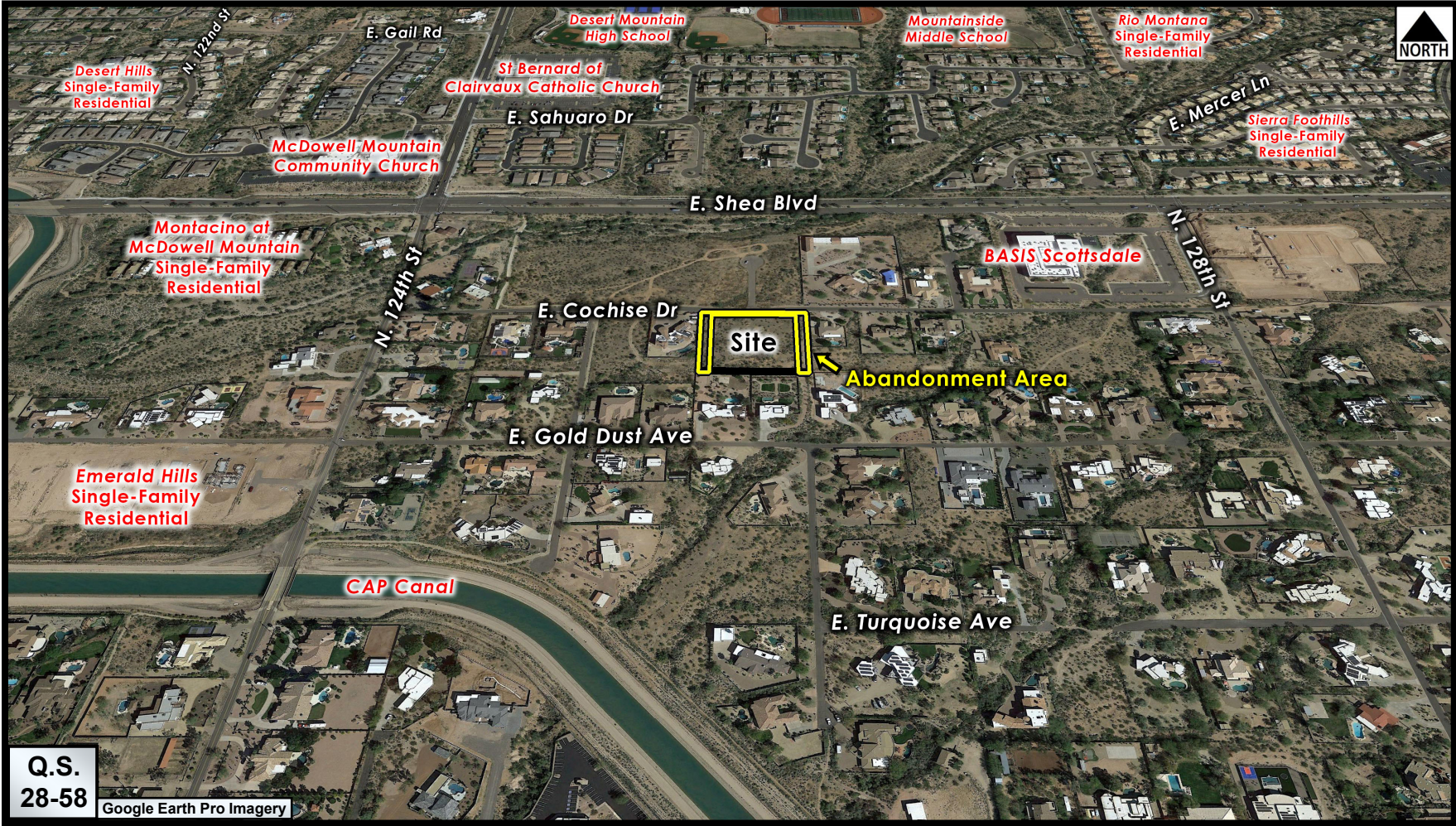
Erin Perreault, AICP, Executive Director
Planning, Economic Development, and Tourism
Phone: 480-312-7093 Email: eperreault@scottsdaleaz.gov

