

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 250049

Your abandonment request was granted **CONDITIONAL APPROVAL** by **David Neal, Abandonment Hearing Officer**.

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 your request will be scheduled for City Council action.

If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval (**your expiration date is March 11, 2028**), 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

February 12, 2026

Preliminary Abandonment Staff Report: **ABND 250049**

Project# **99-5013**

Quarter Section: **16-40**

District#: **6**

Location:

Alley right-of-way (ROW) located between 5440 East Calle Camelia and 4001 North 54th Place

Applicant:

Greenman Law Firm

Request:

To abandon a portion of alley measuring approximately 28 feet wide by 133 feet in length, totaling approximately 3,724 square feet.

Purpose of request:

The applicant asserts that the alley segment is no longer necessary for public use as a roadway.

Hearing date:

**February 12, 2026
TAKEN OUT FROM UNDER
ADVISEMENT AND CONDITIONALLY
APPROVED ON MARCH 11, 2026**

ABND 250049



City Staff Research

City Staff research shows that the northern 18-foot of the 28-foot alley abandonment area was dedicated on September 5, 1957, by the Mary Manor subdivision plat, under Book 74, Page 5 of the Maricopa County Recorder. The southern 10-foot of the 28-foot alley abandonment area was dedicated on October 11, 1955, by the Casa Linda subdivision plat, under Book 65, Page 8 of the Maricopa County Recorder. If the alley is abandoned, the northern 18-foot-wide segment will convey to the property located at 4001 North 54th Place and the southern 10-foot will convey to the property located at 5440 East Calle Camelia.

City Staff Comments

This request was routed to various City departments for their recommendations. Listed below are the responses from each department.

Street Transportation Department – Josh Rogers

The Street Transportation Department has reviewed the attached abandonment application and has the following:

Stipulations:

1. No right-of-way shall be abandoned that results in the remaining alley, located at the southeast boundary of the proposed abandonment area, to be reduced to a

width of less than 16-feet or the required turning area at the adjacent alley intersection to be reduced below minimum standards established in the City of Phoenix Street Planning and Design Guidelines.

Street Transportation Utility Coordination Department– Andrea Diaz

The Street Transportation Department Utility Coordination section has no comments.

PDD Traffic Department – Derek Fancon

Recommend approval

PDD Planning Department – Dru Maynus

Based upon correspondence received prior to the public hearing scheduled for February 12, 2026, including four (4) letters of opposition submitted by neighboring residents, concerns were raised regarding the continued use of the subject alley for vehicular access, pedestrian circulation, and neighborhood connectivity.

Pursuant to Phoenix City Code, Chapter 31, Article V, a public right-of-way, including an alley, may only be abandoned when it is determined to be no longer necessary for public use. The intent of the abandonment process is to dispose of public right-of-way that no longer serves a public access, circulation, or connectivity function.

In response to the concerns raised by neighboring residents, the applicant was recommended to coordinated with City staff to develop a stipulation that preserves continued access and service functions within the alley area. Under this stipulation, the alley will be abandoned; however, the applicant shall retain a 16-foot-wide portion of the alley as a Public Utility Easement (PUE), Refuse Collection Easement (RCE), Pedestrian Access Easement (PAE), and Emergency Vehicle Access Easement (EVAE). These easements will maintain necessary access for utilities, refuse collection, pedestrian circulation, and emergency services.

With the retention of this easement area, the abandonment will allow the disposal of excess right-of-way while maintaining essential public access and service functions for the surrounding properties.

Therefore, the City of Phoenix Site Planning Division recommends approval of the abandonment request, subject to the stipulations outlined in the staff report.

Streetlights – Jason Fernandez

Recommend approval

Solid Waste – Megan Sheets

Our team has evaluated the alley, and Solid Waste approves the request, with the stipulation that six homes have solid waste services relocated from the alley to curbside to minimize collection route adjustments and ensure the safest possible collection process.

The following addresses will need to go to curbside collection: 4019, 1044, 4001, 5440 N 54th Pl and 5502, 5501 E Calle Del Paisano.

The applicant must contact the Solid Waste Environmental Specialist*Lead from our MET East Region. Only the applicant would need to contact us to initiate the process for all affected properties, then our Lead would take it from there.

Water Services – Leticia Saenz

WSD has concerns/issues for this alley abandonment. The entire alley way shall be retained as a sewer easement or as may be modified by the affected utilities with 24-hour maintenance access subject to the following standard stipulations:

1. No structure of any kind and/or block wall shall be constructed or placed within the easement except removable type fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction.

Long Range Planning

No comment received.

PDD Civil Department – John Lanoue

Approved without stipulations.

Public Transit Department – Skitch Kitchen

The Public Transit Department has no comment on this project.

