

ABANDONMENT REQUEST
FOR
EASEMENTS IN THE PARK TRAIL SUBDIVISION

Overview

The Park Trail subdivision was recorded on March 11, 2010 creating 11 lots along Park Trail Circle. The subdivision is located on the south side of Park Drive east of Manzanita Drive. The recorded plat included all the property lines and easements that were thought to be necessary at the time of recording. The property owners have requested that two easements be modified.

Abandonment Request

The requested abandonment affects two easements in the Park Trail subdivision. One easement is on Lot 1 and the other easement is on Lot 2.

Lot 1

Originally there was an Ingress/Egress easement platted on the west side of Lot 1. The reason of this easement was to allow traffic to get to the storm water retention basin on the west side of Lot 3 for maintenance purposes. When the property owner determined that this easement created a problem to properly locating a house on this lot, they met with Town Staff to work out a resolution. It was determined that with some minor grading and construction adjustments the maintenance access to the storm water detention basin could be done from Lot 3. By moving the basin access to Lot 3 there was no need of any easement because the basin is also on Lot 3 and the owner of Lot 3 is responsible for the basin. Therefore, the applicant is requesting that the entire ingress/egress easement depicted on the west side Lot 1 of the recorded plat be abandoned.

Lot 2

A Non-Vehicular Access Easement (NVAE) was placed on the east side of Lot 2 on the final subdivision plat to prohibit a driveway from being constructed too close to the intersection of Park Trail Circle and Park Drive. Town Code requires there be a minimum of 35 feet between the edge of a driveway and the back of curb on the paralleling street. The NVAE easement on the recorded plat was defined as being 25 feet long from the property corner. This provided for approximately 48 feet between the edge of the driveway and the back of curb on the paralleling street. Locating the driveway outside the recorded NVAE pushed the house to the south and required the removal of some mature trees. Therefore, the applicant is requesting that the south 12.87 feet of the NVAE along Park Trail Circle be abandoned. This will still required the edge of the driveway to be at least 35 feet from the back of curb on the paralleling street.

Abandonment Process

In accordance with Town of Payson Ordinance No. 606, the abandonment process requires notification of the proposed abandonment to all utility companies, affected Town of Payson Department Heads, and property owners within 300 feet of the easements to be abandoned. A letter containing information concerning this request was either mailed or hand delivered to each of the required parties. This letter stated that a response was requested by August 29, 2014 and that if no comment was received by that date, it would be assumed that the particular entity was in favor of the abandonment.

Responses to Request

To date we have received responses from most of the utility companies and all required Town of Payson Departments. All responses received have supported the abandonment. No comments or responses have been received from any of the notified property owners.

Recommendation

Staff recommendation is that the Planning and Zoning Commission recommend approval of this abandonment request to the Payson Town Council.

Possible Motion

I move to recommend to the Town Council approval of the abandonment of the Ingress/Egress easement on Lot 1 of the Park Trail Subdivision and the abandonment of the south 12.87 feet of the NVAE on Lot 2 of the Park Trail Subdivision.

Attachments

The following items concerning this abandonment are attached:

Abandonment Application

Drawing showing easements requested to be abandoned

CASE NUMBER A14-001

**TOWN OF PAYSON
PLANNING AND ZONING APPLICATION**

The undersigned Applicant(s) hereby applies for:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Abandonment Request | <input type="checkbox"/> Devel. Agreement, PAD & SPD | <input type="checkbox"/> Preliminary Subdivision Plat |
| <input type="checkbox"/> ADU | <input type="checkbox"/> Development Master Plan | <input type="checkbox"/> P & Z Commission Appeal |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Administrative Relief | <input type="checkbox"/> General Plan/Land Use Plan Amendment | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Guest Quarters | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Code Amendment | <input type="checkbox"/> Minor Land Division | |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Mobile Storage | |

Jul, 2014

Project Address: 308 N. Park Trail + 507 E. Park ^{Drive} Tax Parcel Number: 304-74-001 + 304-74-002
 Subdivision: Park Trail Lot Number: 1 + 2
 Name of Applicant(s): Town of Payson Phone #: 928-474-5242
 Mailing Address: 303 N. Beeline Hwy Town: Payson St: AZ Zip: 85541
 Name of Property Owner(s): Frank + Sally Glemba and Sandra House
 Mailing Address: 510 W. Locust Rd Town: Payson St: AZ Zip: 85541
 Contact Person: Laron Garrett Phone #: 928-474-5242 Fax #: 928-472-7490
 Payson Business License # n/a Sales Tax # n/c

Detailed Description of Request:

abandonment of an ingress/egress easement along the west property boundary of Lot 1 and of a portion of the Non-Vehicular Access Easement along the east property boundary of Lot 2.
 (Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, that I am the owner of the property at this address, or that for the purpose of obtaining this approval I am an authorized agent in his/her behalf.

