ABANDONMENT REQUEST
FOR
EASEMENTS IN THE MOGOLLON VILLAGE SUBDIVISON

Overview

The Mogollon Village subdivision was recorded on May 26, 2005 creating 42 lots. The subdivision is located on the west side of McLane Road north of Rim View Drive. The recorded plat included all the property lines and easements that were thought to be necessary at the time of recording. The property owner of Lot 21 has requested that some of the easements be modified or abandoned.

Abandonment Request

The requested abandonment affects four easements in the Mogollon Village subdivision. All of the easements are located on Lot 21 and overlap each other to some extent. Also, a very small area, approximately 2 square feet, of the southeast corner Lot 33 is encumbered by the emergency ingress and egress, large drainage easement, and public utility easement.

Emergency Ingress and Egress Easement

Originally there was an Emergency Ingress/Egress easement platted basically covering the south 20 feet of Lot 21 and a very small area of Lot 33. At the time this subdivision plat was recorded, the Town of Payson Unified Development Code (UDC) required that a secondary emergency access must be constructed any time there were more than 20 lots or units on a single point of access. S. Oso Dorado Point originally provided the only point of access for 22 units so the secondary emergency access was put in place. Recently the Payson UDC was updated to match the International Fire Code which allows 30 lots or units on a single point of access. Therefore, under the current code the secondary point of access for emergency ingress and egress is no longer required and may be abandoned.

Drainage Easements

Originally two drainage easements were created on Lot 21 when the final plat was recorded. One drainage easement covered the same area as the emergency ingress and egress easement which basically covered the south 20 feet of Lot 21 (the large drainage easement). Again, that small area of Lot 33 was included in this drainage easement. Now that the subdivision is constructed it is apparent that this drainage easement is not required and can be abandoned. The other drainage is10 feet wide and runs diagonally from the southeast to the northwest crossing the southwest corner of the lot (the small drainage easement). This drainage easement is designed to continue the storm water flow from south of this development. Therefore, this drainage easement is necessary and should not be abandoned.

Public Utility Easement

The original plat included a 20 foot wide public utility easement covering the same area as the emergency ingress and egress easement and the large drainage easement. The original construction plans called for a water line to extend from the south end of Oso Dorado Point through this easement to connect with the existing water line on McLane Road. During

construction it was determined that this connection as no longer needed so the connecting pipe running through the public utility easement was never installed. There is an existing overhead utility line in a 6 foot wide public utility easement on the immediately adjacent to the south side of Lot 21. The electric, telephone, and cable television utilities utilize this overhead utility line. After reviewing this abandonment request, multiple responses requested that the Town retain a 14 foot wide public utility easement adjacent to the south side of Lot 21. This 14 feet easement, coupled with the 6 foot wide public utility easement on the adjacent property, will retain a 20 foot wide public utility easement to allow adequate access to these overhead utility lines.

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 February 27, 2015 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 all of the affected utility companies and all required Town of Payson Departments. All responses received have supported the abandonment of the emergency ingress and egress easement and the large drainage easement. Several of the utility companies requested that the Town retain a 14 foot wide public utility easement along the south side of Lot 21. One response also requested that the small drainage easement not be abandoned. Only one comment or responses was received from the notified property owners. That response was concern about still needing the public utility easement.

Recommendation

Staff recommendation is that the Planning and Zoning Commission recommend approval of the abandonment of the 20 foot wide emergency ingress and egress easement and the large drainage easement on the south side of Lot 21 and the small area of Lot 33 to the Payson Town Council. Staff also recommends that the Planning and Zoning Commission recommend to the Payson Town Council approval of the abandonment of the northerly 4 feet of the public utility easement on the south side of Lot 21 and the small area of Lot 33. Staff recommends that the south 14 feet of the public utility easement and the small drainage easement be retained.

Possible Motion

I move to recommend to the Town Council approval of the abandonment of the emergency ingress and egress easement, the large drainage easement, and the north 6 feet of the public utility easement on Lot 21and a small portion of Lot 33 of the Mogollon Village Subdivision.

