

## Attachment B



### **City of Phoenix**

Planning and Development Department

#### **CONDITIONAL APPROVAL – ABND 230066**

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 Dru Maynus at (602) 262-7403** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations **Dru Maynus** will schedule your request 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 February 8, 2026)** will then **expire**. At that time a new submittal will be required along with the required payment for the abandonment process.



## **City of Phoenix**

Planning and Development Department

**February 8, 2024**

Consolidated Abandonment Staff Report: **ABND 230066**

Project# **06-1843**

District: **8**

**Location:**

North of Elliot Road, South of West Capistrano Avenue, East of South 47<sup>th</sup> Lane, and West of S 43<sup>rd</sup> Avenue

**Applicant:**

Chad Meyer, RJT Homes/Carver Mountain LLC.

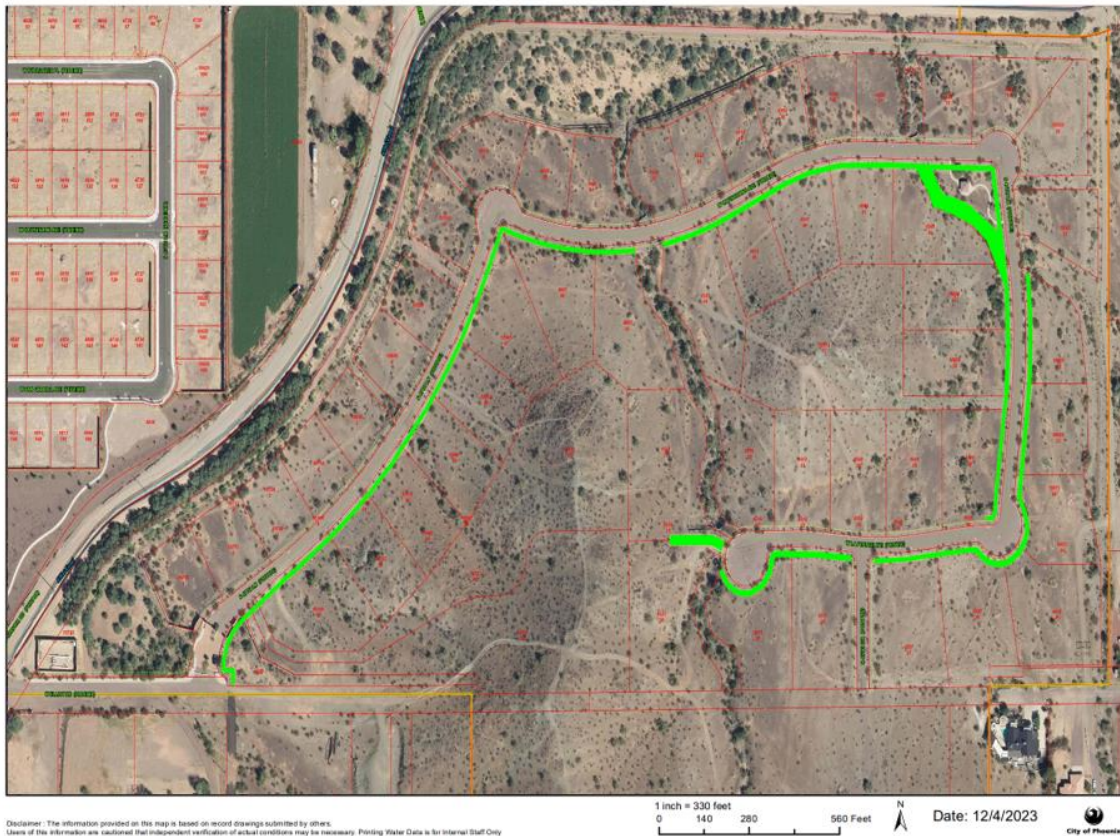
**Request to abandon:**

Abandon a 20' x 142' driveway easement located on W La Puente Avenue. Abandon a 18-foot wide drainage easement that commences from the northeast corner of Elliot Road and 47<sup>th</sup> Lane; traverses on the northeast side of 47<sup>th</sup> Lane; travels east along West Capistrano Avenue; continues south on both sides of South 44<sup>th</sup> Lane; lastly shifts to the south west side of La Puente Avenue within the Carver Mountain Estates Plat.

