

TOWN OF PARADISE VALLEY

5664 N Homestead Lane Right-of-Way Abandonment Public Meeting



Town Council
December 5, 2019

TODAY'S GOAL

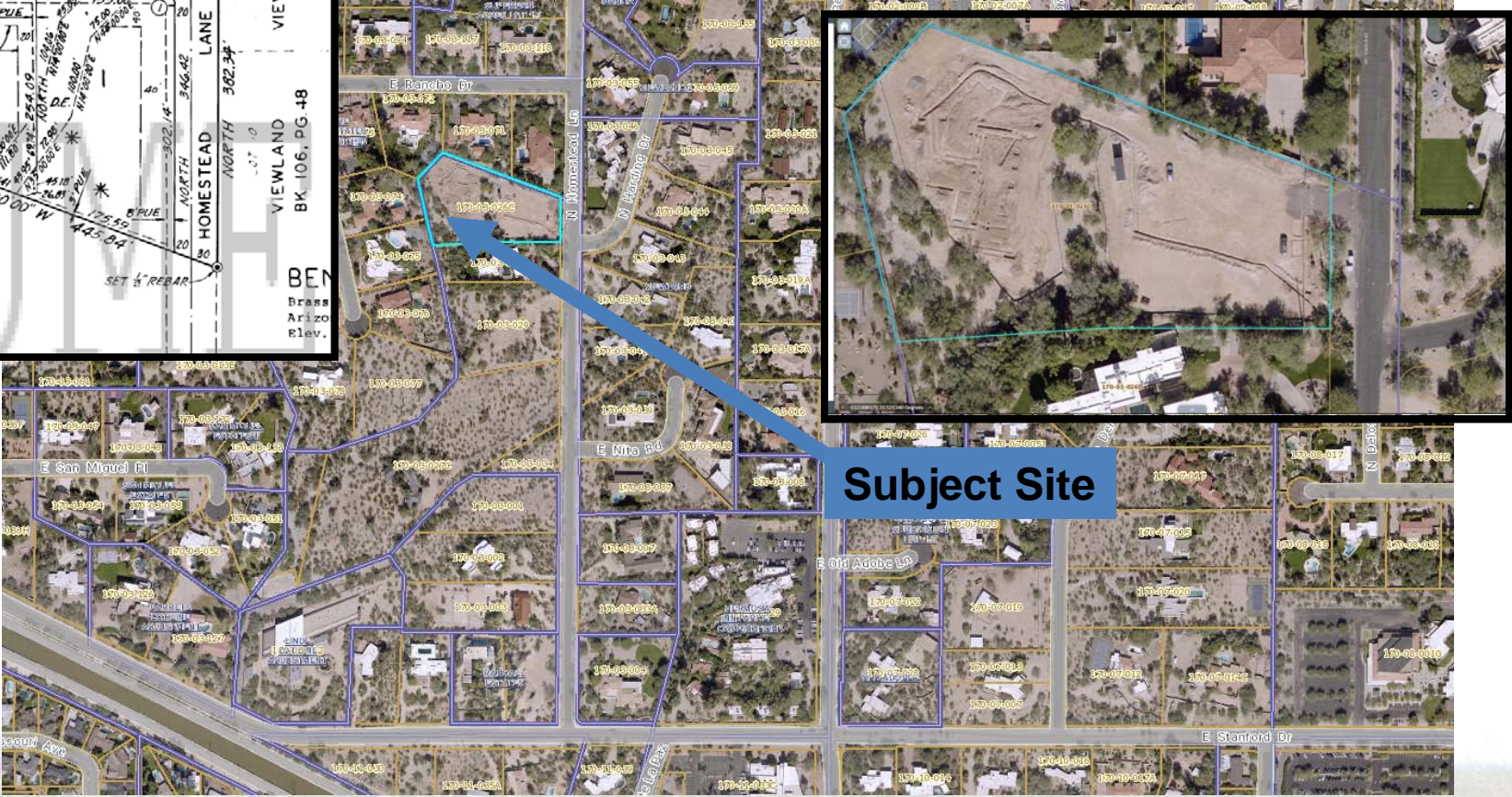
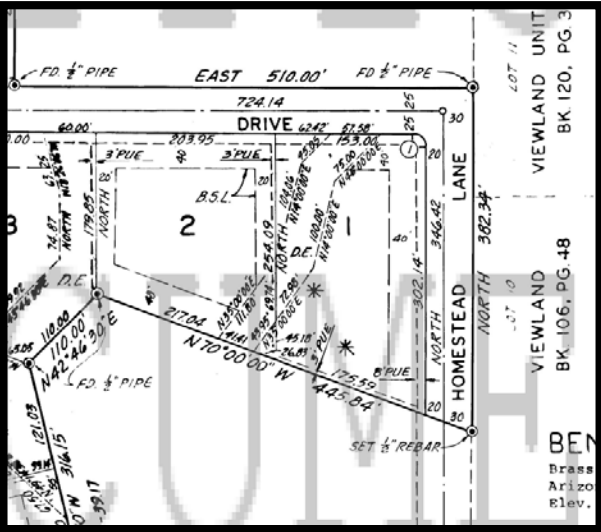
2

