

EASEMENTS (DEDICATIONS / RELEASES) PLAN REVIEW REQUIREMENTS



Per Scottsdale Revised Code Chapter 47, Article II, Sec. 47-10, Right-of-Way may not be in easement form. Fee simple right-of-way is the only acceptable form of right-of-way. Platting will be required for right-of-way modifications. Please reference Chapter 3 of the Design Standards and Policies Manual for plat requirements.

Description of Documents Required for the review of easements.

Only digital submittals will be accepted.

No permits associated with the project may be issued until easements have been recorded.

Individual Instruments

An Individual Instrument (8.5" x 11" legal/graphic) is used when there is a single action, dedication or release, on a single property.

Maps

A Map (24" x 36") is used for plats (assemblage, division, condo), Map of Dedication (MOD), Map of Release (MOR) or Map of Dedication – Release (MOD-MOR). An MOD, MOR or MOD-MOR is required whenever there are either two or more easement actions on one property or two or more properties involved.

ALTAs

The submittal of an ALTA is required for all Metes & Bounds parcels. An ALTA is generally not required for parcels within a platted subdivision unless questions arise based on review of the submitted Commitment for Title Insurance or the information seen in LIS. ALTAs are typically required for all commercial development.

Title Reports

A Commitment for Title Insurance is required for all dedication, plat, and MOD application. A commitment is not required for release and MOR applications as ownership can be verified through the County Assessor's website and beneficiaries are not party to the release documents. Title requirements are to be prepared in accordance with the following requirements:

1. The applicant shall instruct the title insurance company to prepare a normal title insurance commitment.
2. The title commitment must cover the whole project site, just as if the city were a commercial real estate developer who was going to buy the whole site from whoever owns it today.
3. The title insurance commitment must be in the same form and have the same wording that the title insurer usually uses when a sophisticated real estate purchaser is buying land from a sophisticated seller. For example, it must not have any extra notes, disclaimers or other language that is not in a normal title insurance commitment for a straightforward land purchase.
4. The City of Scottsdale must be listed as the proposed insured.
5. The proposed insurance amount must be a reasonable estimate of the actual dollar value of the whole site. (The price for the most recent arms-length sale of the whole site is usually an acceptable amount.)

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6. The Schedule B requirements must call for:
 - a. A deed from the current owner to the city.
 - b. Releases of all liens, as if the city were going to pay cash for the land and not assume any liens or take subject to any liens.
 - c. Termination of all leases. (Leases with 24 or fewer months remaining in their term may be listed in the Schedule B exceptions instead.)
 - d. Any other specific payments or specific document recordings that the title insurer would normally call for (such as payment of delinquent property taxes).
7. The Schedule B exceptions must show any other specific title matters that may exist.
8. Title companies sometimes state in their title commitments that they will update the title search before issuing a title insurance policy. That's o.k. if the language is clear that the update will only include new title documents that are recorded after the title commitment date. For example, it is o.k. to have wording that says: "Additional items may be added based on new documents recorded before closing." But there must not be vague wording such as this: "Check with title examiner for additional items before closing."
9. The title search date on the title commitment must be less than 30 days old from date of first plan review submittal.
10. Both "standard coverage" and "extended coverage" title commitments are acceptable. (The title information on an extended coverage commitment must be identical to the title information that would be on a standard coverage commitment. The only difference is that the Schedule B requirements for an "extended coverage" commitment will call for a survey and will allow the title company to add Schedule B exceptions or requirements for any problems the survey reveals.)
11. There is no need to open an escrow to make a routine dedication. The city will record the dedication directly without sending it through the title company. Often, the city will not actually buy the title insurance described in the commitment or require the applicant to buy it. But, if the city decides to do it (or require the applicant to do it), then the city or the applicant will follow up with the title insurer to pay the insurance premium and satisfy the Schedule B requirements so that the title insurer will issue the policy.
12. The applicant shall inform city staff in writing of all title changes that occur after the title commitment is issued.
13. The city reserves the right for city staff to require additional evidence of title, including but not limited to an extended title insurance policy in favor of the city.

Description of Discipline Specific Requirements for the review of SFR related easements.

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NAOS

NAOS Calculations, included in the legal exhibit or MAP, demonstrating that provided NAOS meets or exceeds required NAOS.

DRAINAGE

The following may be required by drainage reviewer, as determined appropriate, during the review process:

Grading + Drainage Plan, prepared and sealed by registered civil engineer, clearly depicting the existing drainage easement and proposed conditions (location of new easement if necessary), formatted to 24" x 36" sheets.

Drainage Report, prepared and sealed by a registered civil engineer following requirements in Chapter 4 of the DSPM.

Site Plan, clearly identifying the subject parcel, easements and adjacent parcels overlaid on a one-hundred scale (1:100) aerial photo, formatted to 24" x 36" sheet.

UTILITY

Written Authorization, from each of the affected utility companies (i.e. those that have a right to locate their facilities within the easement). Utility contact information may be obtained from the city's website at [COS Utility Contacts](#)

Description of Process for the recordation of easements.

Individual Instruments

The easement document and, if applicable, the confirmation of dedication document is not prepared until the legal/graphic has been approved by all reviewing departments. All submittals for final review and recordation should be digital. The process for final review is as follows:

- Dedication submittals: SUBMIT THROUGH THE ONE STOP SHOP
 - Single-sided, clear, and correctly signed/notarized dedication doc
 - Single-sided, clear, and correctly signed/notarized confirmation of dedication doc, if applicable
 - Clear copy of the approved legal/graphic
 - No staples or staple holes;
 - No writing in the margins;
 - No writing over the dedication text;
 - Original signatures only, no copies;
 - No lines in margins, or through dedication text or signatures; and,
 - No white out.
- Release, the city shall prepare and execute the release documents.

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Maps

To complete the mapping process, SUBMIT THROUGH THE ONE STOP SHOP the original un-recorded city approved digital map file for a city signature review, execution, and recordation cycle:

- GRANTOR and beneficiary, if applicable, single-sided, clear, and correctly signed/notarized MAP
- No staples or staple holes;
- No writing in the margins;
- No writing over the dedication text;
- Original signatures only, no copies;
- No lines in margins, or through dedication text or signatures; and,
- No white out.