**Purpose of request:**

The applicant states the that a new final plat will be recorded for the area and the existing easements are no longer needed.

ABND 230066



### **City Staff Comments**

#### **Water Services Department – Donald Reynolds**

WSD has **One stipulation** for this Abandonment. The proposed property has existing water and sewer mains that can potentially serve the development.

1. Any existing water meter boxes or vaults shall be located within the public ROW, water easement, or PUE. in accordance with code requirements.

The trail Easement can be abandoned as there is no water meter boxes located within it.

#### **PDD Traffic – Derek Fancon**

Recommend approval.

#### **PDD Site Planning – Dru Maynus**

Approval recommended.

#### **PDD Hillside – Aracely Herrera**

Hillside has no comments at this time.

#### **PDD Civil Engineering – Darren Chapman**

Civil Review recommends approval of this abandonment with the following stipulation:

1. Abandonment is only approved if recorded concurrently with PLAT 220106 – CARVER

## MOUNTAIN ESTATES TWO.

### **Public Transit Department – Jorie Bresnahan**

The Public Transit Department has no comment on this project.

### **Parks & Recreation Department – Todd Shackelford**

The Parks & Recreation Department has no comment or stipulation.

### **Streetlights – Jason Fernandez**

Recommend approval.

### **Street Transportation Department Utility Coordination – Rozanna Brown**

No comment at this time.

### **Utility Company Comments**

#### **Arizona Public Service (APS) – Kim Paxon**

APS has no objection to the abandonment as the subject property(ies) is/are not located within APS service territory.

#### **Lumen/CenturyLink – Tori Jacoby**

CenturyLink of Colorado, Inc. d/b/a CENTURYLINK (“CenturyLink”) has reviewed the request for the subject Vacate/Abandonment and has determined that to protect its facilities CenturyLink must deny the request at this time for the abandonment of the 188’ Drainage Easement and 20’ Driveway Easement dedicated on the “Carver Mountain Estates” plat per Bk. 902 & Pg. 17 M.C.R. for the purpose of site development.

Lumen may have active facilities located within the 18’ Drainage Easement and 20’ Driveway Easement. Recommend owner to have Lumen's facilities located on a Results of Survey and submit for further consideration. If Lumen's facilities are found to be located within the 8’ PUE, then Lumen would approve the abandonment request. If Lumen's facilities are located outside the 8’ PUE and within the 18’ DE or 20’ Driveway Easement, Lumen would approve an abandonment request provided the owner pays to have Lumen's facilities relocated or dedicates a new easement protecting them in place.

In the event Lumen facilities need to be removed, all associated costs will be at the expense of the sponsoring agency/owner.

#### **Cox Communications – Jacob Horsman**

Based upon the supplied drawings/exhibit that you’ve submitted it has been determined that COX has facilities within the Driveway Easement and potentially within the Drainage Easement and therefore has denied your request to abandon. Need verification easements do not include utility language for rights in said easements prior to approval.

#### **Southwest Gas Corporation – Susan R. Mulanax**

After reviewing your request, it has been noted that we have a gas line running in the area proposed for abandonment. Permission is NOT granted to abandon the subject private driveway easement.

Should there be interest in relocating the gas facilities, the requestor would be responsible for the relocation costs. Please contact Conflict Review at 602-484-5301.

### **Salt River Project (SRP) – Michael Laguna**

SRP has no objection to the abandonments of the Drainage Easement and 8-foot Public Utility as shown on the exhibit.

### **Stipulations of Conditional Approval**

The request of abandonment ABND 230066 is conditionally approved, and the following stipulations will need to be met:

1. All utilities within the subject PUEs 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. Abandonment shall be recorded concurrently with PLAT 220106 – GARVER MOUNTAIN ESTATES TWO.~~
3. The above stipulations must be completed within two years from the conditional approval decision dated February 8, 2024.

Stipulation  
deleted by CMES  
6.5.24. ABND ok  
to proceed before  
PLAT approval.

**This conditional approval has been reviewed and approved.**

**Signature:**



**Date: February 8, 2024**

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator/Site Planner

cc: Applicant/Representative, Chad Meyer, RJT Homes/Carver Mountain, LLC.  
Applicant/Representative, David George, HilgartWilson, LLC.  
Deputy Director of Planning & Development Dept., Miguel Victor