Consideration of a right-of-way abandonment application



12/05/2019

SITE LOCATION



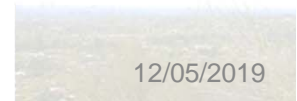
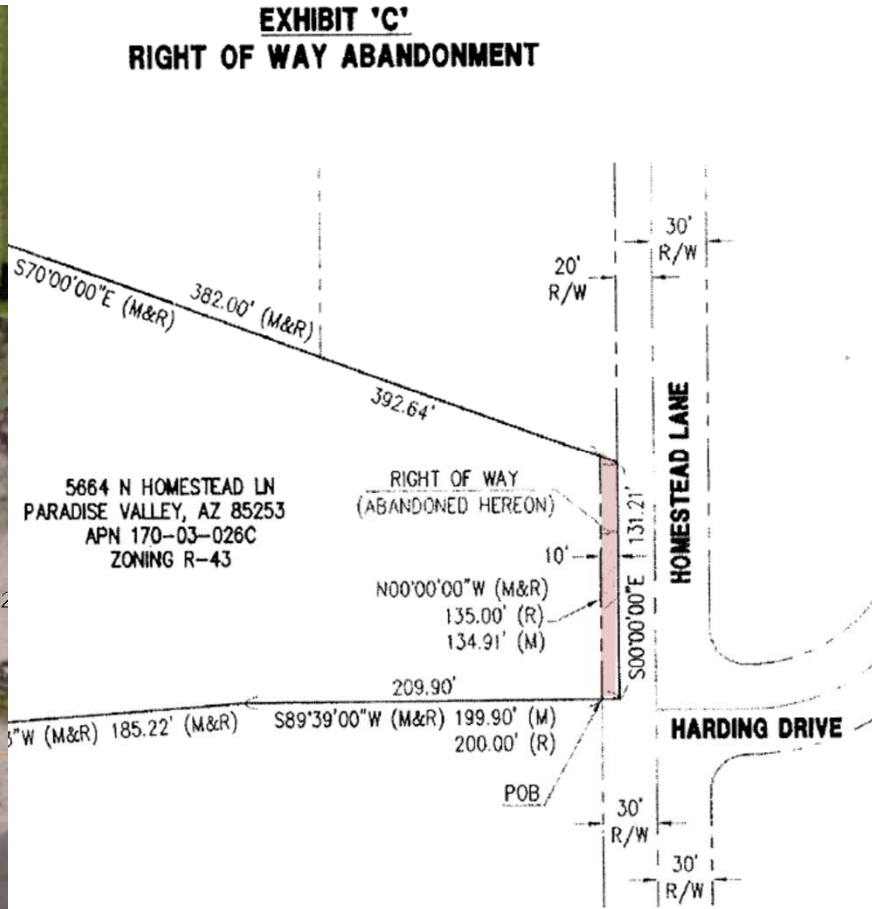
Subject Site



ABANDONMENT LOCATION



EXHIBIT 'C' RIGHT OF WAY ABANDONMENT



12/05/2019

REQUEST

- Abandon west 10' of Homestead Lane right-of-way adjoining subject site
- 1,331 sf