9/5/2022

Date

ATTACHMENTS

1. Context Aerial
- 1A. Aerial Close-Up
2. Resolution No. 12602
 - Exhibit A: Legal Description of Abandonment
 - Exhibit B: Legal Graphic of Abandonment
 - Exhibit C: Legal Description of Dedication
 - Exhibit D: Legal Graphic of Dedication
 - Exhibit E: Depiction of subject parcel
3. Applicant's Narrative
4. Zoning Aerial
5. City Notification Map



Q.S.
28-58

Google Earth Pro Imagery

Context Aerial

9-AB-2021



Close-up Aerial

9-AB-2021

RESOLUTION NO. 12602

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 12549 AND 12595 E. COCHISE DRIVE.

(9-AB-2021)
(Cochise Lot 1 & 2 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 Abandonment Rights-of-way are legally described on **Exhibit "A"** and depicted on **Exhibit "B"** attached hereto, and comprise an area of approximately 23,893 square-feet.

E. The Abandonment Rights-of-way fall within, serve, affect or are near a parcel comprising approximately 2.5 acres ("Owner's Parcel"), as depicted on **Exhibit "E"** attached hereto.

F. 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.

G. 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.

H. 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 Eleven Thousand Nine-Hundred Forty-Six Dollars and 44/100 (\$11,946.44) as compensation to the City for the Abandonment Right-of-way, in addition to any application fees or other amounts related to this resolution and in addition to any other amounts payable to City.

3.2 The owner has delivered to City a deed, plat or other instrument that dedicates to City, in accordance with City specifications, a 5.10-foot-wide Water Facilities Easement, along the eastern boundary of Owner's Parcel legally described on **Exhibit "C"** and depicted on **Exhibit "D"** attached hereto.

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

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

void.

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

PASSED AND ADOPTED by the City Council of the City of Scottsdale this _____ day of _____, 2022.

CITY OF SCOTTSDALE, an Arizona municipal corporation

David D. Ortega, Mayor

ATTEST:

By: _____
Ben Lane, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Sherry R. Scott, City Attorney

By: Eric C. Anderson, Senior Asst. City Attorney

CERTIFICATE

I am the zoning administrator of the City of Scottsdale. I certify that I have confirmed that the conditions stated in paragraph 3 of the abandonment resolution above have been fulfilled and the resolution is ready to be recorded and become effective.

DATED this _____ day of _____, 20____.

Signature

name printed

EXHIBIT A

LEGAL DESCRIPTION

THAT PORTION OF THE THE NORTH HALF OF LOT 28, SECTION 26, TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SURVEY OF SAID LAND ON FILE IN THE BUREAU OF LAND MANAGEMENT FOR THE UNITED STATES OF AMERICA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 5 EAST, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 26, BEARS NORTH 00 DEGREES 16 MINUTES 45 SECONDS EAST (BASIS OF BEARINGS), 2641.08 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 45 SECONDS EAST, ALONG THE NORTH-SOUTH MIDSECTION LINE OF THE SAID SECTION 26, 1980.81 FEET TO THE CENTERLINE OF EAST COCHISE DRIVE;

THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST ALONG THE CENTERLINE OF SAID EAST COCHISE DRIVE, 988.98 FEET TO A FOUND PK NAIL LS #34711;

THENCE CONTINUING SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST ALONG THE CENTERLINE OF SAID EAST COCHISE DRIVE, 329.57 FEET TO A FOUND ½" REBAR LS #34711;

THENCE SOUTH 00 DEGREES 15 MINUTES 52 SECONDS WEST, 20.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 15 MINUTES 52 SECONDS WEST, 310.14 FEET TO A FOUND ½" REBAR LS #34711;

THENCE NORTH 89 DEGREES 42 MINUTES 35 SECONDS WEST, 33.00 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 52 SECONDS EAST, 297.14 FEET;

THENCE NORTH 89 DEGREES 42 MINUTES 36 SECONDS WEST, 263.57 FEET;

THENCE SOUTH 00 DEGREES 16 MINUTES 06 SECONDS WEST, 297.14 FEET;

THENCE NORTH 89 DEGREES 42 MINUTES 35 SECONDS WEST, 33.00 FEET, TO A FOUND ½" REBAR LS #34711;

THENCE NORTH 00 DEGREES 16 MINUTES 06 SECONDS EAST, 310.14 FEET;

THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST, 329.57 FEET TO THE POINT OF BEGINNING;

AREA IS 23,892.88 S.F. AND/OR 0.5485 ACRES MORE OR LESS.

