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September 25, 2017

Honorable Mayor and Councilmembers  
c/o Abandonment Coordinator  
Planning and Development Department  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003

**Re: Appeal of the Conditional Approval of a Public Utility Easement ("PUE")  
Abandonment Adjacent to Barrister/Jefferson Place, Case V170048A**

Dear Honorable Mayor and Councilmembers:

Our Firm represents Jefferson Place Partners, LLC, a subsidiary of Crescent Bay Holdings ("Crescent Bay"), owners of the property addressed as 101 South Central Avenue; 25 East Jefferson Street; and, 10 East Madison Street, otherwise known as Maricopa County Assessor's Office Parcel Numbers (APN): 112-27-060; 112-29-058; 112-27-055C; and 112-27-059 (the "Crescent Property").

Crescent Bay was the successful respondent to the City's Request for Proposals ("RFP") for the purchase of the Property (RFP-CD15BR) known as Barrister and/or Jefferson Place and has already acquired the property from the City (the "Crescent Property").

On behalf of Crescent Bay, our Firm filed an abandonment request for abandonment of the remaining remnant alleyway that bifurcated the Property (Case No. V170033C), which, was limiting development of the Crescent Property in a manner that was inconsistent with the goals of the RFP. The City of Phoenix Abandonment Hearing Officer approved the abandonment request on September 7, 2017, case V170033C.

The other portion of the alleyway on the block was abandoned in 1999 via Resolution Number 19322 by an adjoining property owner (the "Adjoining Owner"), who owns the adjoining property addressed as (i) 31 East Jefferson Street; and, (ii) 42 East Madison Street (APN: 112-27-052C and 112-27-053E) (the "Adjoining Property"). It was then quit-claim deeded (recorded at MCR 1999-0940579) from the City to him on October 13, 1999.

**1. The Issue**

The Adjoining Owner recently filed the subject abandonment application (Case No. V170048) to abandon the 25-foot wide Public Utility Easement the “PUE Abandonment”) that was formerly located within that portion of the alleyway that was abandoned by the Adjoining Owner, and retained by Resolution 19322 (Exhibit B).

A Conditional Approval (“Conditional Approval”) for the PUE Abandonment request was issued by the Abandonment Coordinator on September 8, 2017, subject to stipulations. No formal public outreach was performed regarding this request, nor was any public feedback solicited.

The purpose of this letter is to provide an explanation of our appeal, and to request that the PUE Abandonment request be denied for the reasons listed below.

**2. Development of the Adjoining Property**

The Adjoining Property has not been developed with structures, and it has been, according to historical aerial photography accessed via the Maricopa County Flood Control District, utilized as a surface parking lot since at least 1969 (Exhibit C). The PUE Abandonment application states that the Applicant “would like to develop the site for a future downtown use.”

The PUE benefits the Crescent Property, and the placement of the PUE was relied upon when Crescent Bay responded to the RFP. With development of the Crescent Project being planned to commence as soon as practical, the ability to utilize and access the existing public utility easement to bring new utilities to the Crescent Property is necessary and critical for the viability of the Crescent Project, particularly due to the extreme limitations on access for utilities compelled by the future light rail expansion on Central Avenue, in addition to the limits already in place on Jefferson Street.

The elimination (and/or proposed relocation, as described in Section 3 below) of the PUE would have a major impact on the viability of the Crescent Project because utility access for the Property is already very limited (i.e., the light rail is adjacent to the property, limiting utility access and is further limited by the adjacent private property located directly adjacent to the Property at the southeast corner).

**3. Relocation of the PUE**

The Conditional Approval of the PUE Abandonment provides a stipulation of approval stating that “[t]he applicant shall conditionally dedicate a minimum 16’ wide public utility easement from the end of the alley connecting to the western end of the requested abandonment area south to the Madison Street right of way (across the parcel known as 42 E Madison Street,

APN 112-27-053E, parts of Lots 2,4, and 6, Block 35, Original Phoenix Townsite) to serve the Jefferson Place development to the west.”

The problem with this obscure and apparently arbitrary language is that: (i) it does not overtly provide utility access to the Property (the location of the new PUE is not clear); and, (ii) as it reads, the 16’ wide public utility easement (“New PUE”) would be located around the block from the Crescent Project. This would substantially increase the cost and complexity of bringing utilities to the Crescent Project (i.e., there are existing major utilities on Madison Street that would make locating new utilities on Madison Street problematic and impractical.

In addition to these issues, if, for some reason outside of Crescent Bay’s control, the New PUE is not completed with utility improvements within two (2) years, the New PUE is automatically abandoned (per Stipulation “b”). This is very disconcerting to Crescent Bay because if the existing PUE is abandoned, and the New PUE is abandoned, then no public utility easement is provided to service Barrister/Jefferson Place.

**4. Size of the New [Conditional] PUE**

In addition to the existing utility access issues, the New PUE is only required to provide a 16 foot wide easement area. This does not adequately provide the amount of space required for all of the new utilities that will be required to service the Project (i.e. electric, sewer, gas, possibly water, and communications facilities).

This is problematic because existing and planned improvements in the area (i.e., Valley Metro) limit the ability for the Project to access utilities. Therefore, a wider easement area is required to accommodate the placement of required facilities.

For the reasons described above, we respectfully request that you deny this PUE Abandonment request. Approval of the request would materially impact our client’s ability to develop the Crescent Project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Snell & Wilmer' followed by a stylized signature.

Nicholas J. Wood

Exhibit A – The Properties



[illegible]



Exhibit C - Aerial

