



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 240027

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 July 11, 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

July 11, 2024

Preliminary Abandonment Staff Report: **ABND 240027**

Project# **23-769**

Quarter Section: **10-30**

District#: **8**

<u>Location:</u>	Right-of-way abutting 1562 East Peoria Avenue
<u>Applicant:</u>	VetVenture, LLC
<u>Request:</u>	To abandon 8-foot-wide portion of right-of-way that totals to 2,270 square feet immediately adjacent to 1562 East Peoria Avenue. The right-of-way was recorded within the Final Plat for Harmony Acres (7/18/1948, Book 35, Page 23).
<u>Purpose of request:</u>	Applicant states the purpose of the abandonment is allow the construction of fencing around the property due to safety concerns.
<u>Hearing date:</u>	July 11, 2024

City Staff research shows that the East Peoria Avenue 33 feet right-of-way and North 15th Way 33 feet right-of-way were both dedicated on July 18, 1947 by the Harmony Acres subdivision plat under Book 35, Page 23 of the Maricopa County Recorder. If abandoned, the 8 feet wide portions of the rights-of-way would be conveyed back to the 1562 East Peoria Avenue property.

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

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

- No right-of-way within 25-feet of the 15th Way monument line shall be abandoned.
- No right-of-way within 25-feet of the Peoria Avenue monument line shall be abandoned.

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The Street Transportation Department Utility Coordination has no comments.

PDD Traffic Department – Derek Fancon

Recommend approval.

PDD Planning Department – Dru Maynus

The purpose of the abandonment is to allow the installation of fences/walls. Please note that if proposed fences/walls are over 40-inches in height and are located within the landscape setback per Section 615 of the zoning ordinance then the fences/walls will not comply with the City of Phoenix Zoning Ordinance standards for R-3 zoned lots. The applicant has been provided with this information. As a result, staff recommends approval of the abandonment with the note that staff has cautioned the applicant that an abandonment on its own will not grant over height fencing/walls and a variance submittal may be required if it is found out the walls are over 40-inches and located within the landscape setbacks.

Streetlights – Jason Fernandez

Recommend approval.

Water Services – Don Reynolds

WSD has one stipulation for this Abandonment.

1. The requested abandonment of the 8' ft of right-of-way to add a new fencing appears to violate the minimum horizontal separation within the code for water mains and services. A Technical Appeal along with blue stake will be required to verify the separation between the new fence and water main.:

OR

2. The requested abandonment can be reduced from 8 feet to 5 feet to be allowed.

Or

3. The applicant/property owners shall relocate all affected water utilities into an alternate easement or right of way prior to the Resolution of Abandonment in accordance with plans submitted to and approved by the Planning and Development Department, or as otherwise approved by the Water Services Department. All work is to be done by a licensed contractor at no expense to the City of Phoenix.

PDD Village Planner – Sarah Stockham

No comment received.

PW Solid Waste Services – Robert Lopez

Recommend approval.

PDD Civil Department – Alejandro Hernandez

Recommend Approval without stipulations.

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 at 1562 E Peoria Ave in Phoenix, AZ.

Based upon the supplied drawings/exhibit that you've submitted it has been determined that **COX potentially has facilities within the Right of Way that need to have location verified are not within abandonment area** and therefore has **denied your request to abandon.**

Southwest Gas – Susan R. Mulanax

After reviewing your request, it has been noted that we have gas lines running in both areas proposed. Please contact Conflict Review at (480) 730-3845 to discuss and review your request further.

Arizona Public Service – Kim Paxon

APS objects to this abandonment due to the existence of APS Overhead Electric facilities within the north eastern portion of the Parcel 159-22-052. We would have no objection to the abandonment if the City retains a PUE.

CenturyLink – Bill Paul

CenturyLink of Arizona, Inc. d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

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 vacation 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 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 of the abandonment of the right-of-way adjacent to property address 1562 E. Peoria Avenue 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:

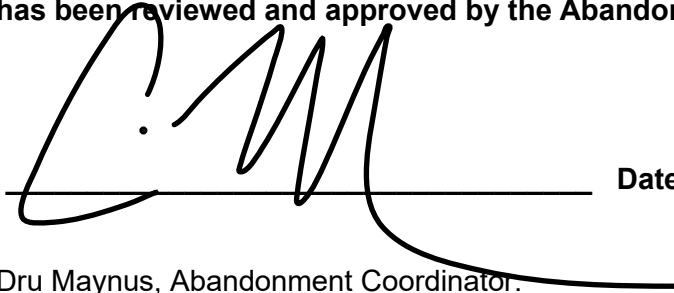
1. Either a or b shall be complied with:
 - a. All utilities shall be relocated to locations approved by each affected utility company.

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. All rights-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.
2. Applicant shall submit and obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 240027.
3. No right-of-way within 25-feet of the 15th Way monument line shall be abandoned.
4. No right-of-way within 25-feet of the Peoria Avenue monument line shall be abandoned.
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:

A handwritten signature in black ink, appearing to be 'Dru Maynus', written over a horizontal line.

Date: August 29, 2024

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Applicant/Representative, VetVenture, LLC
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.