

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 220004

Your abandonment request was granted **CONDITIONAL APPROVAL**.

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 the Abandonment Coordinator at (602) 262-7399** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations your request will be scheduled for City Council formal approval. You will receive a copy of the abandonment document after it has been recorded with Maricopa County.

If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval (**your expiration date is March 24, 2024**), 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

March 24, 2022

Abandonment Staff Report: **ABND 220004**

Project# **20-2134**

Council District: **7**

Location:

Northeast Corner of 79th Avenue and
Encanto Boulevard

Applicant:

James A Brucci, RLS

Request to abandon:

The detention force main easement and a
portion of right-of-way adjacent to Encanto
Boulevard located on the parcel identified
by APN 102-38-011L.

Purpose of request:

The applicant states for commercial
development.

Street Transportation Department – Maja Brkovic:
No comments provided.

PDD Traffic Reviewer – Derek Fancon:
“Recommend approval.”

Water Services Department – Donald Reynolds:
 “WSD has no stipulation for this abandonment. The proposed property has existing water and sewer mains that can potentially serve the development.”

PDD Long Range Planning – Sarah Stockham:

“Long Range has no comment on this.”

Street Transportation Department, Streelights – Jason Fernandez:

“Recommend approval.”

Neighborhood Services Department – Lynda Lee:

No comments received.

Utility Coordination Department – Rozanna Brown:

“The Street Transportation Utility Coordination Department has no comments.”

Utility Comments

COX – Zach Lawson:

“I have reviewed the abandonment request at ABND 220004 APN 102-38-011L 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 easements 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.”

APS – James Generoso:

“APS has no objection to ABND 220004. The subject property is outside of our service territory.”

CenturyLink – Mary Hutton:

“Qwest Corporation d/b/a CENTURYLINK QC (“CenturyLink”) has reviewed the request for the subject vacation/abandonment and has determined that it has no objections with respect to the areas proposed at this project site.

It is the intent and understanding of CenturyLink that this notice shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found within the vacated area as described, the Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink and all regulating entities. All relocations will be done under the supervision of a CenturyLink Inspector.”

SRP – Sherry Wagner:

“Salt River Project has no objection to the abandonment of the easement and right of way as shown in your application ABND220004 at 79th Ave and Encanto Boulevard.”

Southwest Gas – Tami Garcia:


“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 application you provided. Southwest Gas would like to recommend the abandonment of the roadway easement and the Detention force main easement located at the above-referenced location.”

Stipulations of Conditional Approval

The request of abandonment ABND 220004 is conditionally approved and the following stipulations will need to be met:

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 right-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 right-of-way within 35 feet of the Encanto Avenue monument line may be abandoned.
4. The above stipulations must be completed within **two years** from the conditional approval decision dated **March 24, 2022**.

This conditional approval has been reviewed and approved.

Signature:  _____ Date: 10.20.2022

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc James Brucci, Applicant/Representative
Christopher DePerro, Team Leader. Site Planning