

## ATTACHMENT B



### **City of Phoenix**

Planning and Development Department

#### **CONDITIONAL APPROVAL – ABND 240007**

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 April 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

April 11, 2024

Preliminary Abandonment Staff Report: **ABND 240007**

Project# **22-2833**

Quarter Section: **46-25**

District#: **1**

**Location:**

North of Alameda Road, south of Park View Lane, east of 19<sup>th</sup> Avenue and west of 7<sup>th</sup> Avenue within APN 210-07-025C

**Applicant:**

DVHAWK, LLC

**Request:**

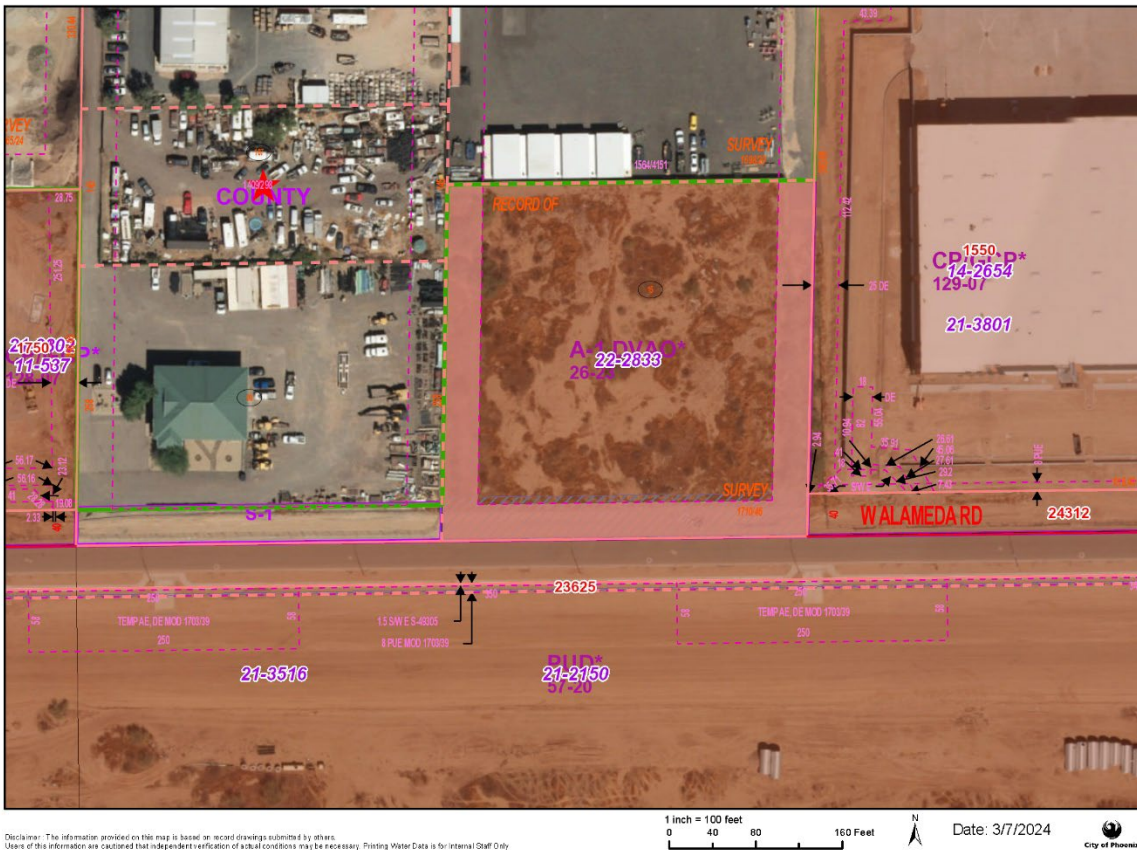
To waive the federal patent easement for the property located at APN 210-07-025C.

**Purpose of request:**

Applicant states the purpose is for the development of the property.

**Hearing date:**

**April 11, 2024**



## Hearing Summary

Ms. Dru Maynus, the Abandonment Coordinator, introduced abandonment ABND 240007 and read the case into the record by stating the applicant, location, and purpose of the request, as well as City staff research.

The Abandonment Hearing Officer, Mr. Craig Messer, asked the project representative, Chris Webb, do they have any additional information to add to what the Abandonment Coordinator stated.

Mr. Webb stated that the accessors parcel number (APN) has changed due to the required right-of-way dedication that has occurred on Alameda Road, thus realigning the property lines causing the County Assessor's to provide the property with a new address. He stated that the new APN was 210-07-025C. He went on to say the address for the property was also not correct and it was for some other property.