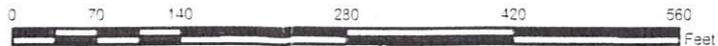
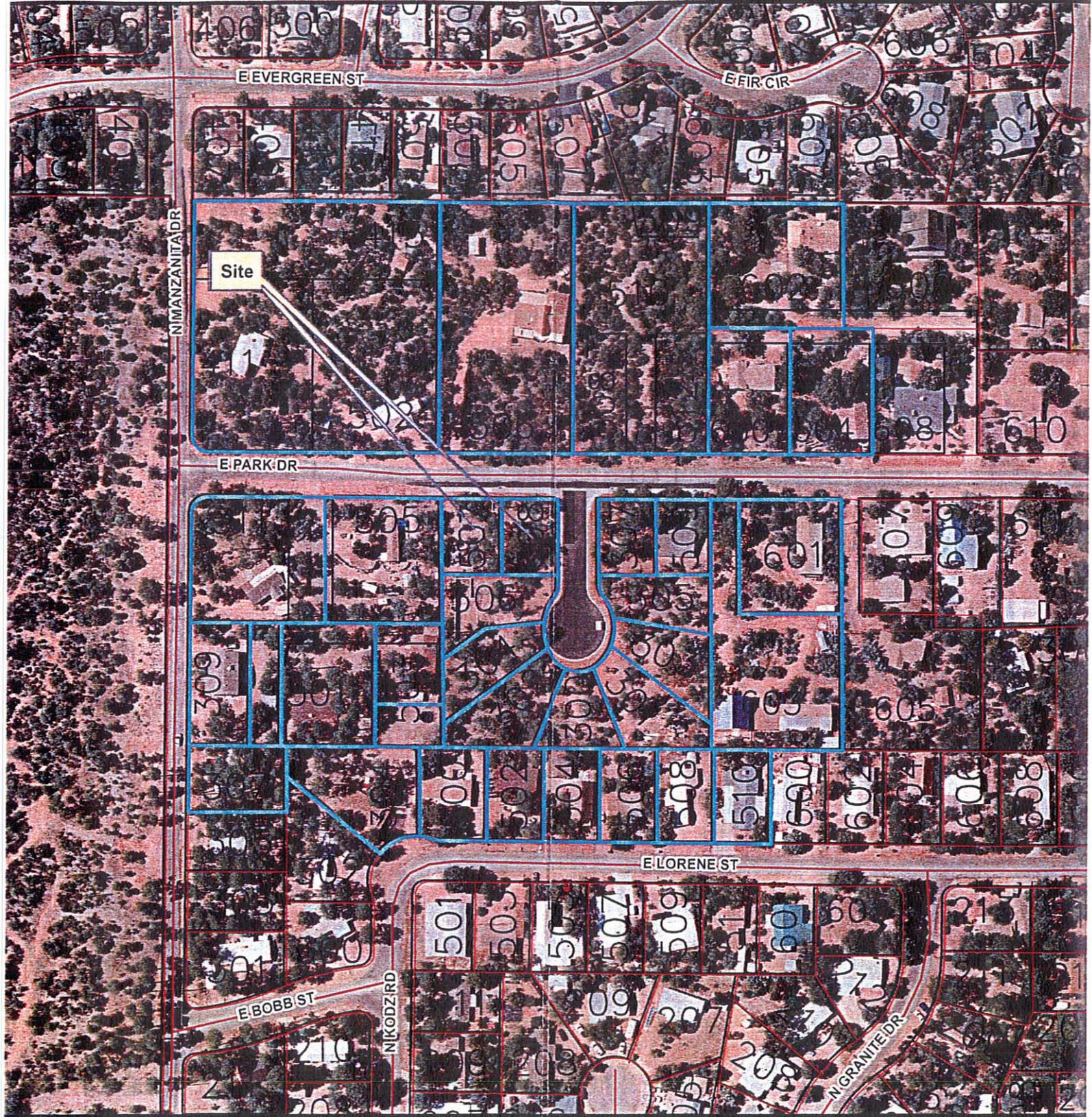
LARON GARRETT
Print Name

