



**CONDITIONAL APPROVAL – ABND 240049**

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 September 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

September 12, 2024

Preliminary Abandonment Staff Report: **ABND 240037**

Project# **24-831**

Quarter Section: **05-1208**

District#: **6**

**Location:**

Alley right-of-way (ROW) located between  
East Calle Tuberia and North 54<sup>th</sup> Street

**Applicant:**

Chad R. Foster and Natalie Foster

**Request:**

To abandon an alley located between East  
Calle Tuberia and North 54<sup>th</sup> Street.

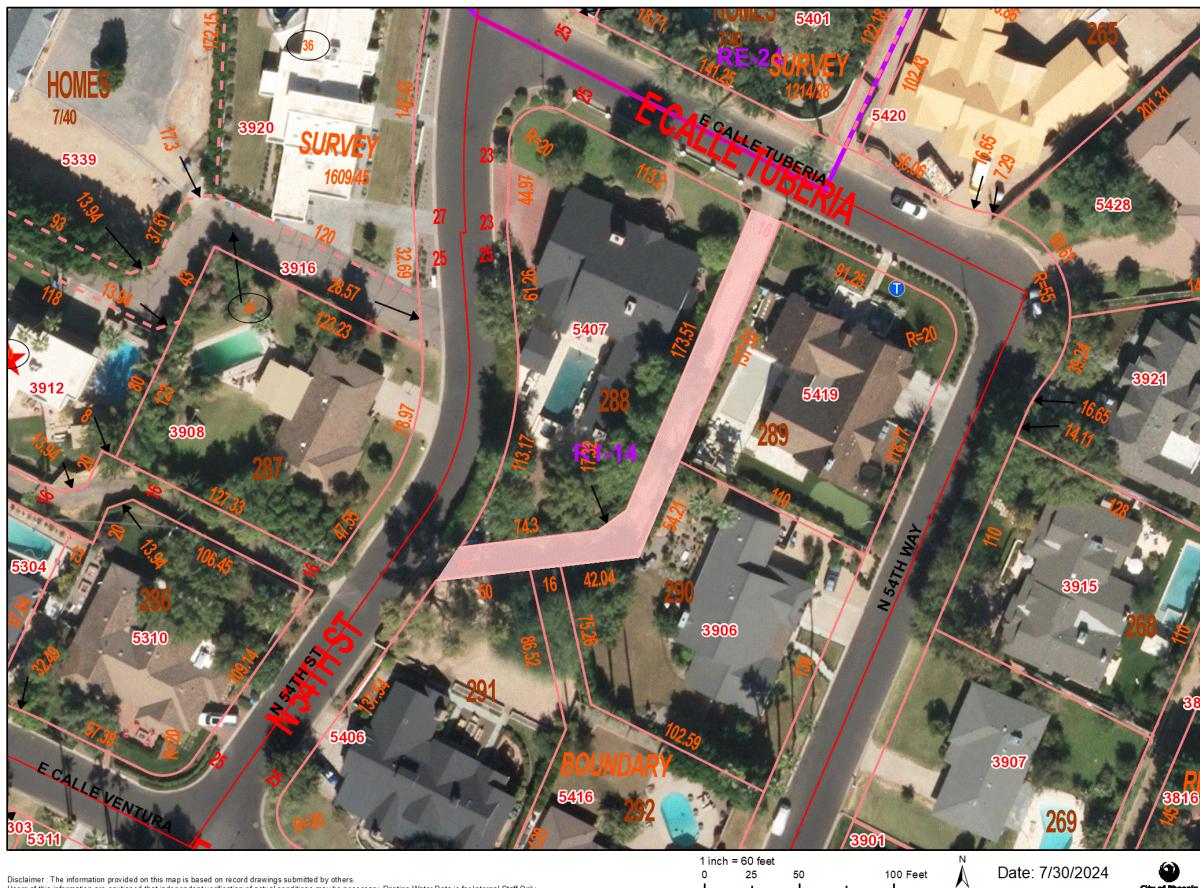
**Purpose of request:**

Applicant states the purpose of the  
abandonment will remove the alley which is  
no longer is used by residents and is  
considered to be a nuisance to surrounding  
property owners.