Attachments

The following items concerning this abandonment are attached:

Abandonment Application

Drawing showing easements recommended to be abandoned

EASEMENT/RIGHT OF WAY
ABANDONMENT APPLICATION

Applicant:

Name: DAN JAEGER Address: 1006 S. LAKEVIEW

Town: PAYSON State: AZ Phone: 970 729 0222

Item to be abandoned: Easement Right of Way

Detailed Description of Request: ELIMINATE INGRESS/EGRESS EASEMENT DRAINAGE AND the PUE ON the SOUTH 20' of LOT 21 Mogollon Village

Reason for Abandonment Request: CHANGE IN USE NO LONGER REQUIRES THIS INGRESS/EGRESS EASEMENT

Property Owner:

Name: SAME Address: _____

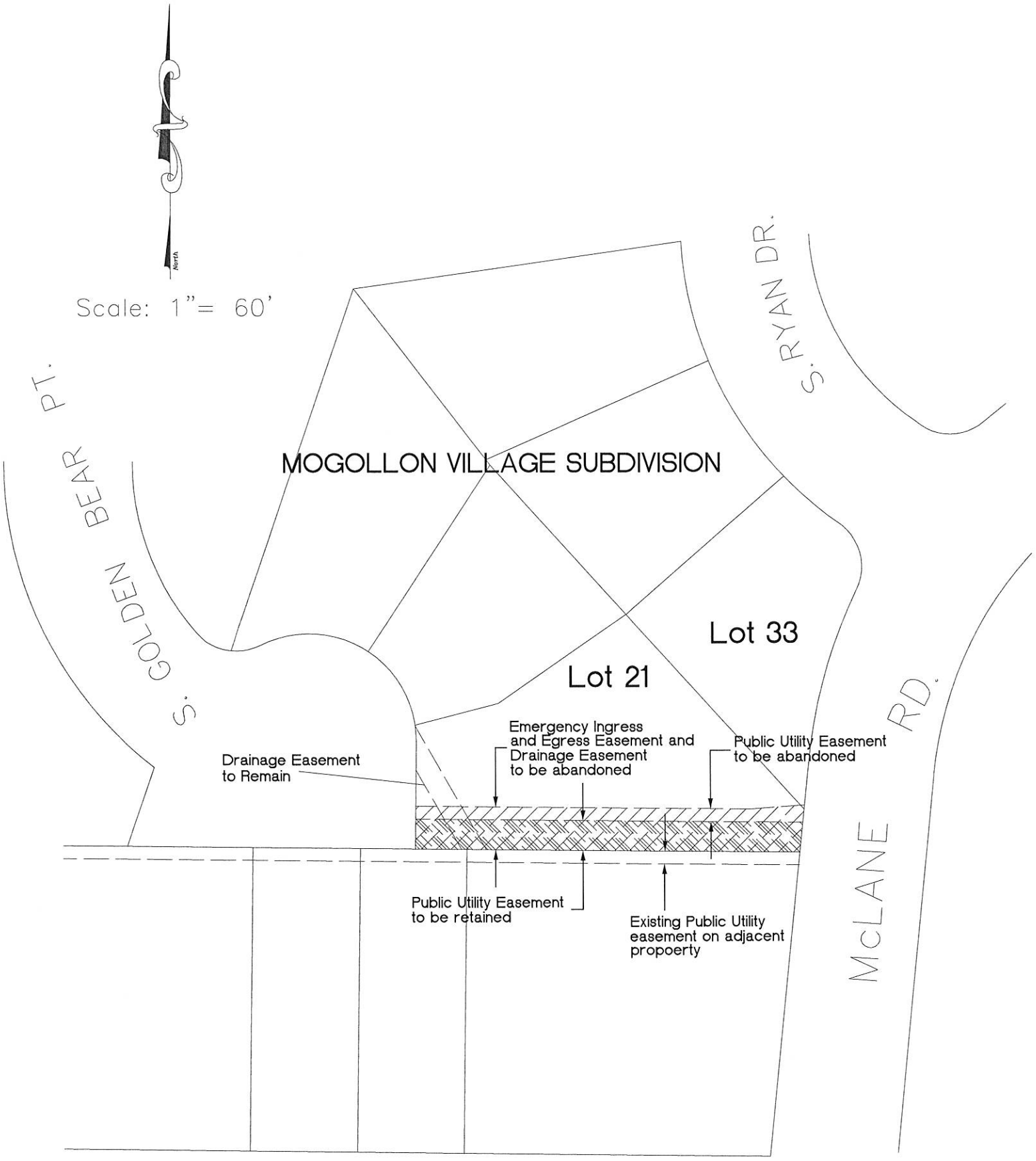
Town: _____ State: _____ Phone: _____

Certification:
I hereby certify that the above information and data submitted on or with this application is true and correct.

DANIEL C. JAEGER _____ 1/30/15
Printed Name Signature Date

FOR TOWN USE ONLY:

Items Submitted with Application:	Received By:	Date:
Acceptable Legal Description (and Survey if Required):		
Letters for 300' Radius Property Owners:		
Stamped and Addressed Envelopes:		
Application Fee of $250:		



EASEMENT ABANDONMENT RECOMMENDATION
LOTS 21 AND 33, MOGOLLON VILLAGE SUBDIVISION