

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.

**DR. AL POSKANZER  
101. NO. FAWN DRIVE  
PAYSON, AZ 85541  
(928) 468-6598  
(949) 573-7136 CELL  
ALAN.POSKANZER@COX.NET**

August 29, 2006

**Planning & Zoning Commission Members  
Town of Payson  
303 No. Beeline Highway  
Payson, AZ 85541**

RE: PLEASE SAVE THE ELK !!!

Dear Planning & Zoning Commissioners,

At the Planning & Zoning Commission meeting on September 11, you will be asked to cast your votes on the abandonment of the existing 90' wide Public Roadway Easement for the future Green Valley Parkway and to approve dedication to the Town a new right of way based upon the currently proposed alignment for the future Green Valley Parkway, all in support of Manzanita Hills, Phase 6.

I am writing to you as a plea to consider tabling these right of way changes while you consider modifying the Manzanita Hills, Phase 6 plan for a very worthy cause: saving a resident herd of elk that the residents of Manzanita Hills are very proud of and do not want to see driven away or destroyed by this development.

Indeed, and as I have pointed out previously, the General Plan contains a provision directed toward preserving Payson's wildlife as well as our long heritage and history of such. Goal #3 of **Section 7.4 of the General Plan** states: *"The Town should work to provide connected open space, parks, and trails to facilitate the movement of wildlife safely through the area."* Accompanying that goal is **Policy 3a** which states: *"Identify native species of wildlife and movement patterns that could be addressed through the Town's parks, trails and open space planning."* As the General Plan is essentially the law in Payson, I believe these provisions should not and cannot be dismissed or ignored. Therefore, this package of correspondence is intended to identify the species of wildlife and its movement patterns and to *propose* a simple modification to the developer's proposal that will enable compliance with this section of the General Plan.

Enclosed with this package is a series of photographs that clearly show that there is indeed a resident herd of elk that use the area now designated for development as Manzanita Hills, Phase 6. I have also enclosed a copy of the preliminary plat (copy #1) for this tract on which I have identified by number where each photograph was taken. On that same copy, I have identified the movement pattern for this herd that is quite well known to the residents in the area.

Presently, the elk reside mainly on the ridgetop on Forest Service land to the west and northwest of the tract. They travel down to the south of the tract where there is a cattle pond (photograph

#19) to get water. That cattle pond is just south of the proposed detention basin. The plan, as it is now proposed, will destroy the cattle pond and cut off this herd of elk from their only source of drinking water. On the west side of the ridgetop is a deep canyon, which tends to isolate this herd. Cutting them off from their water supply will no doubt result in their dispersal and disappearance much to the dismay of the residents of the area. This would also constitute non-compliance with the General Plan.

It so happens that the ground on proposed lots nos. 1 & 2 is actually lower than the ground where the detention basin is now proposed by the developer. This fact provides for an easy solution to this problem. All one needs to do is to swap the location of the detention basin with the location of lots No. 1 & 2 (please see copy #2). This would call for some re-grading to create a drainage pattern into the location where lots 1 & 2 are NOW proposed, but this would not be difficult to do particularly when the developer needs to grade the area for the extension of Fawn Drive anyhow. This change would not be costly to the developer and yet would create a watering source for the elk right in the their movement pattern and obviate this herd from being cut off from their water. In short, by mandating such a change in the plan, the Town Council would then have saved this herd of elk and preserve a source of pride for the current residents of Manzanita Hills. Kevin Sokol went out of his way to accommodate the needs and desires of the local residents for his proposed development. I submit that this approach should also be taken in this case. This would truly make this a win-win deal.