Subject Site



Looking south toward Stanford Drive

LEGAL DESCRIPTION 10' RIGHT OF WAY ABANDONMENT

BEING THE WEST 10 FEET OF HOMESTEAD LANE ADJACENT TO SUBJECT PROPERTY AS SHOWN IN EXHIBIT 'A' HEREIN.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY PROPERTY CORNER;
THENCE NORTH 00°00'00" WEST, A DISTANCE OF 134.91 FEET;
THENCE SOUTH 70°00'00" EAST, A DISTANCE OF 10.64 FEET;
THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 131.21 FEET;
THENCE SOUTH 89°39'00" WEST, A DISTANCE OF 10.00 FEET; TO THE TRUE **POINT OF BEGINNING**.

CONTAINING 1,331 S.F (0.031 AC.) NET; MORE OR LESS.



12/05/2019

PRIOR DISCUSSION

- Council discussed at May 23rd & Nov 7th meeting
- Direction given can apply
- Concern over ability to split parcel in future
- Preference for deed restriction – owner is agreeable



BACKGROUND

- Property not in recorded plat
- Annexed in 1962
- Existing home demolished 2013
- New home under construction
- Existing right-of-way width 60'
- Typical right-of-way width 50'
- Street pavement exceeds typical 22' width @ 28' plus ribbon curb from site north



UTILITY RESPONSES

- Some utilities are located within the abandonment area
- All known utilities acknowledged receipt of request
- Owner agreeable to granting a perpetual utility easement (PUE)
 - Awaiting response from Century Link, Cox and SRP
 - Interests of all utilities covered via PUE

UTILITY	IMPACT
Electric (SRP) Phone (Century Link) Cable (Cox)	Impacts existing lines/equipment From site data electric lines/equipment are within part of the abandonment area. A perpetual public utility easement will allow these improvements to remain.
Water (Phoenix)	Impacts existing lines/equipment Water meter box in abandonment area. A perpetual public utility easement will allow these improvements to remain.
Natural Gas (SW Gas)	Impacts existing lines/equipment Gas line exists within abandonment area. Southwest Gas requests a perpetual public utility easement.
Sewer/Septic (Phoenix/Maricopa County)	No impact New home will be on septic



COMMENSURATE VALUE

- Appraisal provided
- \$22,000 (\$16.53/sf)



Waldrep Real Estate Services

5713 N. 21st Place
Phoenix, AZ 85016
602-944-7155
jvwaldrep@hotmail.com

Summary and Reconciliation

The subject property has been analyzed using the Direct Sales Comparison. The subject property was valued in terms of sales price per square foot of lot area. The residential lots were considered for date of sale, size, view, corner location and lot sizes.

The valuation considers the current market data, the potential for the subject property and the current supply and demand. The current market factors indicated the upper range of adjusted value per square foot for the subject supported by other sales.

Based on the current market data and current market conditions, the subject property with an area of 1,331 square feet has an estimated market value on a Fee Simple Estate basis as of the valuation date, October 02, 2019 of:

TWENTY TWO THOUSAND DOLLARS
\$ 22,000

Respectfully,

A handwritten signature in black ink that reads "James V. Waldrep".

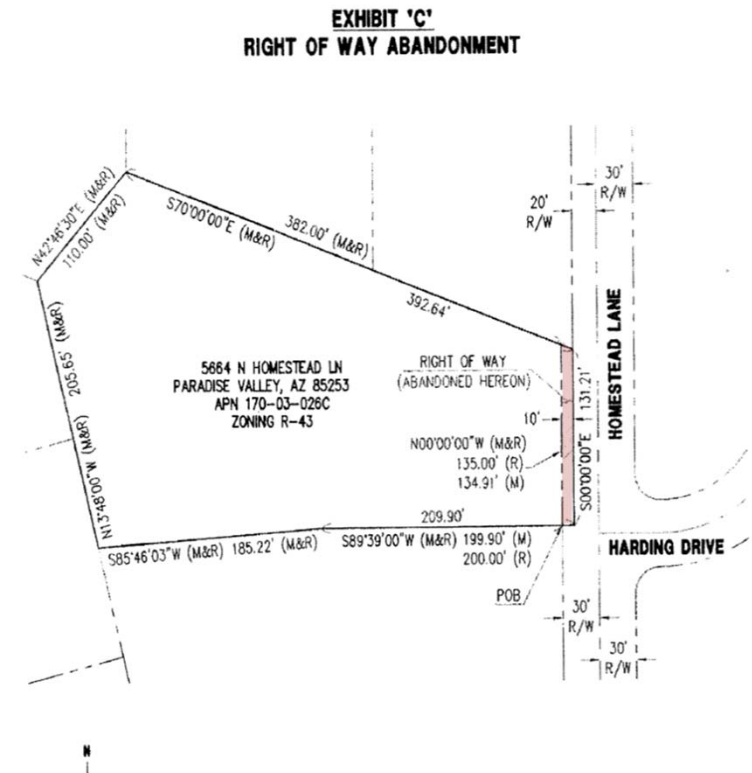
James V. Waldrep
Certified General Appraiser
Arizona Certificate #30267
Date: 10/07/19



