

ABANDONMENT REQUEST
TOWN OF PAYSON RIGHT OF WAY
ON N. FAWN DRIVE CUL-DE-SAC
AND
THE GREEN VALLEY PARKWAY
PUBLIC ROADWAY AND PUBLIC UTILITY EASEMENT

Overview

This abandonment request is for two abandonments within the same project and for the same property owner.

The first item requested to be abandoned is a Public Roadway and Public Utility Easement. This easement was granted in 1988 when the property involved in the Manzanita Hills Subdivisions was traded from the U.S. Forest Service to a private party. It is the normal practice with land exchanges for the Forest Service to reserve roadway and utility easements as requested by the Town. These easements are based on advanced planning with the understanding that the location may change in the future when the property is developed. Now that the Manzanita Hills Phase 6 Subdivision is ready to be constructed the owners have requested that the original easement be abandoned. In return for this abandonment, the developer is providing dedicated right of way to the Town for the future Green Valley Parkway. This dedicated right of way is just to the southwest of the original easement and will facilitate the construction of Green Valley Parkway at the time it is constructed. The developer will also be placing fund in escrow to pay for the construction cost of Green Valley Parkway in the future.

The second item requested for abandonment is a portion of the cul-de-sac currently constructed at the south end of N. Fawn Drive. This right of way was dedicated with the Manzanita Hills Phase Four subdivision plat in 2002. Since the developer will be constructing N. Fawn Drive from the existing cul-de-sac to the Green Valley Parkway right of way, the cul-de-sac is no longer necessary.

Abandonment Process

The abandonment process requires notification of the proposed abandonment to all utility companies, Town of Payson Department Heads, and all property owners within 300 feet of the property to be abandoned. A letter containing information concerning this request was mailed to each of the required parties.

The Arizona Revised Statutes allow the Town to abandon roadway and utility easements. The Arizona Revised Statutes also allow for right of way to be abandoned to the adjacent property from which it was granted as long as the governing body receives just compensation. In this case, the developer is dedication to the Town property valued much higher than the cul-de-sac being abandoned. Therefore, no additional compensation is required.

The Planning and Zoning Commission recommends action on this item to the Town Council. The Town Council will then make the final decision on whether to approve these abandonments or not.

SEP 21 2006 G.3.a

Responses to Request

All responses received from the Town of Payson Departments and Utility Companies were in agreement with these two abandonments.

We received three comments from property owners within the 300 foot notification area. Those comments are attached. All three responses were basically the same. The elk will still be able to traverse the area. The corridor is shifting to the southwest a little but there will still be a public corridor. As far as relocating the detention basin, this is an existing detention basin that accepts drainage from all of the Manzanita Hills subdivisions. Also, the existing basin is in the low lying area, approximately 6 feet lower than the adjacent property. To relocate it to any other spot would cause major grading work and the destruction of a lot of vegetation. It really is not practical to construct this basin in any other location.

Recommendation

Staff recommends that the Planning and Zoning Commission recommend to the Payson Town Council approval of this abandonment request as submitted.

Possible Motion

I move to recommend to the Payson Town Council approval of the request to abandon the existing Green Valley Parkway Public Roadway and Public Utility Easement created by Docket 742, Pages 544-547, and to abandon the cul-de-sac at the S. end of N. Fawn Drive per the attached legal description.