

## ATTACHMENT B



### **City of Phoenix**

Planning and Development Department

#### **CONDITIONAL APPROVAL – ABND 240046**

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 December 12, 2026**), 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

December 12, 2024

Preliminary Abandonment Staff Report: **ABND 240046**

Project# **14-3209**

Quarter Section: **19-37**

District#: **6**

**Location:**

Alleyway north of E Pasadena Avenue, and  
between N 41st Street and E Medlock Drive

**Applicant:**

Shane Essert

**Request:**

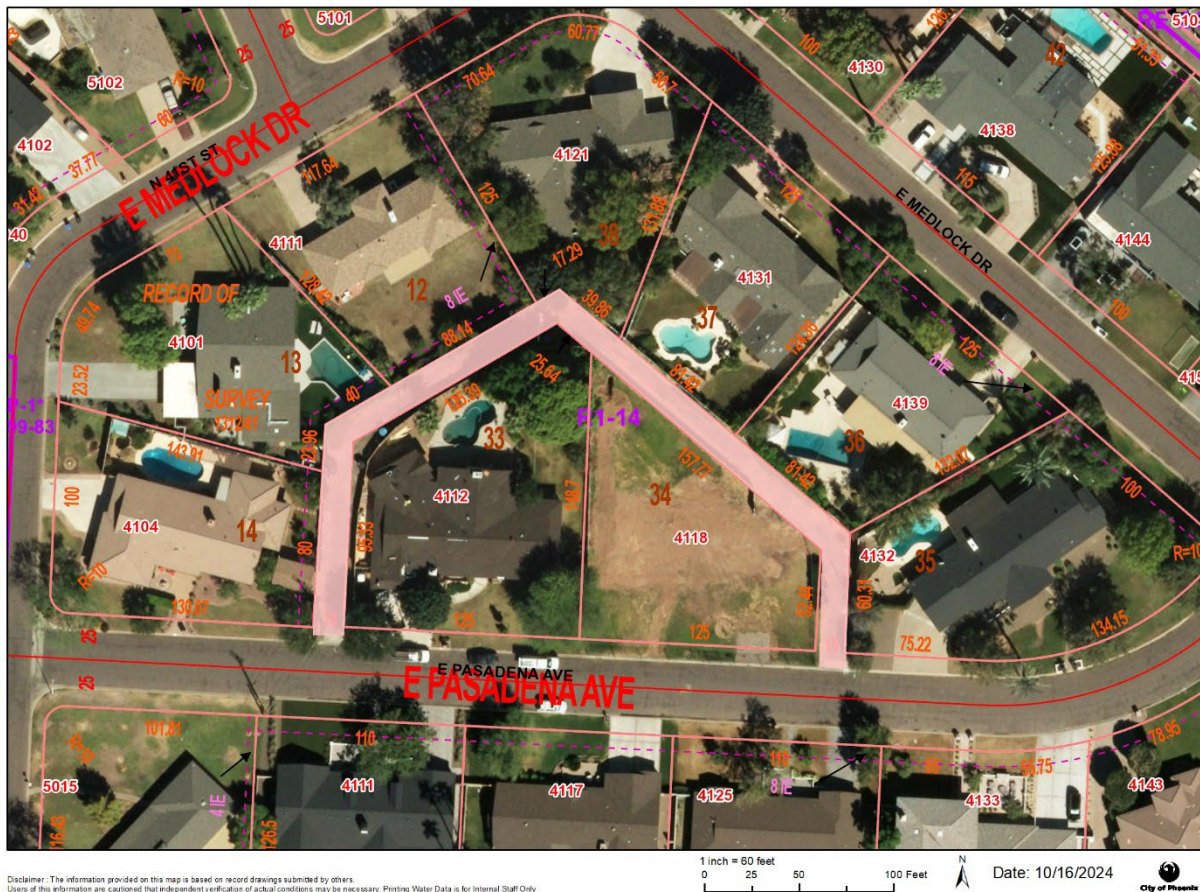
To abandon a U-shaped 16-feet-wide alley  
(7,751 square feet) the abuts Lots 3 through  
9 within the Arcadia Villa 2 subdivision plat.  
The alley was recorded within the Final Plat  
for Arcadia Villa 2 (7/2/1954), Book 60,  
Page 1).

