

Attachment B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 250006

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 May 22, 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

May 22, 2025

Preliminary Abandonment Staff Report: **ABND 250006**

Project# **11-3168**

Quarter Section: **47-25**

District#: **1**

Location:

1710 West Happy Valley Road

Applicant:

Red Hawk Development Corporation /
Charles Eckert, Jr

Request:

Request to abandon a 23-foot drainage easement, to abandon 13-feet of an existing 23-foot sidewalk easement, and to abandon 11-feet of an existing 23-foot public utility easement located on 1710 West Happy Valley Road.

Purpose of request:

Applicant states the drainage easement is no longer warranted for development of the site and abutting properties. The applicant proposes to reduce sidewalk and public utility easements since neither is no longer needed for the development.

Hearing date:

May 22, 2025 (Continued from April 10, 2025)

City Staff research shows that the drainage easement, sidewalk easement, and public utility easement were dedicated under S Ordinance 43057. If abandoned 13-feet of the 23-foot sidewalk easement, 11-feet of the 23-foot public utility easement, and the entire 23-foot drainage easement will no longer encumber 1710 West Happy Valley Road.

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

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

1. 17th Avenue is a roadway that is split between City of Phoenix (COP) and Maricopa County (County). The west side of the street will fall within the City. A minimum 30-foot right-of-way is required to be retained to meet COP minimum collector half-street requirements. A sidewalk easement will be required to be dedicated for any sidewalk located outside the 30-foot right-of-way to accommodate a detached sidewalk feet.

Stipulations:

1. No right-of-way within 30-feet of the 17th Avenue monument line shall be abandoned.

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

Recommend approval.

Streetlights – Jason Fernandez

Existing city owned streetlights to remain within PUE if unable to remain in PUE removal and relocation within PUE is required by requester.

Solid Waste – Megan Sheets

Approved.

Water Services – Don Reynolds

WSD has NO stipulations for this Abandonment. To add, as long as the service meter is within the PUE. The proposed property has existing water and sewer mains that can potentially serve the development.

PDD Village Planner – Sarah Stockham

No comment received.

PDD Civil Department – BreAnne Richter

Approved with the following stipulation.

1. Applicant must ensure that they keep the east/west 20' drainage easement along West Happy Valley Road. The drainage easement needs to stay and make sure that it encompasses the City of Phoenix scupper on North 17th Avenue.

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 – Zach Lawson

I have reviewed the abandonment request at ABND 250006 APN 210-10-029L, in Phoenix, {Maricopa County}, AZ. Based upon the supplied drawings/exhibits that you've submitted it has been determined that COX has no facilities within the easement and therefore we approve your request to abandon.

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 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 of the sidewalk, drainage, and public utility easements. Southwest Gas would like to recommend abandonment of the sidewalk, drainage, and public utility easements located at the above-referenced location.

Thank you for your cooperation on this project. Please contact me if you have any questions or require additional information.

Arizona Public Service – Darianna Arias

Per our conversation last week on this request. There is no concurrence to this request for APS. The customer is requesting abandonment of a (DE) drainage easement, a reduction to a sidewalk easement, and a public utility easement.

CenturyLink – Bill Paul

No comment received.

Salt River Project – Michael Laguna

Salt River Project has no objection to the abandonment of the 23-foot drainage easement, narrowing of the sidewalk easement, and public utility easement as shown in the abandonment package. This is in an Arizona Public Service serving area.

If you have any questions or need further information, please 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. 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. Applicant shall obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 250006.
3. A minimum 10-foot-wide sidewalk easement shall be retained.
4. Applicant to ensure that the 20' east/west drainage easement located along West Happy Valley Road remains.
5. 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:** July 2, 2025

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Red Hawk Development Corporation, Charles Eckert, Jr, Applicant
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.