

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 220029

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 the Abandonment Coordinator at (602) 262-7399** 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 June 3, 2024**), 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

June 3, 2022

Abandonment Staff Report: **ABND 220029**

Project# **21-3857**

Council District: **8**

Location:

NEC Jefferson Street and 11th Street

Applicant:

Richard Owen, Guefen Development
Partners, Haven at Washington, LLC

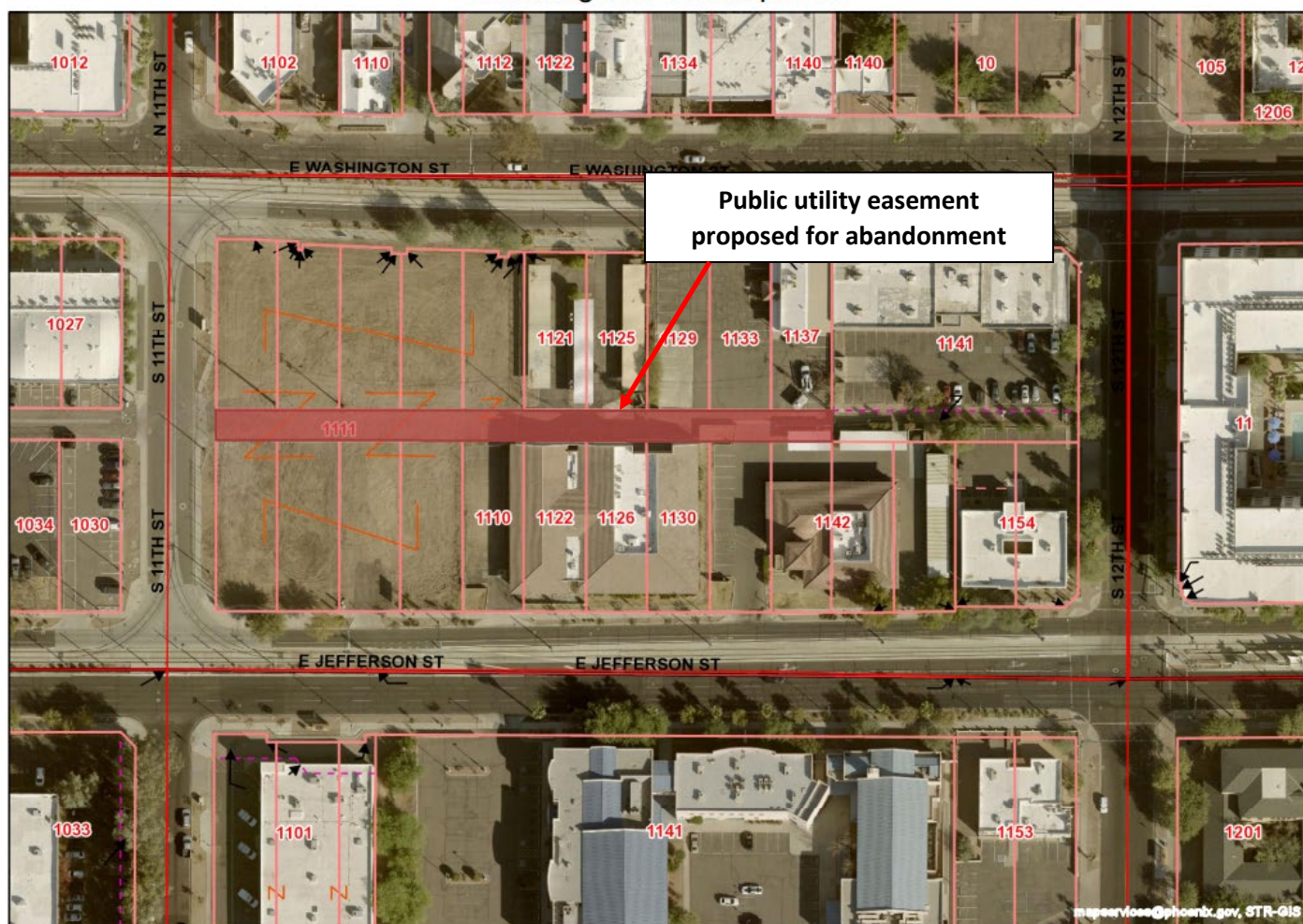
Request to abandon:

A portion of the 25' public utility easement located between 11th and 12th Streets and Washington and Jefferson Streets, as illustrated in the attached exhibit.

Purpose of request:

The applicant states, "the relocation of utilities within the public utility easement will accommodate a new site design for a proposed multi-family development."

