

Attachment B

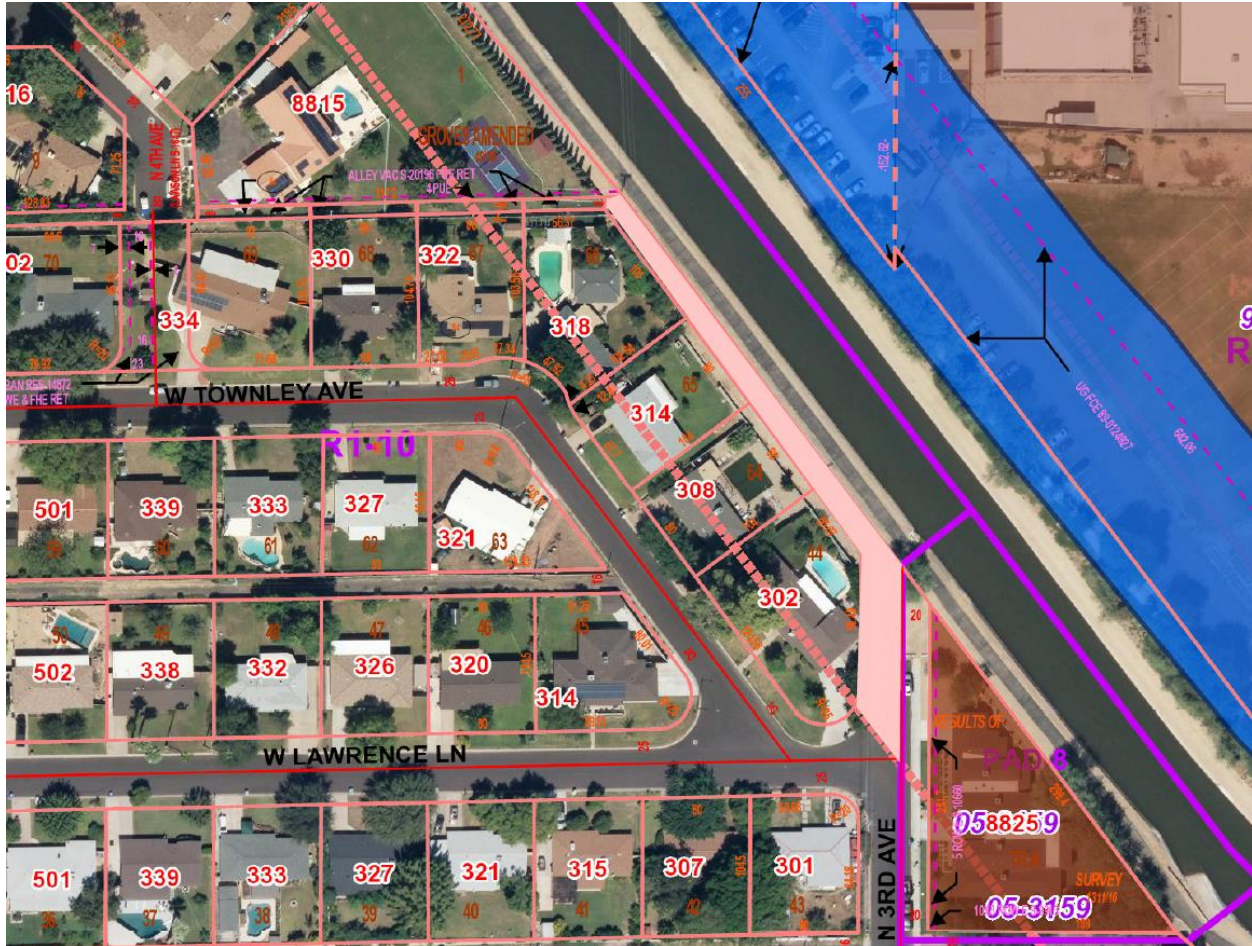


City of Phoenix

Planning and Development Department

September 28, 2023
Preliminary Abandonment Staff Report: **ABND 230041**
Project# **95-0002640**
Quarter Section: **26-27**
District#: **3**

<u>Location:</u>	318 West Townley Avenue
<u>Applicant:</u>	Daniel Preziose
<u>Request:</u>	To abandon the alleyway to the east of 318 West Townley Avenue.
<u>Purpose of request:</u>	The applicant states alley is unused and not maintained by the City or SRP. The unused alley is also a security risk for our properties.
<u>Hearing date:</u>	September 28, 2028



City Staff Research

City Staff research show that the alley east of 318 West Townley Avenue was dedicated as a part of Marth Ann Estates a subdivision on May 4, 1958 Book 57 Page 44 of Maricopa County Recorder. If abandoned the alley will go back to the properties to the west.

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

1. No part of the 3rd Avenue right-of-way shall be abandoned

Street Transportation Utility Coordination Department– Rozanna Brown

No comment received.

PDD Traffic Department – Derek Fancon

Recommend approval.

PDD Planning Department – Craig Messer

No comment received.

Streetlights – Jason Fernandez

No comment received.

Solid Waste - Robert Lopez

This proposed abandonment will have no impact on PW Solid Waste Services. Approved with no stipulations.

Water Services – Don Reynolds

WSD has One stipulation for this Alley abandonment.

The entire Alleyway 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.

PDD Village Planner – Sarah Stockham

No comment received.

PDD Civil Department – Roxanne Tapia

Recommend approval.

Neighborhood Services – Yvette Roder

No comment received.

Public Transit Department – Jorie Bresnahan

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 – Zach Lawson

This is and for conflict review on CR-270671.

Southwest Gas – Susan R. Mulanax

No comment received.

Arizona Public Service – James Generoso

The alley proposed for abandonment in ABND 230041 contains existing APS overhead electric facilities. APS objects to the abandonment unless the City retains a PUE to cover the existing APS facilities.

CenturyLink – Shaun Giesler

CenturyLink of Arizona, 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 16’ alley located along the NE property lines of APN 160-61-068A, 160-61-067, 160-61-066, & 160-61-046, and the

abandonment of the 30' ROW located along the E property line of 160-61-046 M.C.R. These easements appears to contain CenturyLink equipment.

Lumen has active facilities located within the 16' Alley and the 30' ROW – buried cable, aerial cable, ducts, cabinets, a power meter, joint utility poles, down guys, and a handhole. Lumen would consider an abandonment if the owners dedicate a new easement to protect Lumen's existing facilities in place or pays to have them relocated. Lumen would accept an encroachment provided the existing facilities remain protected in place. In the event Lumen facilities need to be removed, all associated costs will be at the expense of the sponsoring agency/owner.

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.

If you would like to discuss possible alternative resolutions to this request for Vacate/Abandonment, please contact Tori Jacoby at tori.jacoby@lumen.com.

Salt River Project – Michael Laguna

Salt River Project has no objection to the abandonment of the 16-foot alley way as shown on the application with the following condition. Property owners must not encroach into the Arizona Canal right of way as described in Book of Deeds 71-191, and results of Survey Map 1280-36.

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. No part of the 3rd Avenue right-of-way shall be abandoned
4. All stipulations must be completed within **two years** from the Abandonment Hearing Officer's decision.

For assistance regarding the above stipulations, please contact the Abandonment

Coordinator at 602-256-3487.

The request of abandonment ABND 230041 is conditionally approved and will be forwarded to Council for formal adoption and recordation.

This conditional approval has been reviewed and approved.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of connected loops and a final horizontal stroke.

Signature: _____

Date: May 24, 2024

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Coordinator.

cc: Applicant/Representative, Daniel Preziose
Christopher DePerro, 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.