Exhibit A
Resolution No. 12602
Page 1 of 1



**ALLEN
CONSULTING
ENGINEERS, INC.**

4111 E. VALLEY AUTO DRIVE #103
MESA, ARIZONA 85206
PHONE (480) 844-1666
E-MAIL: ace@allenconsultengr.com

**APN 217-32-037G & APN 217-32-037H
GLO EASEMENT ABANDONMENT**

JOB NUMBER	DRAWING	LEGAL DESCRIPTION
96318		
	DATE	06-06-2022

EXHIBIT B

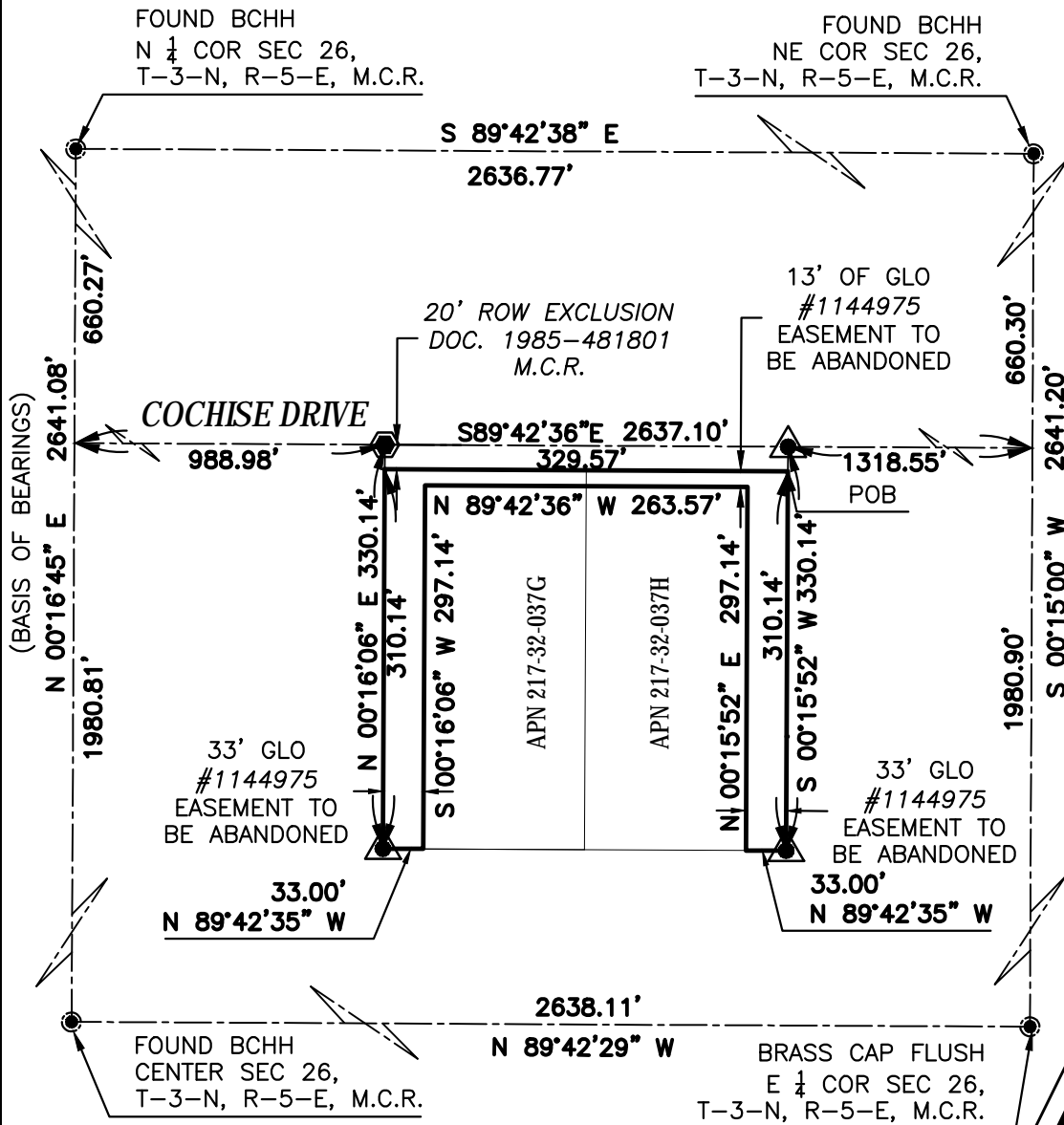
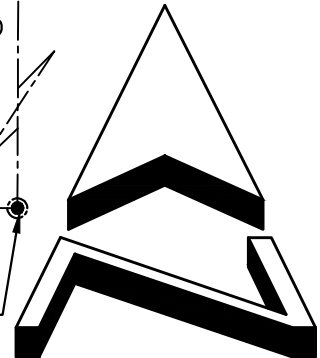