Planning and Development



Disclaimer: The information provided on this map is based on record drawings submitted by others. Users of this information are cautioned that independent verification of actual conditions may be necessary. Printing Water Data is for Internal Staff Only.

1 inch = 100 feet
0 40 80 160 Feet

Date: 5/4/2022



City Staff Comments and Recommendations:

Water Services Department – Donald Reynolds:

“The applicant/property owners shall relocate all affected sewer utilities into an alternate easement or right of way prior to the Resolution of Abandonment in accordance with plans submitted to and approved by the Planning and Development Department, or as otherwise approved by the Water Services Department. All work is to be done by a licensed contractor at no expense to the City of Phoenix.”

PDD Civil Reviewer – Michelle Flores:

“The abandonment may result in a 35-foot (minimum) sewer easement. No building or permanent structures will be allowed to encroach on a water or sewer easement (Design Standards Manual for Water and Wastewater Systems, III.B.5). This stipulation will ultimately be imposed by the Water Services Department.”

PDD Site Planning – Amanda Leon:

“Recommend approval.”

PDD Village Planner – Anthony Grande:

No comments received.

Street Transportation Utility Coordination – Rozanna Brown:

No comments received.

Neighborhood Services Department – Lynda Lee:

No comments received.

Utility Comments

The request was also routed to outside utility companies for their input. Listed below are the responses from each utility.

Cox – Jacob Horsman

“I have reviewed the proposed abandonment request for the parcel located between 116-44-002C, -023, -022, -021, -020, -019B, -011A, -010A, -009A, -008A, and -007A.

Based upon the supplied drawings/exhibit that you’ve submitted it has been determined that COX will allow easement abandonment with the following stipulations;

-Existing Cox facilities be relocated prior to abandonment.

or

-Private Easement be established protecting existing Cox facilities in place.

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 – Susan 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 public utility easement.

Should there be interest in relocating the gas facilities, the requestor would be responsible for the relocation costs.”

Arizona Public Service – Beverly Metevia

“Per your request for Arizona Public Service Company's (APS) concurrence to abandon a portion of the 25-foot public utility easement (PUE) located between 11th and 12th Streets and Washington and Jefferson Streets, Phoenix, AZ 85034, per your request dated May 4, 2022, the following information is provided.

I have researched our records and found that the subject property is situated within the APS service territory.

Our records indicate that APS has active facilities in easement. APS does not concur to the abandonment of the alley unless one of the following guidelines is met:

- APS is granted a Utility Easement that encompasses all existing APS facilities, underground and overhead, on the site, or;
- APS will concur to the abandonment at such a time as all existing APS facilities, underground and overhead, on the site are de-energized and removed. Please contact Customer Construction Central to begin any redesign process, 602.371.5802, or at ccccontroldesk@apsc.com
- All construction is to take place after a valid Bluestake is marked and the Bluestake digging guidelines are met when digging within the vicinity of any electrical lines. Any damage caused to active power lines will be repaired at property owners cost. More specifically, any excavation taking place within 24 inches of a marked utility must be "carefully exposed with hand tools."
- The safe operation and maintenance of our facilities are not impaired and the necessary National Electrical Safety Code clearances are met."

CenturyLink – VeShon Sheridan

"Qwest Corporation d/b/a CENTURYLINK QC ("CenturyLink") has reviewed the request for the subject vacation and has determined it must recommend denial to ABND 220029.

Inventory of Lumen (CenturyLink) Facilities: Lumen has active facilities within the project limits, buried cable, ducts and pedestals.

Abandonment / Encroachment Request Overview: The intent of this request appears to be requesting the abandonment of a portion of a 25' wide alley. (See Exhibit "A")
Recommendation:

Reservations: Lumen (CenturyLink) facilities are located within the easement.

This vacation response is submitted WITH THE STIPULATION that in the event lumen facilities need to be removed or relocated in the area as described, all associated costs will be at the expense of the sponsoring agency/owner.

Salt River Project – Sherry Wagner

No comments received.

Stipulations of Conditional Approval


The request of abandonment ABND 220029 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. The applicant/property owners shall relocate all affected sewer utilities into an alternate easement or right of way prior to the Resolution of Abandonment in accordance with plans submitted to and approved by the Planning and Development Department, or as otherwise approved by the Water Services Department. All work is to be done by a

licensed contractor at no expense to the City of Phoenix.

3. The abandonment must be completed within **two years** from the conditional approval decision dated **June 3, 2022**.

This conditional approval has been reviewed and approved.

Signature:  Date: 11/21/2022

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc Richard Owen, Applicant/Representative
Christopher DePerro, Team Leader, Site Planning