Utility Comments

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

Cox – Dustin Engleke

Recommend approval with the following stipulations or improvements. That must be satisfied to complete this application for abandonment:

1. Cox will have access via PUE for existing infrastructure maintenance and future upgrades.

Southwest Gas – Susan R. Mulanax

After reviewing the plans for the above-referenced project, it has been determined that there are no apparent conflicts between the Southwest Gas system and your proposed abandonment as shown on the letter you sent. Permission is granted to abandon the right-of-way located at the above referenced location.

Thank you for your cooperation on this project. Please contact me at 725-502-3576 if you have any question or require additional information.

Arizona Public Service

This is not in APS territory.

CenturyLink – Kenley Kohutek

Aries Network Construction Services, on behalf of Lumen/Centurylink, is in receipt of your request for Abandonment or Encroachment of the abandonment request area.

Inventory of Local Lumen Facilities: Existing facilities including structure (poles) exist within abandonment area. Lumen must maintain existing 8' PUE and must maintain access to all facilities.

Abandonment/Encroachment Request Overview: Request is to abandon existing alley easement adjacent to APN. 128-13-050 - 4001 N. 54th Pl. Phoenix, AZ 85018..

Recommendation: In the event Lumen facilities need to be removed or relocated, all associated costs will be at the expense of the requestor/agency/owner. Blue staking is required prior to all excavation activities. Access for Lumen, or its agents, must be maintained. All facilities are to be avoided or protected while also maintaining a minimum 12" horizontal and vertical separation. Lumen reserves the right to mandate modifications or removal of encroachments if it is deemed there is an impediment. Any damage to Lumen facilities and those costs associated with repair/replace facilities will be at the cost of the requestor/agency/owner. Lumen will not be held responsible for any damage or cost to repair, move, or remove any encroached items (ie fence, sign, landscape, pool, etc.) for the purpose of facility management.

Salt River Project – Michael Laguna

Salt River Project has an objection to the abandonment of the 28-foot alleyway located between 5440 E. Calle Camelia and 4001 N. 54th Place and as shown within the abandonment package. The Salt River Project's Design Maintenance Department has denied the request. The Design department rejected the proposed project because abandoning the alleyway would impede Salt River Project's maintenance vehicles' access to the overhead utility lines and an underground piped lateral. Salt River Project would not be able to access the utility wires, poles, and piped lateral for maintenance or repairs promptly.

If fencing the 16' alleyway is proposed, Salt River Project requires 24/7 access. If the gates are locked, they will need to be opened with a Salt River Project lock. Please contact Customer Service at 602-236-8888 to coordinate the delivery or pickup of the locks. The alleyway must remain clear of all obstacles. No trees, plants, extension of the fence or block walls, kid pools, or playhouses, etc., are allowed within the alleyway.

If you have any questions or require additional information, please do not hesitate to contact me at 602-236-3116.

Recommended Stipulations of Approval

The request of abandonment, if approved by the Abandonment Hearing Officer, will be subject to the following stipulations:

1. Either a or b shall be complied with:
 - a. 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.
 - b. All rights-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.

2. Consideration which provides a public benefit to the City is required in accordance with City Code Art. 5, Sec. 31-64 and Ordinance G-5332. Cost for abandoned Right-of-Way adjacent to property not zoned single family residential will be \$500 OR Fair Market Value whichever is greater. Cost for property zoned single family residential is \$1.00 a square foot for the first 500 square feet, \$0.10 a square foot thereafter: OR Fair Market Value at the option of the Planning and Development Director or designee. The applicant shall submit calculation and fee to Planning and Development Department. The applicant shall request a selection of approved appraisers from the current list maintained by the Real Estate division of the Finance Department.
3. Applicant shall submit and obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 250049.
4. The applicant/developer shall ensure that a sixteen (16) foot wide easement centered on the existing alley centerline (8-feet on the north and 8-feet on the south) shall be retained for public purposes, including a public utility easement (PUE), refuse collection easement (RCE), emergency vehicle access easement (EVAE), and pedestrian access easement (PAE). The sixteen (16) foot easement area shall remain unobstructed to allow continued access for utilities, refuse collection, emergency services, and pedestrian circulation.

No right-of-way shall be abandoned that results in the remaining alley, located at the southeast boundary of the proposed abandonment area, to be reduced to a width of less than 16-feet or the required turning area at the adjacent alley intersection to be reduced below minimum standards established in the City of Phoenix Street Planning and Design Guidelines.

5. The applicant/developer shall ensure entire alley way shall be retained as a sewer easement or as may be modified by the affected utilities with 24-hour maintenance access subject to the following standard stipulations:

No structure of any kind and/or block wall shall be constructed or placed within the easement except removable type fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction.

6. All stipulations must be completed within **two years** from the Abandonment Hearing Officer's decision.

This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.

Hearing Officer Signature: David Neal Date: 3/17/26

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Jordan Greenman Law, Applicant/Representative
David Neal, Abandonment Hearing Officer

If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S. §36-1471 ET. SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.