Exhibit B
Resolution No. 12602
Page 1 of 1



SCALE 1" = 150'

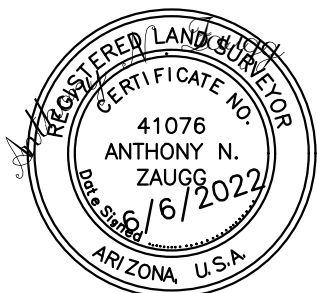


150 75 0 75 150

LEGEND

- BRASS CAP FLUSH
- ▲ FOUND ½" REBAR
- ⬡ FOUND PK NAIL
- BCHH BRASS CAP IN HANDHOLE
- ROW RIGHT OF WAY

M.C.R. MARICOPA COUNTY RECORDER
GLO GOVERNMENT LAND OFFICE
POB POINT OF BEGINNING



**ALLEN
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ENGINEERS, INC.**

4111 E. VALLEY AUTO DRIVE #103
MESA, ARIZONA 85206
PHONE (480) 844-1666
E-MAIL: ace@allenconsultengr.com

**APN 217-32-037G & APN 217-32-037H
GLO EASEMENT ABANDONMENT**

JOB NUMBER	96318	DRAWING	EXHIBIT
DATE	06-06-2022		

EXHIBIT C

LEGAL DESCRIPTION

THAT PORTION OF THE THE NORTH HALF OF LOT 28, SECTION 26, TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SURVEY OF SAID LAND ON FILE IN THE BUREAU OF LAND MANAGEMENT FOR THE UNITED STATES OF AMERICA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 5 EAST, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 26, BEARS NORTH 00 DEGREES 16 MINUTES 45 SECONDS EAST (BASIS OF BEARINGS), 2641.08 FEET;

THENCE NORTH 00 DEGREES 16 MINUTES 45 SECONDS EAST, ALONG THE NORTH-SOUTH MIDSECTION LINE OF THE SAID SECTION 26, 1980.81 FEET TO THE CENTERLINE OF EAST COCHISE DRIVE;

THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST ALONG THE CENTERLINE OF SAID EAST COCHISE DRIVE, 1318.55 FEET TO A FOUND $\frac{1}{2}$ " REBAR LS #34711;

THENCE SOUTH 00 DEGREES 15 MINUTES 52 SECONDS WEST, 20.00 FEET TO A FOUND $\frac{1}{2}$ " REBAR LS #34711 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 15 MINUTES 52 SECONDS WEST, 310.14 FEET TO A FOUND $\frac{1}{2}$ " REBAR LS #34711;

THENCE NORTH 89 DEGREES 42 MINUTES 35 SECONDS WEST, 5.10 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 52 SECONDS EAST, 310.14 FEET;

THENCE SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST, 5.10 FEET TO THE POINT OF BEGINNING.

AREA IS 1,582 S.F. AND/OR 0.0363 ACRES MORE OR LESS.

