



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 240048

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Craig Messer, 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 January 9, 2027**), 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.



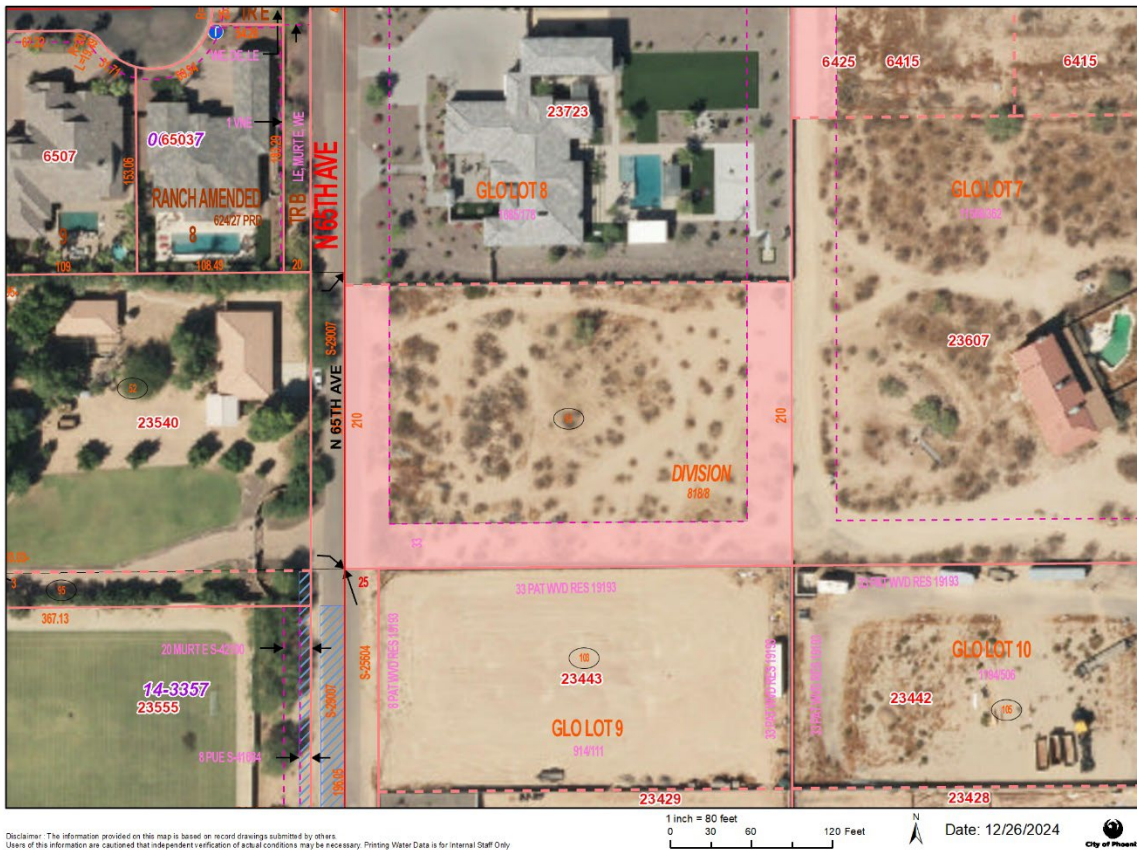
City of Phoenix

Planning and Development Department

January 9, 2025
Preliminary Abandonment Staff Report: **ABND 240048**
Project# **14-1396**
Quarter Section: **45-13**
District#: **1**

| | |
|-----------------------------------|--|
| <u>Location:</u> | 23545 North 65 th Avenue, Glendale, Arizona 85310 |
| <u>Applicant:</u> | Jay Rich |
| <u>Request:</u> | To waive a federal patent easement located at 23545 North 65 th Avenue, Glendale, Arizona 85310. |
| <u>Purpose of request:</u> | Applicant states the purpose is to allow for the construction of a new home to be built on the property and to increase the buildable area of the parcel. Currently setbacks are taken from the federal patent easement which impacts the lot area that can built on. |
| <u>Hearing date:</u> | January 9, 2025 |

ABND 240048



City Staff Research

City Staff research shows that the Federal Patent Easement was dedicated under Patent Number 1144914 on June 16, 1954 (Book 1085, Page 178). If waived, the subject property at 23545 North 65th Avenue, Glendale Arizona 85310 will no longer be encumbered by the Federal Patent Easement.