Laron Garrett 8-18-14
Signature Date

| STAFF USE ONLY - PERTINENT DATA | | | |
|---------------------------------|---------|----------|--------------------------|
| APPLICATION | DATE | INITIALS | APPLICATION FEE: |
| DATE FILED | 8/18/14 | Sld | n/a |
| COMPLETED APPLICATION | 8/18/14 | Sld | |
| NEWSPAPER PUBLICATION | 8/22/14 | Sld | |
| 300' NOTIFICATION MAILOUT | 8/22/14 | Sld | |
| POSTING DATE | 8/22/14 | Sld | |
| | | | CHECK NUMBER: DATE: |

| RECOMMENDATION <u>APPROVAL</u> | DECISIONS |
|--|----------------|
| By: <u>Laron Garrett</u> Date: <u>9/8/14</u> | By: Date: |

300' map 507 E. Park Drive and 308 N. Park Trail Circle

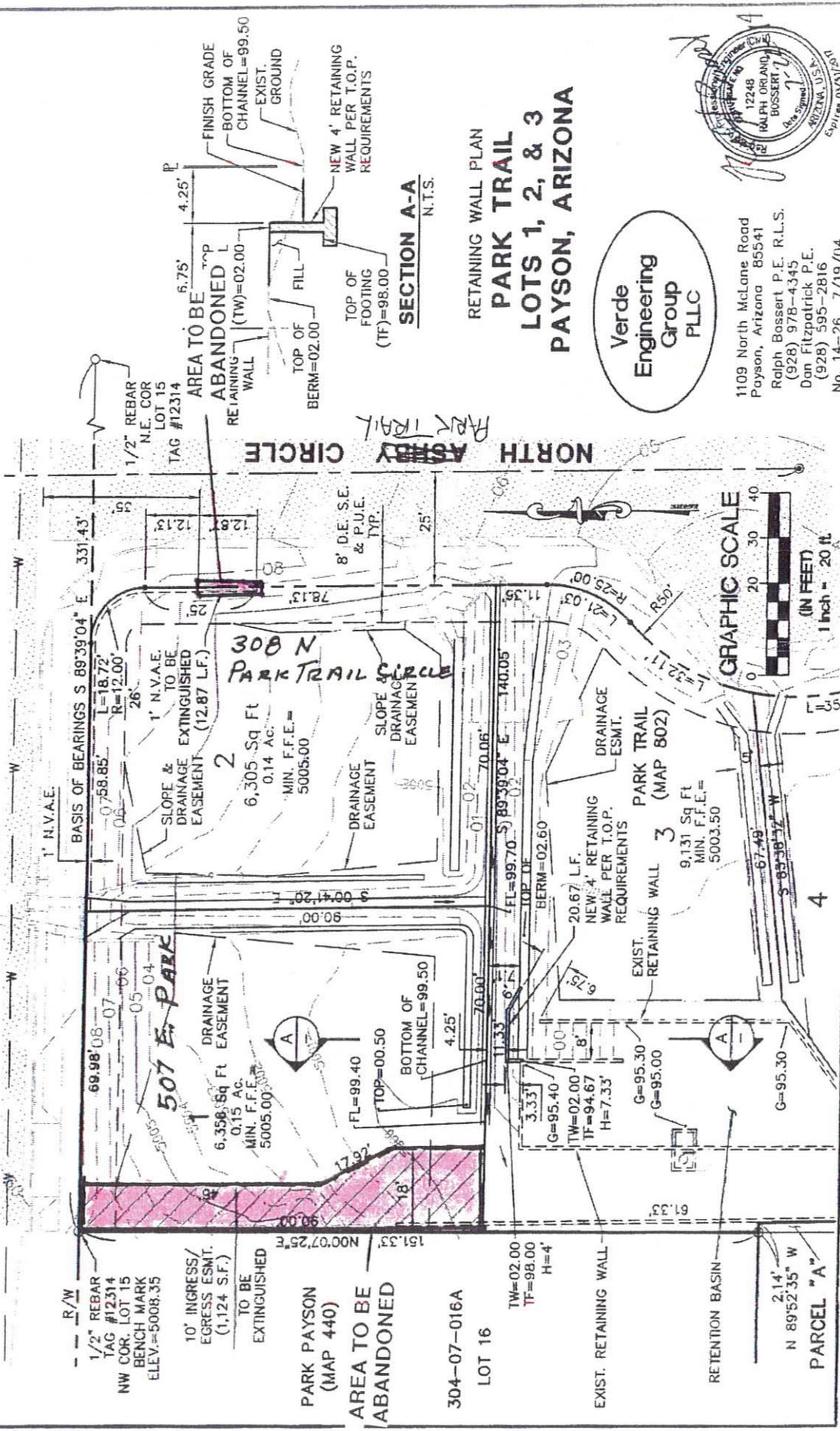


1:1,911

aline Highway
na 85541
2 www.ci.payson.az.us
S_Master.mxd 11/28/2007

This map has been provided for informational purposes only and is not accurate for engineering design. Every effort has been made to ensure this map is as accurate as possible. The Town of Payson shall assume no liability for the base information contained in this map.