Exhibit C
Resolution No. 12602
Page 1 of 1



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MESA, ARIZONA 85206
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E-MAIL: ace@allenconsultengr.com

**APN 217-32-037H
WATER EASEMENT**

JOB NUMBER	DRAWING	LEGAL DESCRIPTION
96318		
		DATE
		06-30-2021

EXHIBIT D

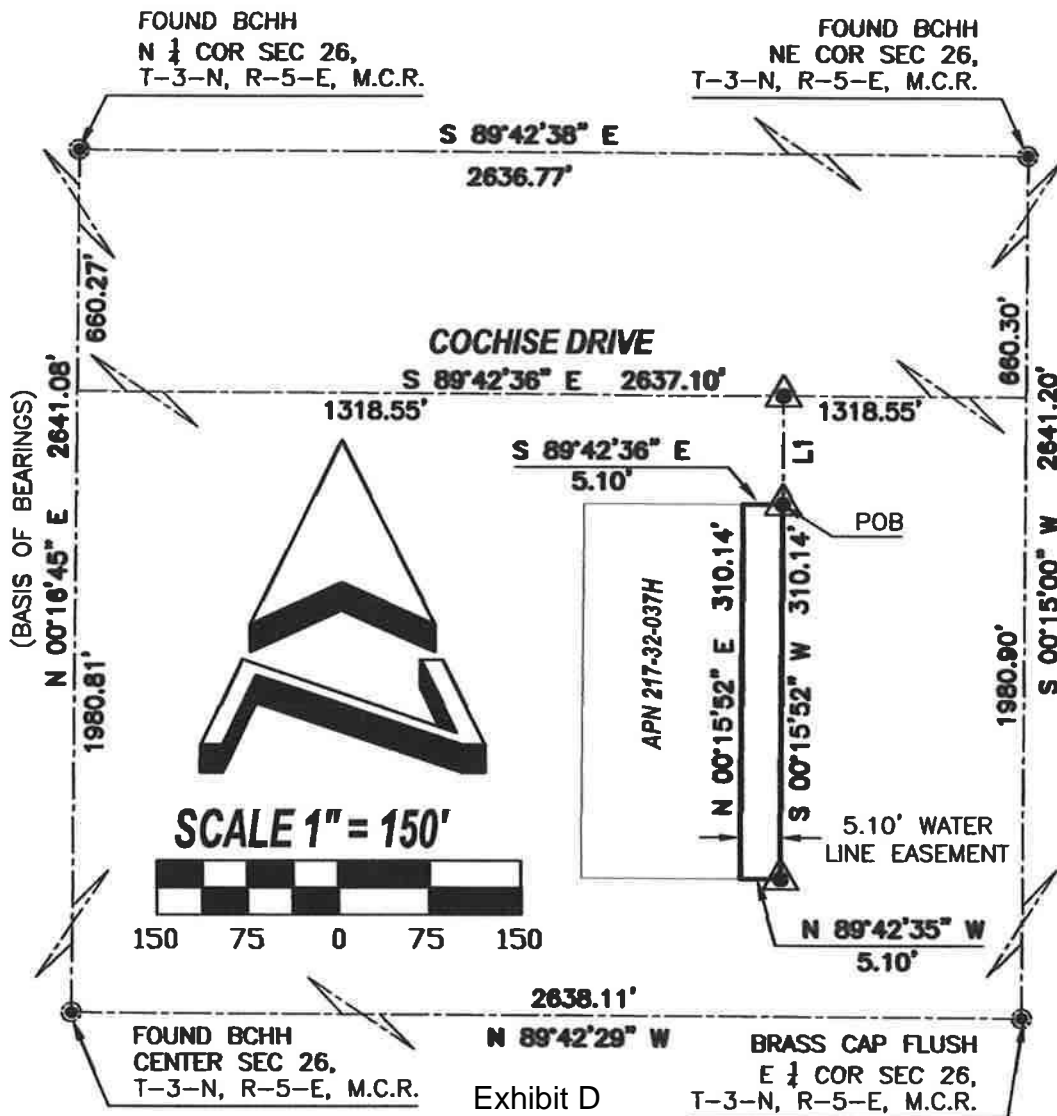


Exhibit D
Resolution No. 12602
Page 1 of 1

LEGEND

- BRASS CAP FLUSH
- ▲ FOUND ½" REBAR
- BCHH BRASS CAP IN HANDHOLE