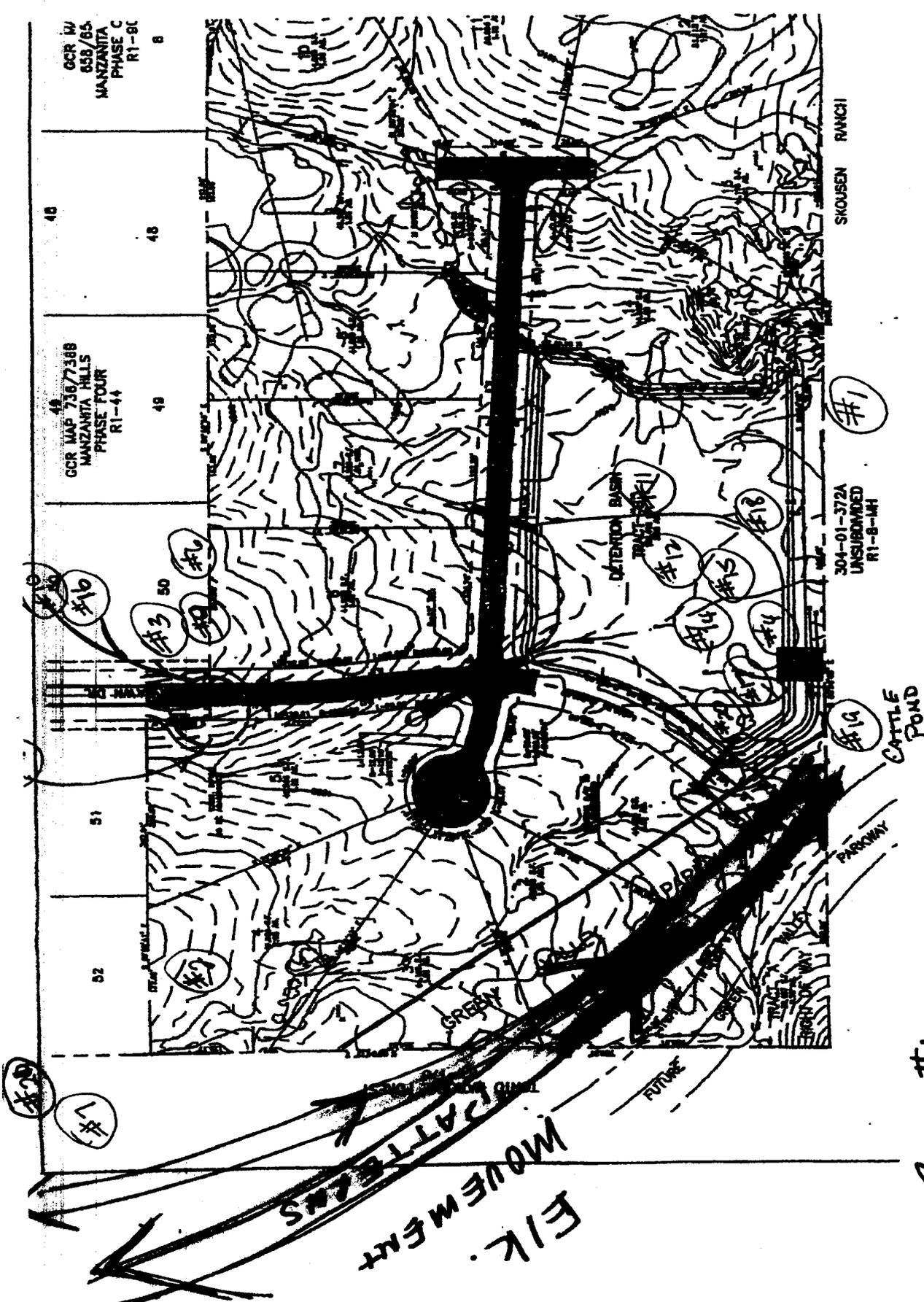
Thank you all for your kind consideration.