**Purpose of request:**

To abandon the current public alley to  
expand individual lot sizes. Additionally, to  
provide safety, beautification, and  
convenience for the neighborhood.

**Hearing date:**

**December 12, 2024**



### **City Staff Research**

City Staff research shows that 16-foot u-shaped alley was dedicated on July 2, 1954 by the Arcadia Villa 2 subdivision plat under Book 60, Page 7 of the Maricopa County Recorder. If abandoned, the 16 feet wide alley would be divided in half and 8 feet would return to all abutting properties.

### **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 right-of-way within 25-feet of the Pasadena Avenue monument line shall be abandoned.
2. The applicant shall remove both alley driveway aprons and replace with new rolled curb, gutter, and incidentals. The entrance may remain if approved by the Street Transportation Department.

#### **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 Streetlight is being fed from the alley and will require a Streetlight Easement If easement is not granted a new underground fed streetlight is required within city right of way.

**Solid Waste – Megan Sheets**

Recommend approval with the following comment:

1. All neighbors will go to curbside pick-up. Contact Solid Waste for containers in alley to be picked up. Each parcel will get a 90-gallon bin

**Water Services – Don Reynolds**

WSD has One stipulation for this Abandonment.

1. The entire alleyway shall be retained as a sewer easement 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 – BreAnne Ritcher**

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 – Jacob Horsman**

I have reviewed the proposed abandonment request for the parcel located at Pasadena Ave Alley, 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 at the cost of the requestor.

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 – Susan R. Mulanax**

After reviewing your request, it has been noted that we have a gas line running in the area proposed. Please contact Conflict Review at (480) 730-3843 to discuss and review your request further.

**Arizona Public Service – James Generoso**

No comments received.

**CenturyLink – Jody Butte**

Qwest Corporation. d/b/a CENTURYLINK QC (“CenturyLink”) has reviewed the request for a letter of no objection to the abandonment described above and has determined that it has reservations with respect to the areas proposed for encroachment as shown and/or described on Exhibit “A”, said Exhibit “A” attached hereto and incorporated by this reference.

Lumen has aerial facilities on joint use utility poles within the alleyway.

In the event Lumen facilities need to be removed, all associated costs will be at the expense of the sponsoring agency/owner.

This Letter of No Objection response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions please contact Jody Butte, 814-599-0114 [jody.butte@lumen.com](mailto:jody.butte@lumen.com).

**Salt River Project – Michael Laguna**

Salt River Project has an objection to the abandonment of the 16’ alleyway adjacent to APN#s: APN 171-10-014, -013, -012, -037, -038, -039, -041 and -042. The abandonment request was denied because Salt River Project has overhead facilities within the proposed abandonment area. The alley abandonment would impede Salt River Project’s ability to safely operate and maintain 24/7 access.

If gating the alleyway is proposed, Salt River Project requires 24/7 access. If the gates are locked, it will need to be with a Salt River Project lock. Please contact Customer Service at 602-236-8888 to coordinate the delivery or pick up of the lock. The alleyway must remain clear of all obstacles. No trees, plants, extending of the fence or block walls, kids pools or playhouse, etc.

If the owners would like to inquire about the cost of converting the overhead facilities to underground. Please have them call Customer Service at 602-236-8888 and ask to be transferred to a Designer for an estimate.

If you have any questions or need further information, please feel free 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 240046.
4. No right-of-way within 25-feet of the Pasadena Avenue monument line shall be abandoned.
5. The applicant shall remove both alley driveway aprons and replace them with new rolled curb, gutter, and incidentals. The entrance may remain if approved by the Street Transportation Department.
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:  \_\_\_\_\_ Date: January 3, 2025

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Shane Essert, Applicant/Representative  
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.