- M.C.R. MARICOPA COUNTY RECORDER
- GLO GOVERNMENT LAND OFFICE
- POB POINT OF BEGINNING

LINE TABLE

LINE	LENGTH	BEARING
L1	20.00'	S 00°15'52" W



**ALLEN
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MESA, ARIZONA 85206
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**APN 217-32-037H
WATER EASEMENT**

JOB NUMBER	96318	DRAWING	EXHIBIT
		DATE	06-30-2021

EXHIBIT E

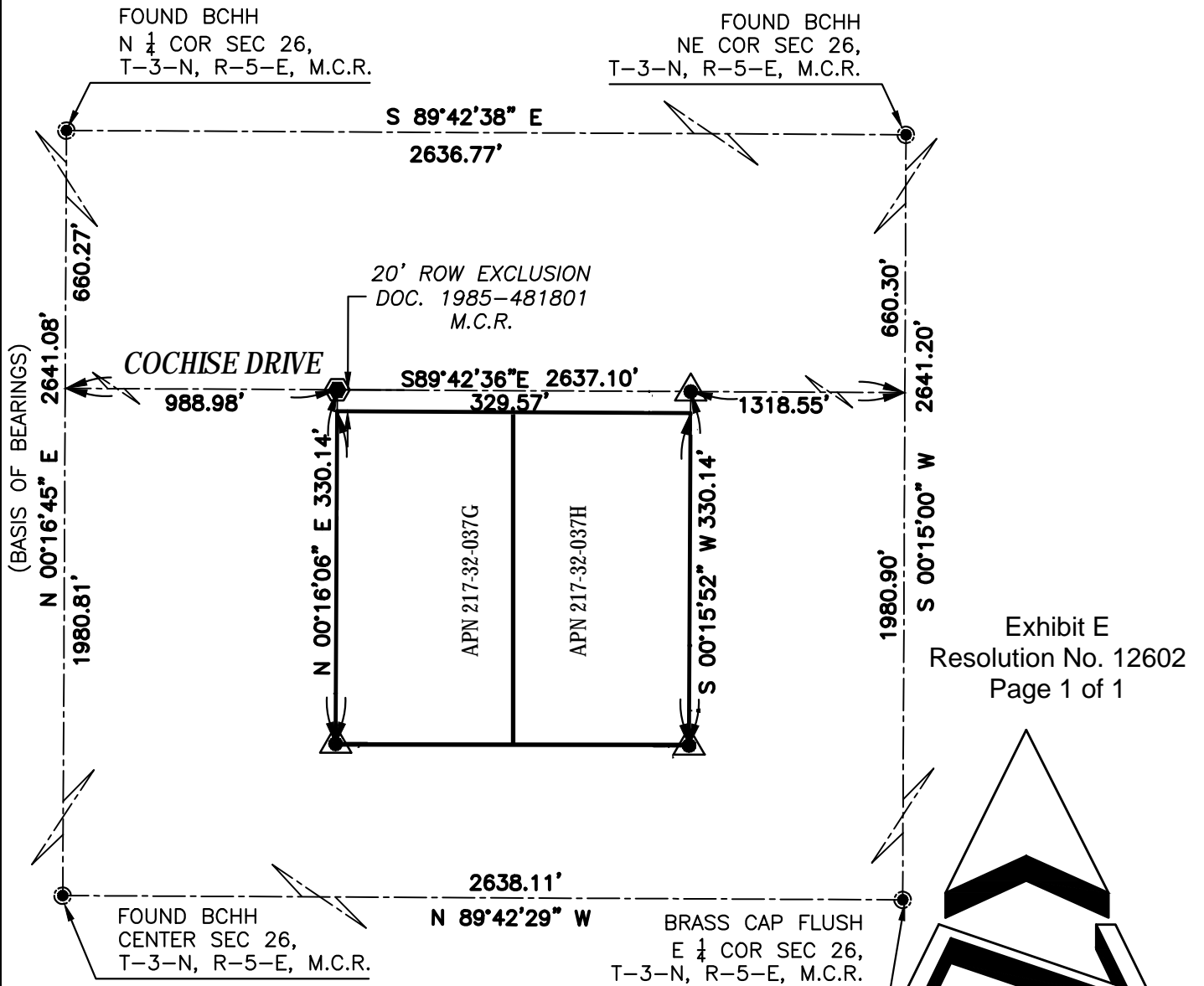
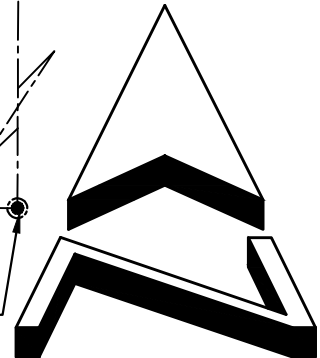