Al Poskanzer  
Payson

Cc: Mayor Edwards

enclosures



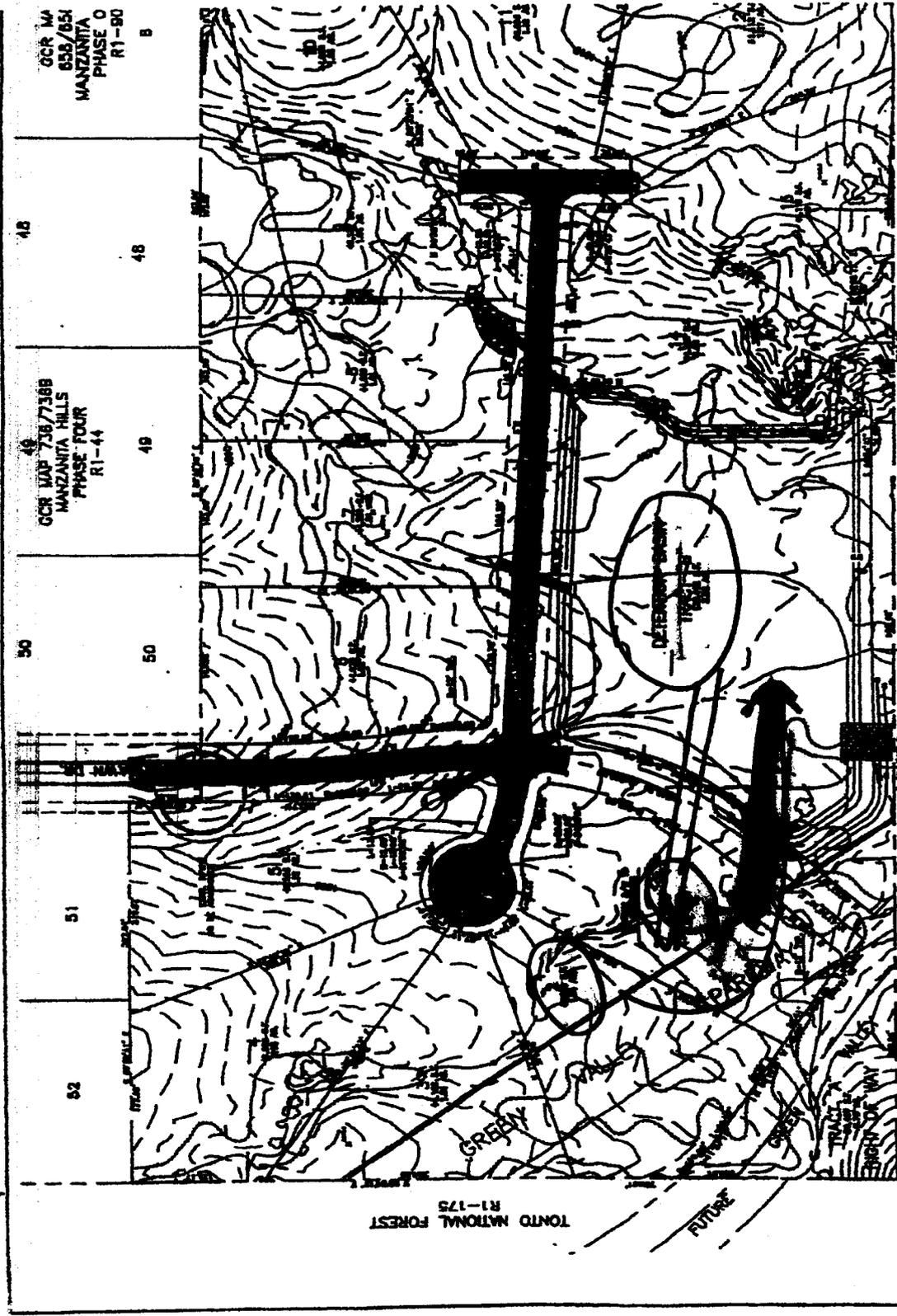
TETRA TECH, INC.  
 1000 S. CENTRAL AVENUE, SUITE 100, TULSA, OK 74106

**MANZANITA HILLS, PHASE SIX**  
 PAYSON, ARIZONA

PRELIMINARY P

#5 - Llama Farm  
 #8

Copy #1



GCR MA 858/851  
 MANZANITA  
 PHASE 6  
 R1-80  
 B

48  
 48

GCR MAP 738/738B  
 MANZANITA HILLS  
 PHASE FOUR  
 R1-44

49  
 49

50  
 50

51  
 51

52  
 52

TONTO NATIONAL FOREST  
 R1-175

GREBBY

FUTURE

PARKWAY

SKOUSEN RANCH

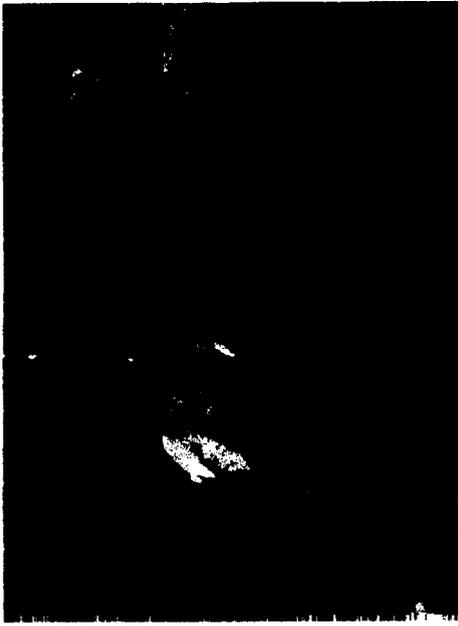
304-01-372A  
 UNSUBDIVIDED  
 R1-8-MH

DETERMINED ROAD

Copy #2  
 Proposed Change

TETRA TECH, INC. 1000 N. CENTRAL PHOENIX, ARIZONA 85004		MANZANITA HILLS, PHASE SIX PAYSON, ARIZONA		PRELIMINARY P1	
DATE	BY	DATE	BY	DATE	BY