Ms. Maynus, acknowledged that it wasn't correct and that the City of Phoenix GIS team stated they do not have a current address for the property.

Mr. Messer asked Ms. Maynus to correct the property address and APN in the report.

Mr. Messer asked for staff to go over the comments.

Mr. Josh Rogers, Street Transportation Department staff member, said he only had one comment is that was requiring the dedication the north half of Alameda Road, which was simply swapping the federal patent easement that is located along Alameda Road.

Mr. Messer reiterated that along the south portion that the dedication already occurred. Therefore, when we get to Street's stipulations then we should probably remove stipulation number 3.

Mr. Rogers said it shouldn't be issues because it has already been fulfilled.

Mr. Messer said yes.

Mr. Messer asked Mr. Robert Martinez, Plan Tech Supervisor, if he could confirm if the dedication had been completed.

Mr. Martinez said yes.

Mr. Messer asked Ms. Maynus to continue with the other comments in the report.

Ms. Maynus went over all internal staff comments and external utility company comments. She stated that as of the date of the hearing staff had not received comments from CenturyLink and Salt River Project (SRP).

Mr. Messer said the project was in APS territory so it is safe to say we would get a comment from SRP stating they do not have facilities in the vicinity. He went on to say so the only issue is not receiving comment from CenturyLink.

Mr. Messer asked Ms. Maynus if there were any other comments to discuss.

Ms. Maynus said no.

Mr. Messer asked the applicant representative if they had anything else they wanted to add.

Mr. Webb said yes that the property was just recently annexed into the City and prior to it being annexed with the City they initiated the abandonment process through the County. It was through that process that they heard from CenturyLink. CenturyLink through that process said they didn't have any facilities in the area.

Mr. Messer asked Ms. Maynus to go over the recommended stipulations.

Ms. Maynus went over stipulation number 1 then asked the applicant if he had any questions.

Mr. Webb said yes, and asked for clarification on the options of the stipulation if CenturyLink then comes back and says they have facilities in the federal patent easement.

Mr. Messer asked Mr. Rogers if they were to come across CenturyLink facilities then would the requirement be that Streets would be relocating the facilities out of the public right-of-way and onto private property.

Mr. Rogers said aside from water and sewer facilities all other facilities would need to be relocated out of City of Phoenix right-of-way.

Mr. Messer said stipulation number 1a and 2 essentially said the same thing and stipulations 1b and 3 could be removed.

Mr. Messer asked the applicant representative if they had any questions.

Mr. Webb said if we already know that there are no utility facilities in the area then can he just say no there aren't any and move the abandonment forward to City Council.

Mr. Messer said no, City would have to obtain confirmation from CenturyLink first. He went on to say the applicant can reach out to CenturyLink to obtain confirmation to provide to the City as meeting the stipulation.

Mr. Webb said okay and so the only thing he needs met from CenturyLink is getting confirmation from them.

Mr. Messer said yes.

Mr. Messer went on to stipulation number 2. Then asked Mr. Webb did they provide a legal description.

Mr. Webb said yes, it was signed and sealed.

Mr. Messer asked Mr. Martinez if the Real Estate Division has seen the legal description yet.

Mr. Martinez said no they have not because they would also need a signed documents with the finalized stipulations first.

Mr. Messer said he would like to add a stipulation to this abandonment case that states the applicant shall obtain City approval of a legal description of the abandonment area prior to City Council approval.

Mr. Messer asked Mr. Webb if he was okay with the language.

Mr. Webb said yes.

Stipulation number 1 was revised by the Abandonment Hearing Officer.

Mr. Webb wanted to clarify if the City needed confirmation from SRP.

Mr. Messer checked the City's GIS system and stated the abandonment area was not in their service Area.

Mr. Webb asked if we needed to add that as a note.

Ms. Maynus said after the hearing staff would draft up the revised conditional approval with the minutes of the meeting which would state what Mr. Messer said.


Mr. Messer read into record that he was granting conditional approval with modified stipulations for ABND 240007.

**Recommended Stipulations of Approval**

The request of abandonment, if approved by the Abandonment Hearing Officer, will be subject to the following stipulations:

1. Existing utilities along Alameda Road are to be relocated outside of the City right-of-way in a public utility easement (PUE), unless otherwise approved by the Street Transportation Department. 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 240007.
3. 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: May 29, 2024

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Applicant/Representative, Rose Law Group PC, Chris Webb  
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.