

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210030

Your abandonment request was granted **CONDITIONAL APPROVAL**.

This request will **NOT** be completed until all the stipulations have been met and this request is formally adopted by City Council. It is the **APPLICANT'S RESPONSIBILITY** to ensure that all stipulations are satisfied. **Please contact Maggie Dellow at (602) 265-3487** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations your request will be scheduled for City Council formal approval. You will receive a copy of the abandonment document after it has been recorded with Maricopa County.

If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval (**your expiration date is July 29, 2023**), this request will then **expire**. At that time a new submittal will be required along with the required payment for the abandonment process. A one time, **one year** extension can be requested prior to the expiration date, with applicable extension fee due.



City of Phoenix

Planning and Development Department

July 29, 2021

Abandonment Staff Report: ABND 210030

Project# 20-4691

Location: 3010 North 2nd Street, APN 118-35-083A

Applicant: Mike Kocourek, 3010 Westmount LLC

Request to abandon: The western 12' of the PUE parallel to 2nd Street from Catalina Drive to the northern boundary of APN 118-35-083B. The PUE covers the entirety of APN 118-35-083B which was right-of-way that was abandoned but retained rights as a PUE per MCR 85-251148 (COP abandonment V-188-84).

Purpose of request: The applicant states "our development plans for this site include front stoops at ground level, facing eastward towards 2nd Street that will encroach into this PUE. This PUE is currently 15' wide and contains CenturyLink/Lumen underground telecoms facilities. We are working with CenturyLink/Lumen to relocate their facilities as necessary and concurrently we need to abandon the western 12' of the PUE. The 3' remainder easement would be parallel to and immediately adjacent to the 2nd Street right-of-way.

Planning and Development



City Staff Comments and Recommendations:

Civil Review – Marcos Cartagena:

“Submit technical appeal to WSD for reduction of PUE width across multiple lot frontages.”

PDD Site Planner – Maggie Dellow:

“Recommend approval.”

Water Services Department – Donald Reynolds:

“The existing water meter(s) shall be relocated onto the public right of way or a water easement 3’ ft. around each water meter in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix.”

Solid Waste – Michael Dwyer:

“Solid Waste approves this abandonment.”

Village Planner – Nick Klimek:

“Recommend approval. To implement detached sidewalks per the Transit Midtown Character Area Standards.”

Public Transit – Jorie Bresnahan:

“Public Transit Department has no comments on this application.”

Neighborhood Services Department – Lynda Lee:

“Recommend approval. The land itself was already abandoned, but the PUE was retained. This is just the second step the developer would need to take to build the site as was approved. The mid-town community is very attuned to development and I have not heard any opposition or concerns with this one. It also went through the Encanto VPC with a 10-1 vote.”

Utility Provider Comments and Recommendations:

SRP – Sherry Wagner:

“Salt River Project has no objection to the abandonment as shown on application ABND210030 at 2nd Street & Catalina. This is in the Arizona Public Service serving area. If you have any questions please feel free to contact me.”

APS – Beverly Metevia:

“I have researched our records and found that the subject property is situated within the APS service territory. Our records indicate that there are no APS facilities within the vicinity of the PUE. APS has no objection to the abandonment.”

Cox Communications – Zach Lawson:

“I have reviewed the abandonment request at ABND 210030- APN 118-35-083A in Phoenix, {Maricopa County}, AZ. Based upon the supplied drawings/exhibits that you’ve submitted it has been determined that COX has no facilities within the easements and therefore we approve your request to abandon.

Please note that although Cox Communications approves this abandonment, we do so with the understanding that we will not assume any construction, relocation and/or repairs costs associated or in result of this abandonment.”

Southwest Gas – Nancy Almanzan:

“After reviewing your request, it has been noted that we have a gas line running in the area proposed. Please contact Conflict Review at 480-730-3845 to discuss and review your request further.”

Centurylink – Mary Hutton:

“No reservations according to the application submitted. Developer and CenturyLink/Lumen are working together to relocate facilities. Concurrent abandonment is needed of the western 12’ of the PUE adjacent to the 2nd St. Right-of-Way. This vacation response is submitted WITH THE STIPULATION that the developer will need to coordinate and reimburse CenturyLink of all associated costs for relocation or removal of the facilities.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.”

AT&T – Clifton Roberts:

“AT&T cannot authorize abandonment of facilities or abandonment of easement for the facilities until our existing facilities can be relocated if needed.”

Streets Utility Coordination – Rozanna Brown:


“The Street Transportation Utility Coordination Section has no comments.”

Stipulations of Conditional Approval

The request of abandonment ABND 210030 is conditionally approved and the following stipulations will need to be met:

1. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.
2. That all lots (Lots 1 through 5, La Belle Place, MCR Book 4, Page 42) plus the existing adjacent abandoned ROW for 2nd Street be replatted so that no new or existing structures cross platted lot lines.
3. The existing water meter(s) shall be relocated onto the public right of way or a water easement 3' ft. around each water meter in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix.”
4. The abandonment must be completed within **two years** from the conditional approval decision dated **July 29, 2021**.

This conditional approval has been reviewed and approved.

Signature:  _____ Date: 7/29/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc Applicant/Representative, Mike Kocourek, 3010 Westmount LLC
Christopher DePerro, Team Leader Site Planning