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:

Comment(s):

65th Avenue is a City of Phoenix local roadway with a minimum 50-feet total width, or 25-feet for each half-street.

Stipulation(s):

1. A minimum 25-feet of right-of-way shall be dedicated for the east half of 65th Avenue.

Street Transportation Utility Coordination Department– Andrea Diaz

Has no comments.

PDD Traffic Department – Derek Fancon

Recommend approval, however, dedicate 25' half street right-of-way on 65th Avenue.

PDD Planning Department – Dru Maynus

Recommend approval.

Streetlights – Jason Fernandez

Recommend approval, however, the future residential frontage is 200' and will require the installation of two new underground fed streetlights.

Solid Waste – Megan Sheets

Recommend approval.

Water Services – Don Reynolds

WSD has NO stipulations for this abandonment.

PDD Village Planner – Sarah Stockham

No comment received.

PDD Civil Department – Rachel LaMesa

Recommend approval without stipulations.

Public Transit Department – Skitch Kitchen

Has no comment on this abandonment.

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

I have reviewed the proposed abandonment request for the parcel located on N. 65th Ave. in Phoenix, AZ.

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

COX will agree to abandon once existing facilities are relocated.

Also please note that Cox Communications accepts no liability for costs associated with any relocation of existing facilities required because of this proposed abandonment.

Southwest Gas – Tami Garcia

After reviewing the request for the above-referenced project, it has been determined that there are no apparent conflicts between the Southwest Gas (SWG) system and your proposed abandonment of the Federal Patent Easement adjacent to APN 210-12-007B.

Nothing in this Abandonment or response is intended or shall be construed to affect, reduce, or diminish any other existing property rights or easement SWG may have at this site or within the area affected. SWG retains the right to use any other reservations, easements, licenses or other property rights in which it may have an interest or that otherwise may be located within the area being vacated.

Arizona Public Service – Nicole Harvey

APS has no objection to the abandonment of the Patent Easement along the Eastern boundary of APN 201-12-007B. APS has no objection to the abandonment of the Patent easement along the Southern boundary of APN 201-12-007B.

APS objects to the abandonment the Patent Easement along the Western boundary of APN 201-12-007B. Our objection is due to the existence of Overhead facilities lying within the area being abandoned. We would rescind our objections if the property owner grants a Utility Easement to APS covering our facilities. If that is something that the customer wishes to pursue, please give them my contact information to coordinate.

CenturyLink – Tori Jacoby

Qwest Corporation d/b/a CENTURYLINK QC (“CenturyLink”) has reviewed the request for the subject vacation and has determined that in order to protect its facilities CenturyLink must reserve its rights.

Please SAVE AND EXCEPT an EASEMENT to CenturyLink over the following area/s:

Lumen Facilities (buried cable) are located within the W Federal Patent Easement. Lumen has no reservations on the E Federal Patent Easement and the S Federal Patent Easement except the W 33’.

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.

This response is submitted with the additional stipulation that if CenturyLink facilities are damaged within the area, the Applicant will bear the cost of relocation and repair of said facilities.

If you would like to further discuss this action, please contact Jody Butte at jody.butte@lumen.com, 814-599-0114.

Salt River Project – Michael Laguna

Salt River Project has no objection to the abandonment of Federal Patent Docket 1685-178, as shown in the abandonment package. This is in an Arizona Public Service serving area.

Recommended Stipulations of Approval

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

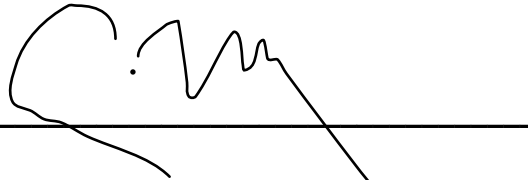
1. Either a or b shall be complied with:
 - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected

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. Existing public/private utilities within the 65th Avenue right-of-way are to be relocated outside of City right-of-way, unless otherwise approved by the Street Transportation Department.
2. Applicant shall submit and obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 240048.
3. A minimum 25-feet of right-of-way shall be dedicated for the east half of 65th Avenue.
4. 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: _____



Date: February 5, 2025

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Applicant/Representative, Jay Rich
Craig Messer, 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.