#7



#8



#1



#6



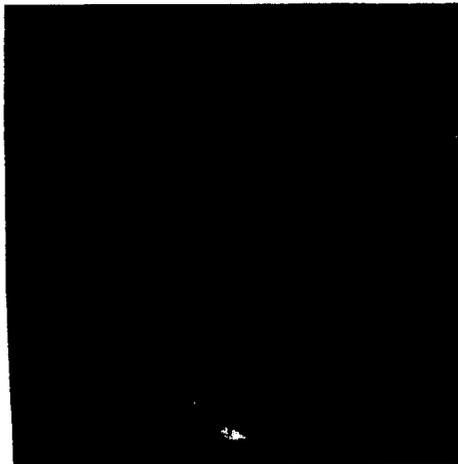
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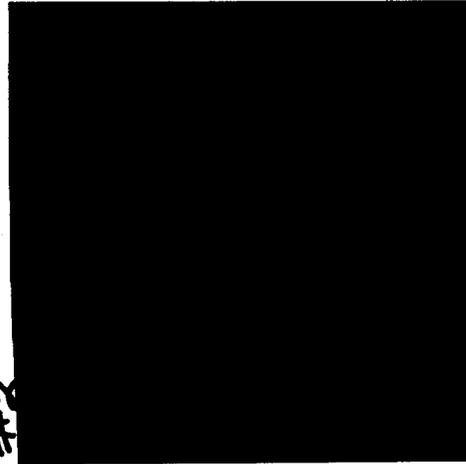
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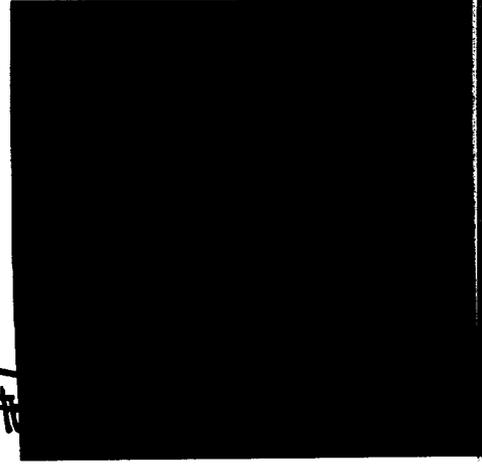
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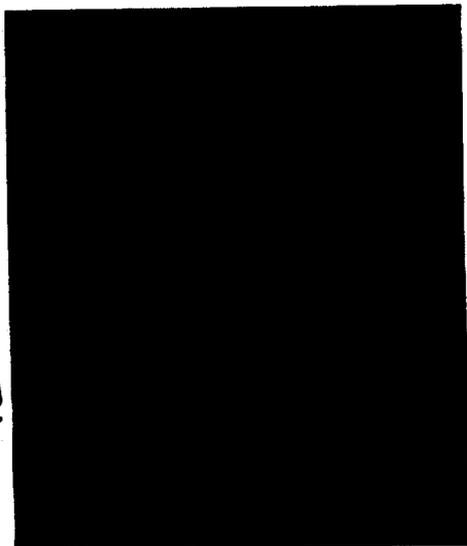
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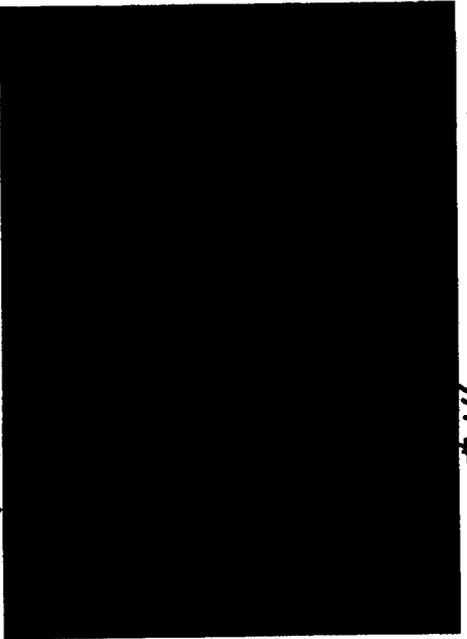
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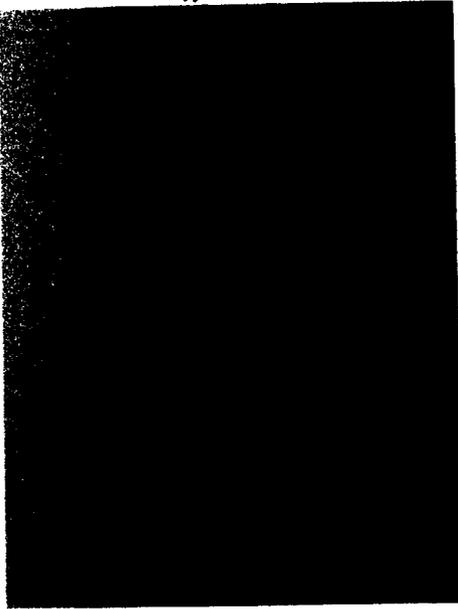
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#15