E. PARK DRIVE



1/2" REBAR
TAG #12314
NW COR. LOT 15
BENCH MARK
ELEV.=5008.35

10' INGRESS/
EGRESS ESMT.
(1.12+ S.F.)
TO BE
EXTINGUISHED

PARK PAYSON
(MAP 440)

AREA TO BE
ABANDONED

304-07-016A
LOT 16

TW=02.00
TF=98.00
H=4'

EXIST. RETAINING WALL

RETENTION BASIN

2.14'
N 89°52'35" W
PARCEL "A"

507 E. PARK
6.358 Sq Ft
0.15 AC.
MIN. F.F.E.=
5005.00

DRAINAGE
EASEMENT

6.305 Sq Ft
0.14 AC.
MIN. F.F.E.=
5005.00

SLOPE &
DRAINAGE
EASEMENT
(12.87 L.F.)

1' N.V.A.E.

8' D.E. S.E.
& P.U.E.
TYP.

308 N
PARK TRAIL CIRCLE

2

SLOPE &
DRAINAGE
EASEMENT

1' N.V.A.E.

1' N.V.A.E.

20.67 L.F.
NEW 4' RETAINING
WALL PER T.O.P.
REQUIREMENTS

EXIST. RETAINING WALL
3 (MAP 802)

9.131 Sq Ft
MIN. F.F.E.=
5003.50

4

1' N.V.A.E.
BASIS OF BEARINGS S 89°39'04" E 331.43'
L=18.72'
R=12.00'
0.758.85'
12.81'
12.81'
12.81'
12.81'

1/2" REBAR
N.E. COR
LOT 15
TAG #12314

AREA TO BE
ABANDONED
RETAINING
WALL
(TW)=02.00
BERM=02.00
TOP OF
FOOTING
(TF)=98.00
NEW 4' RETAINING
WALL PER T.O.P.
REQUIREMENTS

SECTION A-A
N.T.S.

RETAINING WALL PLAN
PARK TRAIL
LOTS 1, 2, & 3
PAYSON, ARIZONA

Verde
Engineering
Group
PLLC

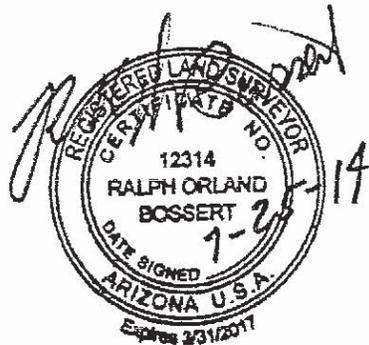
1109 North McLane Road
Payson, Arizona 85541
Ralph Bossert P.E. R.L.S.
(928) 978-4345
Dan Fitzpatrick P.E.
(928) 595-2816
No. 14-26 7/19/04

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft



EXHIBIT "A"
LEGAL DESCRIPTION
INGRESS EGRESS EASEMENT TO BE EXTINGUISHED
PARK TRAIL LOT 1

The existing Ingress Egress Easement along the west side of Lot 1 as shown on Park Trail, a Subdivision as recorded on Map 802, Gila County Records, located in the NE ¼ of Section 3, T10N, R10E, G&SRM, Town of Payson, Gila County, Arizona



Verde Engineering Group Project 14-26
July 25, 2014

EXHIBIT "A"
LEGAL DESCRIPTION
NON-VEHICULAR ACCESS EASEMENT TO BE ABANDONED
PARK TRAIL LOT 2

The south 12.87 foot of the Non-Vehicular Access Easement (N.V.A.E.) along the east side of Lot 2 as shown on Park Trail, a Subdivision as recorded on Map 802, Gila County Records, located in the NE ¼ of Section 3, T10N, R10E, G&SRM, Town of Payson, Gila County, Arizona



Verde Engineering Group Project 14-26
July 22, 2014