**Hearing date:**

**September 12, 2024**

ABND 240037



## City Staff Research

City Staff research shows the 16-foot alley was dedicated on December 12, 1956 by the Hidden Village Six plat, under Book 69 of Maps, Page 47 of the Maricopa County Recorder. If abandoned, the 16-foot 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 for department.

### **Street Transportation Department – Josh Rogers**

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

#### **Comment(s):**

54<sup>th</sup> Street and Calle Tuberia are both local roadways with a minimum 50-foot cross-section, or 25-foot half street. No right-of-way may be abandoned within those minimum required widths.

**Stipulations:**

1. No right-of-way within 25-feet of the 54<sup>th</sup> Street monument line shall be abandoned.
2. No right-of-way within 25-feet of the Calle Tuberia monument line shall be abandoned.
3. The applicant shall close the alley entrance on 54<sup>th</sup> Street and Calle Tuberia with new rolled curb, gutter, and incidentals. The entrance may remain if approved by the Street Transportation Department.

**Street Transportation Utility Coordination Department– Marina Smith**

No comment for this abandonment.

**PDD Traffic Department – Derek Fancon**

Recommend approval.

**PDD Planning Department – Dru Maynus**

Recommend approval.

**Streetlights – James Ficarra**

Recommend approval.

**Water Services – Don Reynolds**

WSD has one stipulation for this Abandonment request.

The entire Alleyway shall be retained as a sewer easement or as may be modified 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.

**PW Solid Waste Services – Megan Sheets**

Recommend approval.

**Public Transit Dept – Skitch Kitchen**

Public Transit has no comment on this project.

**PDD Civil Department – Darren Chapman**

Civil approves.

**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**

This will be a conflict review, Cox has facilities in the alley.

**Southwest Gas – Susan R. Mulanax**

After reviewing the documents for the above-referenced abandonment, it has been determined that there are no apparent conflicts between the Southwest Gas system and your proposed abandonment as shown on the letter you sent. Permission is granted to abandon the right-of-way located at the above-referenced location.

**Arizona Public Service – Kim Paxon**

This property is outside of APS territory. APS has no objection to abandonment.

**CenturyLink – Tori Jacoby**

CenturyLink of Arizona, Inc. d/b/a CENTURYLINK (“CenturyLink”) has reviewed the request for the subject Vacate/Abandonment and has determined that to protect its facilities CenturyLink must deny the request at this time for the abandonment of a 16' Alley.

Lumen has active facilities located within the 16' Alley – aerial cable, buried cable, and pedestals. Recommend having Lumen facilities located on a Results of Survey and resubmit for reconsideration.

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

If you would like to discuss possible alternative resolutions to this request for Vacate/Abandonment, please contact Tori Jacoby at [tori.jacoby@lumen.com](mailto:tori.jacoby@lumen.com).

**Salt River Project – Michael Laguna**

Salt River Project has an objection to the abandonment of Hidden Village Six 16' public alley way, as shown on the abandonment package. The request is denied, 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 in a timely manner.

If fencing the alley-way 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 622-236-8888, to coordinate the delivery or pick up of the lock. The alley-way must remain clear of all obstacles. No trees, plants, extending of the fence or block walls, kid pools or playhouse, etc. are allowed within the alley-way.

If the owners would like to inquire about the cost of converting the overhead facilities to underground. Please have them contact Customer Service at 602-236-888 and ask to be transferred to a Design team for an estimated cost.

**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 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. Applicant shall submit and obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 240037.
- 4. No right-of-way within 25-feet of the 54<sup>th</sup> Street monument line shall be abandoned.
- 5. No right-of-way within 25-feet of the Calle Tuberia monument line shall be abandoned
- 6. The applicant shall close the alley entrance on 54<sup>th</sup> Street and Calle Tuberia with new rolled curb, gutter, and incidentals. The entrance may remain if approved by the Street Transportation Department.
- 7. 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:** September 12, 2024

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Applicant/Representative, Chad R. Foster and Natalie Foster  
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.