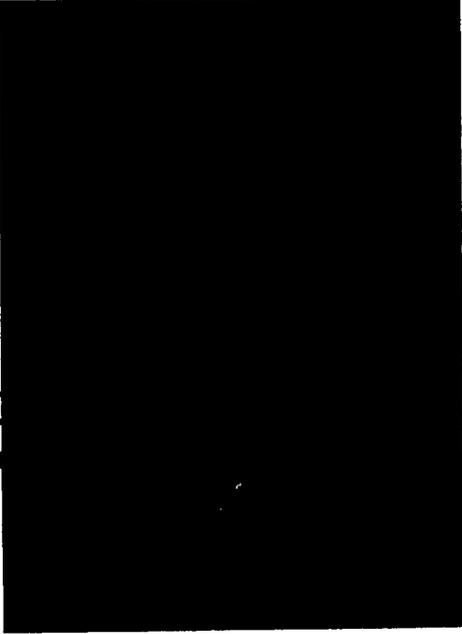
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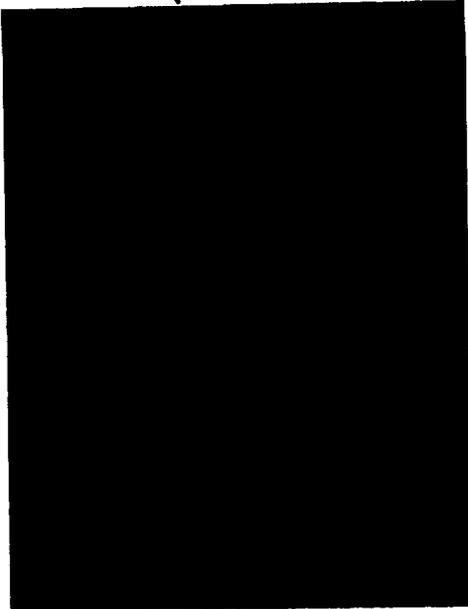
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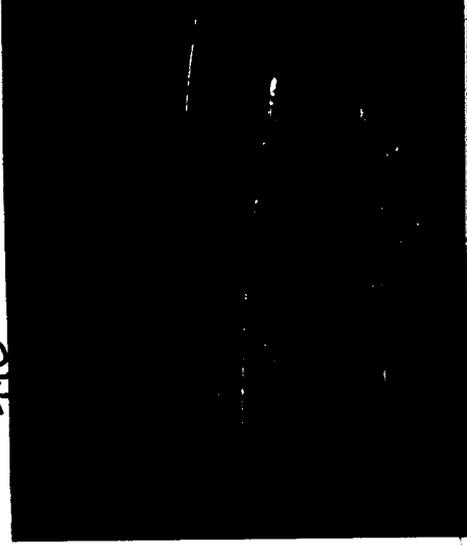
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#17