POSSIBLE WARRANTS

10

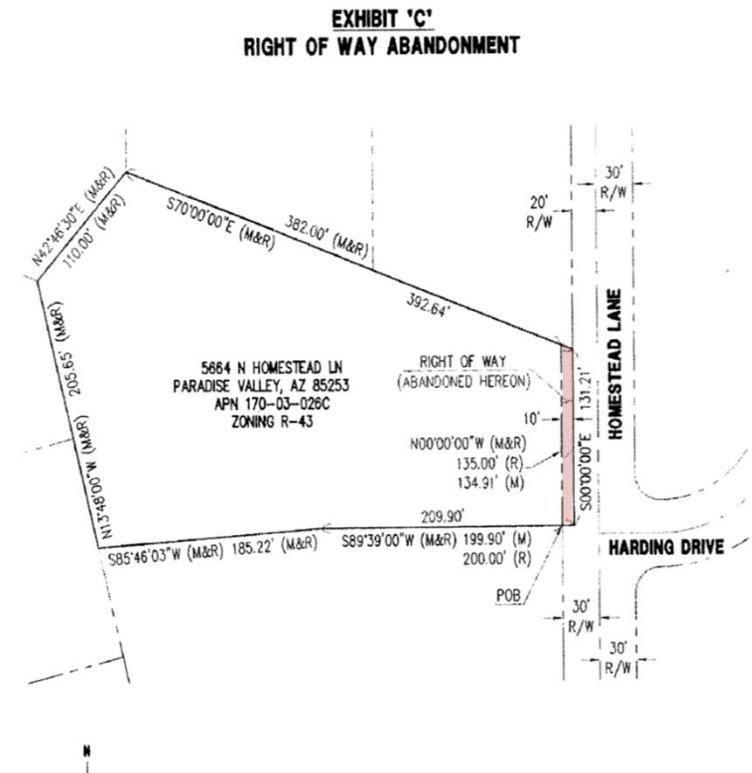
- Abandonment will not directly impact the access to any adjacent properties
- Owner agreeable to pay a commensurate value & deed restriction not to split the property
- Owner installing required curbing per building permit for new home
- Abandonment maintains suggested 50' right-of-way width for a local road
- No impact on fire protection
- A perpetual public utility easement will be granted to address existing utilities
- Town gets certain benefits, including revenues due to sale, less roadway to maintain and decrease in liability exposure



12/05/2019

ACTION

- Approval of Resolution 2019-22, vacating an approximate 1,331 square-foot portion of Homestead Lane adjoining the property located at 5664 N Homestead Lane (Assessor Parcel No. 170-03-026C).



RESOLUTION 2019-22

- Approval of Resolution 2019-22, vacating an approximate 1,331 square-foot portion of Homestead Lane adjoining the property located at 5664 N Homestead Lane (Assessor Parcel No. 170-03-026C).