Exhibit E
Resolution No. 12602
Page 1 of 1



SCALE 1" = 150'



150 75 0 75 150

LEGEND

- BRASS CAP FLUSH
- ▲ FOUND ½" REBAR
- ⬡ FOUND PK NAIL
- BCHH BRASS CAP IN HANDHOLE
- ROW RIGHT OF WAY

M.C.R. MARICOPA COUNTY RECORDER
GLO GOVERNMENT LAND OFFICE
POB POINT OF BEGINNING



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ENGINEERS, INC.**

4111 E. VALLEY AUTO DRIVE #103
MESA, ARIZONA 85206
PHONE (480) 844-1666
E-MAIL: ace@allenconsultengr.com

APN 217-32-037G & APN 217-32-037H

JOB NUMBER	96318	DRAWING	EXHIBIT
		DATE	06-06-2022

Application Narrative

August 2021

Property Address:

12549 E Cochise Dr, Scottsdale, AZ 85259, APN: 217-32-037G

And

12595 E Cochise Dr, Scottsdale, AZ 85259, APN: 217-32-037H

Introduction

The Applicant has requested to abandon the 33' GLO located on the north and west of parcel 217-32-037G and the north and east of parcel 217-32-037H. A water line easement is proposed for the east side of parcel 217-32-037H to replace the 33' GLO.

Abandonment Request

The abandonment request is for a 2 ½ acre lot which has been split into two single family residential custom home sites. With the request of the lot splits, we have been forced to lose a part of the land for a GLO easement and another for NAOS dedication. Because of the new requirement for lot splits, another dedication for retention drainage easement has been applied as well. This has reduced the use of this single family lot to a minimum with the retention easement dedication to the City in the rear yard of the house. The 126th St to the south is no longer being continued to the north, therefore justifying the abandonment of the 33' GLO easement to the east. We have provided a legal description for recording of a dedicated easement for a water line for the City. The GLO easements are not functional and do not provide any required access for vehicles or utilities other than the water line to the east which is to be replaced by a water line easement. The abandonment of these easements will not impact the current zoning or use of the property. The Applicant is not proposing to change the physical layout or use

of the Property in any manner in conjunction with this abandonment request. The Applicant is simply seeking to eliminate intrusions on the Property that are no longer necessary. Abandonment of the GLO on the east side is justified as 126th St is no longer a continued street to Cochise from the South and a dedicated easement will be provided for the water line. The 33' easement of the GLO on the west of the property serves no purpose. The 33' easement of the GLO on the north of the property is no longer needed as 40' of Right of Way has been dedicated for Cochise Drive as well as an 8' Public Utility Easement.

Per the City recommendation, the owner agrees to the \$.50 cent per square foot valuation policy.