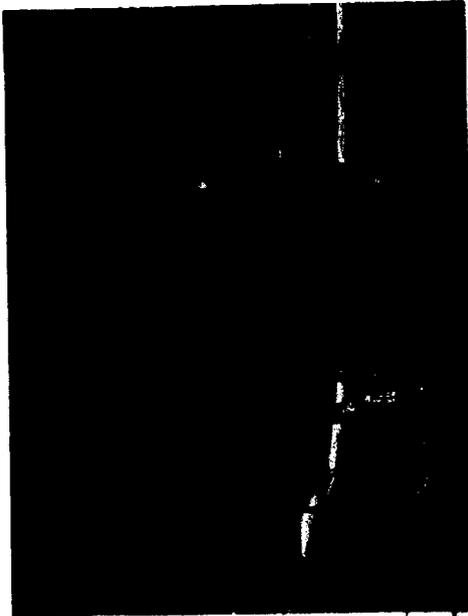
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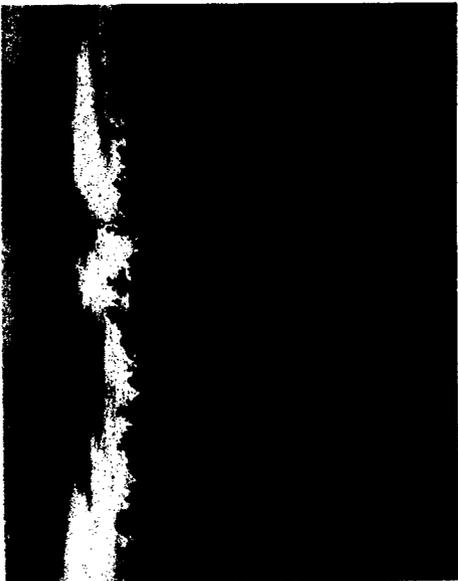
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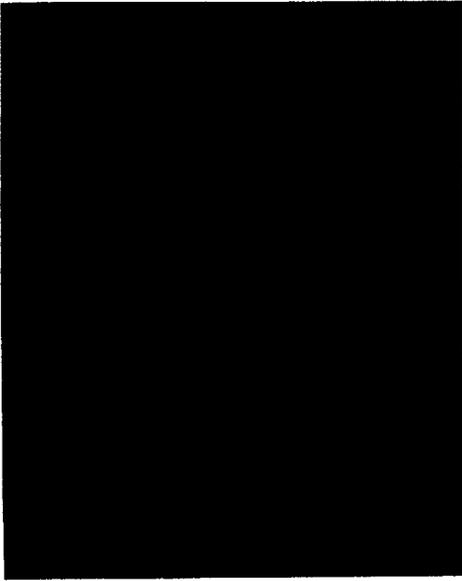
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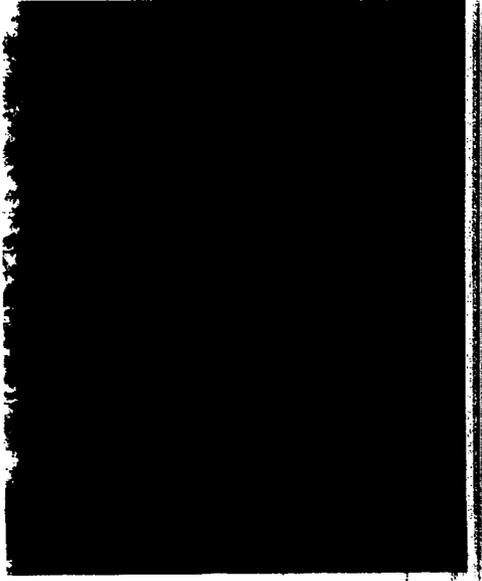
#21