1 When recorded, return to:
2
3 Paradise Valley Town Attorney
4 6401 East Lincoln Drive
5 Paradise Valley, Arizona 85253

6
7 **RESOLUTION NUMBER 2019-22**

8
9 **A RESOLUTION OF THE MAYOR AND COUNCIL OF THE**
10 **TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING**
11 **THE VACATION OF CERTAIN RIGHT-OF-WAY**
12 **PROPERTY LOCATED ALONG 5664 N HOMESTEAD LANE**
13 **OWNED BY THE TOWN OF PARADISE VALLEY IN**
14 **RETURN FOR CONSIDERATION COMMENSURATE WITH**
15 **THE VALUE OF THE PROPERTY.**

16
17 **BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF**
18 **PARADISE VALLEY, ARIZONA THAT:**

19 **WHEREAS, The Nineteen Trust (the "Owner"), property owner of 5664 N**
20 **Homestead Lane, a metes a bounds property as described in the in the warranty deed**
21 **20190743402, recorded with the Maricopa County, Arizona Recorder on September 20, 2019**
22 **(the "Property") has requested that the Town vacate pursuant to A.R.S. § 28-7205**
23 **approximately 1,313 square feet of Homestead Lane right-of-way (as described on Exhibit**
24 **"A," the "Vacated Right-of-Way") so that title to the vacated portion will vest with the**
25 **Owner, subject to the Town's receipt of consideration commensurate with the value of the**
26 **vacated property pursuant to A.R.S. § 28-7208, which requires that the vesting of title in a**
27 **right-of-way vacated by a municipality to an abutting owner is subject to consideration**
28 **commensurate with the value of the vacated property; and**

29 **WHEREAS, it is deemed a matter of public welfare that the Town convey the**
30 **Vacated Right-of-Way to the Owner for consideration in the amount of twenty-two thousand**



RESOLUTION 2019-22

1 dollars (\$22,000.00), plus any costs associated with title insurance, escrow fees, and
2 recording fees; and

3 WHEREAS, the Town finds that \$22,000.00 and the other consideration noted above
4 is commensurate with the value of the Vacated Right-of-Way; and

5 WHEREAS, upon receipt to the Town of the Owner's payment of the commensurate
6 value of the Vacated Right-of-Way, the Owner and the Town will prepare the necessary
7 documents to transfer the Vacated Right-of-Way to the Owner; and

8 WHEREAS, the Owner shall provide the Town for its review and approval an
9 Administrative Land Modification map as required pursuant to Article 6-10 of the Town
10 Code to combine the Property with the Vacated Right-of-Way to create one 2.01-acre parcel
11 (the "Combined Property"); and

12 WHEREAS, the Owner will provide a perpetual 10-foot wide public utility easement
13 along the Homestead Lane frontage the full length of the Combined Property to
14 accommodate utilities and be recorded by separate instrument; and

15 WHEREAS, the Owner will complete the roadway improvements (e.g. curbing)
16 adjoining the Property as required in Building Permit BD17-41156 for the new single-family
17 home; and

18 WHEREAS, prior to the close of escrow on the Owner will execute, in a form
19 acceptable to the Town Attorney, a restrictive covenant in favor of the Town that provides
20 that the Combined Property shall not be further subdivided or split so as to form two separate
21 lots; said restrictive covenant to be recorded contemporaneously with any deeds transferring
22 title to the Property to the Owner (the "Deed Restriction"); and

1 WHEREAS, the Town will prepare a quit claim deed transferring ownership of the
2 Vacated Right-of-Way from the Town to the Owner for recordation with the Maricopa
3 County Recorder, Maricopa County, Arizona; and

4 WHEREAS, the Owner shall be fully responsible for any and all costs associated
5 with any required or voluntary relocation of utilities related to the Vacated Right-of-Way;
6 and

7 NOW, THEREFORE, BE IT RESOLVED that: (1) the Town Manager is authorized
8 to convey to the Owner the Vacated Right-of-Way described on Exhibit "A" upon the
9 Owner's payment of \$22,000.00 plus any costs associated with title insurance, escrow fees,
10 and recording fees; and (2) the Town Manager and Town Attorney are authorized to take all
11 actions necessary, including executing deeds and other matters connected with any escrow
12 or recordation of same with the Maricopa County Recorder, Maricopa County, Arizona, so
13 as to secure the conveyance of the Vacated Right-of-Way for the consideration noted above,
14 contemporaneously with: (i) the recordation of the Administrative Land Modification map,
15 (ii) the recordation of the Deed Restriction, and (iii) the recordation of a perpetual 10-foot
16 wide public utility easement along the Homestead Lane frontage the full length of the
17 Combined Property.