Q.S.
28-58

Aerial

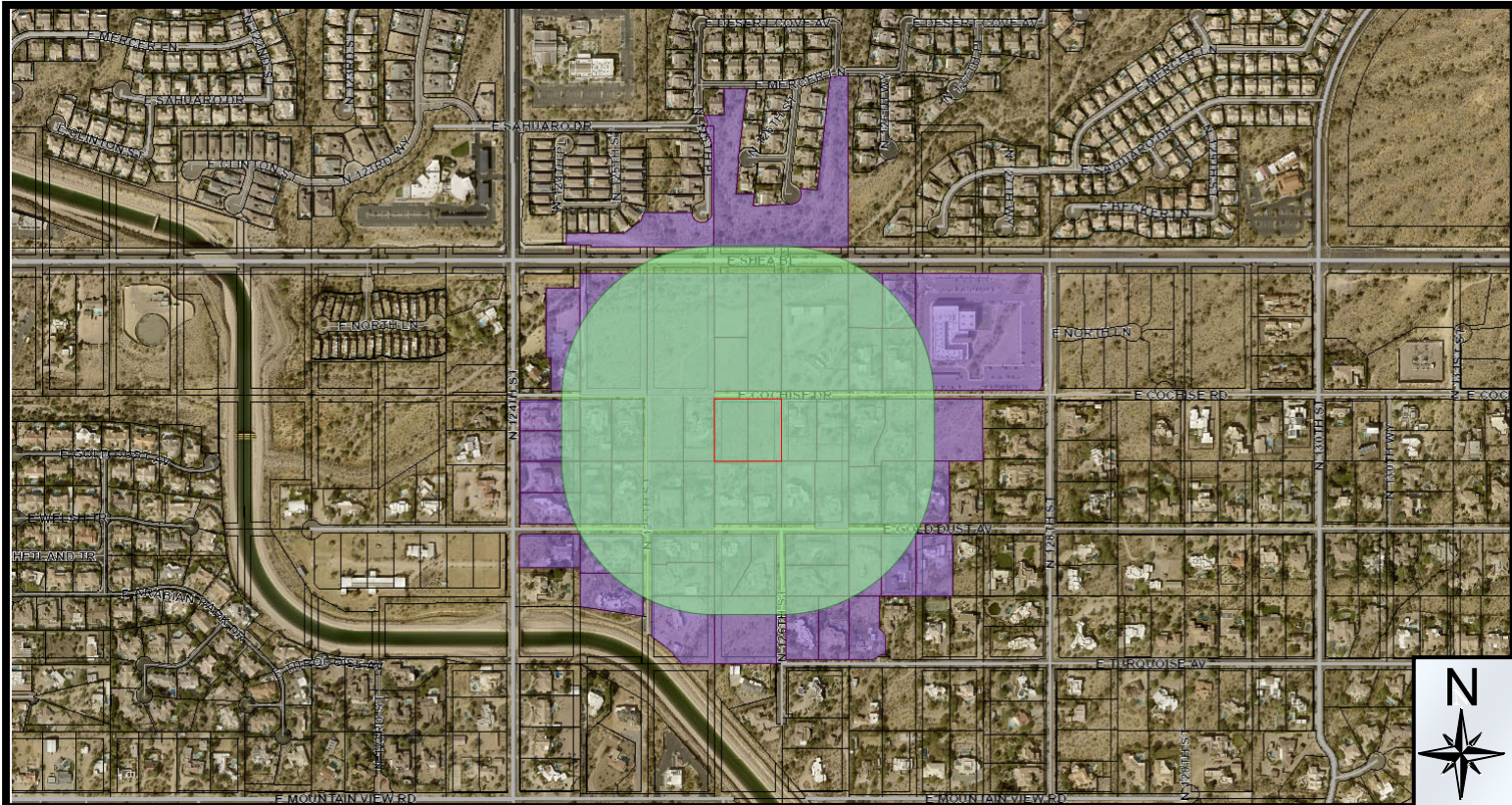
Zoning Aerial

9-AB-2021

ATTACHMENT #4

City Notifications – Mailing List Selection Map

Cochise Lot 1 & 2 abandonment


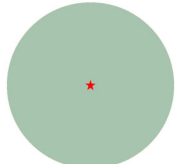


Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Nextdoor.com
- City Website-Projects in the hearing process

Pulled Labels
November 3, 2021

Map Legend:

-  Site Boundary
-  Properties within 750-feet

Postcards: 117

9-AB-2021