#20



#19



**Garrett, LaRon**

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**From:** Penny dorgan [pdorgan@npgcable.com]

**Sent:** Thursday, August 31, 2006 8:29 PM

**To:** Owen, Jerry; Garrett, LaRon

**Cc:** Bill and Sylvia Brawner; Jon Bright; 'KEITH HILDEBRAND'; 'Sandy Lumsden'; Al Poskanzer; Fruth, Tim; 'Ed Blair'; Bob Edwards; Connell, Susan; Vogel, Mike; Romance, Andy; Wilson, John

**Subject:** Manzanita Hills Phase 6

Please put copies of this letter in the packets for the members of Planning and Zoning Committee prior to their Sept. 11th meeting.

We're writing this letter to express our support for and agreement with, a letter sent to you by our neighbor Al Poskanzer in regard to the proposed development of Manzanita Hills Phase Six, and its impact on the resident elk population in our neighborhood.

The elk patterns are clearly observed by most residents in our area, as we can see them traveling regularly in the neighborhood and to the watering pond referred to in Mr. Poskanzer's letter. How fortunate we are to be able to live in an area that still affords some harmony for the elk that share our community! Their presence adds to, and underscores the beauty of our mountain environment. Mr. Poskanzer's proposals seem, indeed, to be a win-win solution for all. We hope that the Planning and Zoning Committee will give full consideration to the facts outlined so well in his letter, which we also support. Thank you for your consideration.

Ed and Penny Dorgan  
102 N. Stag Point  
phone: 474-2529

9/8/2006

## Owen, Jerry

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**From:** Mary Williams [fiyawayjohn@hotmail.com]  
**Sent:** Wednesday, September 06, 2006 8:19 AM  
**To:** Owen, Jerry  
**Cc:** LGarrett@ci.payson.az.alan.poskanzer@cox.net; jkeyword@rimcountrygazette.com  
**Subject:** Manzanita Hills Phase Six

Dear Mr. Owen,

I am not able to attend the upcoming planning and zoning meeting concerning Manzanita Hills, Phase Six but would like to express my support for and agreement with a letter sent to you by my neighbor, Al Poskanzer in regard to his proposed change to the development.

I have been walking in the neighborhood for almost four years now and am in awe of the abundance of wildlife I'm able to observe. Elk, coyote, migrating birds and hawks. Wildflowers bloom twice a year and small streams appear throughout the year. While I understand that the land will be developed commercially, it is very important that we not allow the entire habitat to be ruined.

I urge you to consider any changes that would give the natural habitants of this area a chance to survive.

Mary Williams  
1014 W Chatham