18



TODAY'S GOAL

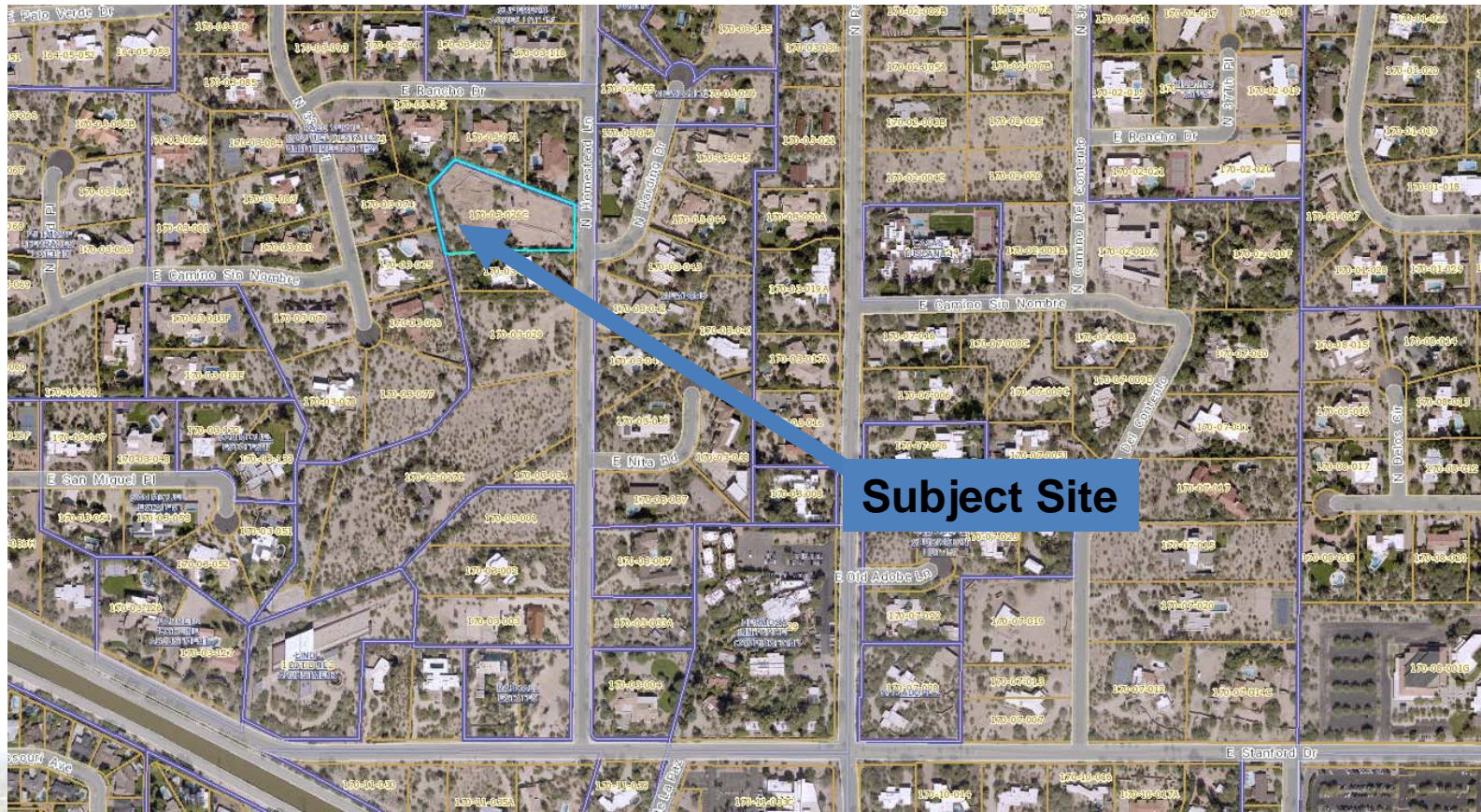
14

Consideration of a right-of-way abandonment application



12/05/2019

AERIAL



Subject Site

