



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 250003**

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 March 13, 2027**), 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 13, 2025

Preliminary Abandonment Staff Report: **ABND 250003**

Project# **93-0001274**

Quarter Section: **19-30**

District#: **6**

**Location:**

1246 East Oregon Avenue

**Applicant:**

House of Oak, LLC / Jarrin Solomon

**Request:**

Request to abandon a 15' by 127.07' (1,906 sf) portion of right-of-way that abuts 1246 East Oregon Avenue.

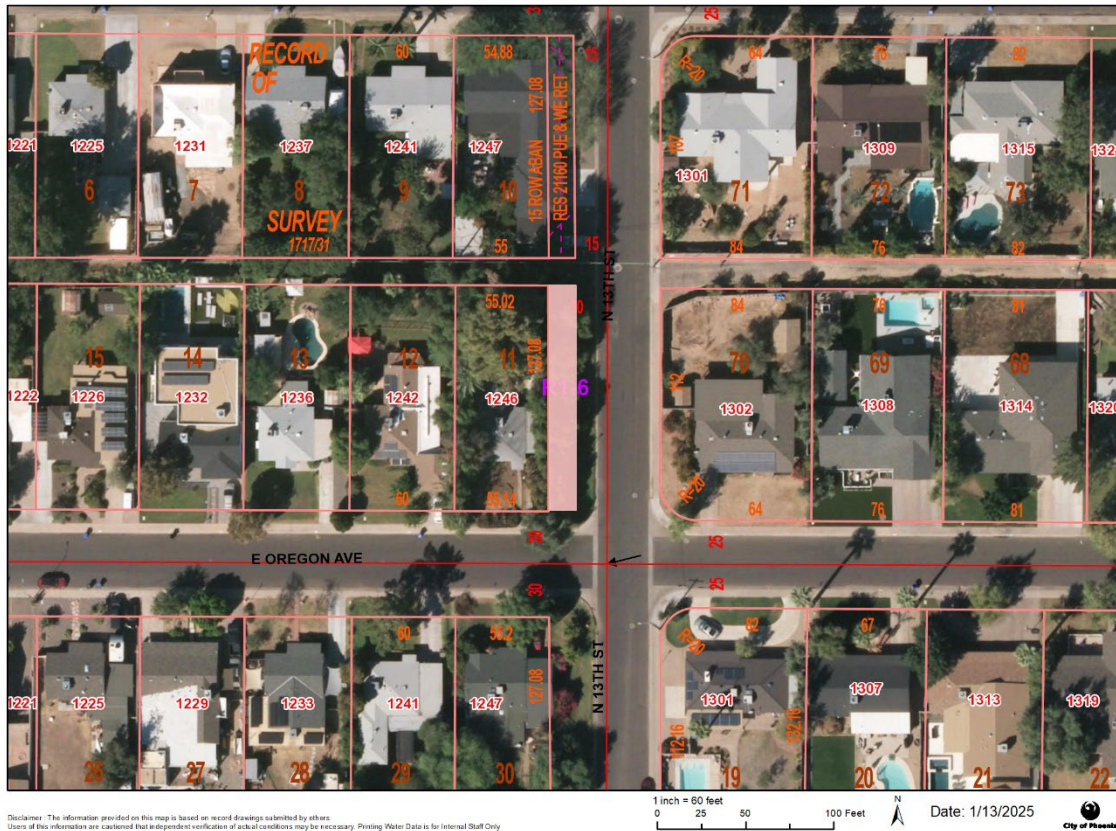
**Purpose of request:**

Applicant states the right-of-way is no longer needed for public use and they would like to incorporate the land into their property to match the property to the north.

**Hearing date:**

**March 13, 2025**

ABND 250003



## **City Staff Research**

City Staff research shows that the 13<sup>th</sup> Street 30-foot right-of-way was dedicated on July 15, 1947 by the Marow Homes Subdivision Plat under Book 39, Page 16 of the Maricopa County Recorder. If abandoned, the 13<sup>th</sup> Street 15-foot-wide right-of-way would be conveyed back to 1246 East Oregon Avenue.

## **City Staff Comments**

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

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

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

#### **Comments:**

1. 13<sup>th</sup> Street was dedicated as part of the Marow Homes subdivision in 1947. At that time, local street standards required a 30-foot half-street width, resulting in a total right-of-way width of 60 feet. Since then, the standards for local street cross-sections have been updated, now requiring a minimum right-of-way width of 50 feet (25 feet per half-street).

However, because a parcel north of the subject site on 13<sup>th</sup> Street did not dedicate the necessary right-of-way, the road was constructed with a 5-foot offset to the east from the

standard 25-foot/25-foot cross-section. As a result, to maintain the required 50-foot total right-of-way, the western half of 13th Street must be at least 20 feet wide, while the eastern half remains at 30 feet.

Stipulations:

1. No right-of-way within 20-feet of the 13th Street monument line shall be abandoned

**Street Transportation Utility Coordination Department– Andrea Diaz**

The Street Transportation Department Utility Coordination section has no comments

**PDD Traffic Department – Derek Fancon**

Recommend approval with the following stipulation:

1. Retain 20' of right-of-way on the west side of 13th Street.

**PDD Planning Department – Dru Maynus**

Recommend approval.

**Streetlights – Jason Fernandez**

Recommend approval.

**Solid Waste – Megan Sheets**

Approved.

**Water Services – Don Reynolds**

WSD has NO stipulations for this Abandonment.

**PDD Village Planner – Sarah Stockham**

No comment received.

**PDD Civil Department – Darren Chapman**

Civil Division recommends approval.

**Public Transit Department – Skitch Kitchen**

The Public Transit Department has no comment on this project.

**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 abandonment request at **ABND 250003 - 1246 E OREGON AVE APN 162-09-011**, 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 easement 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.

**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 15-foot abandonment as shown on the letter you sent. Permission is granted to abandon the 15-foot portion of the right-of-way located at the above-referenced location.

**Arizona Public Service – Darianna Arias**

Recommend Approval

**CenturyLink – Jody K. Butte**

No comment received.

**Salt River Project – Michael Laguna**

Salt River Project has no objection to the abandonment of the 15' right-of-way as shown in the abandonment package for property address 1246 E Oregon Avenue with the following condition. There is a private irrigation line located within the proposed abandonment area. Prior to any construction or excavation, the excavation, the owner must call Salt River Project Water Customer Service at 602-236-3333 for added information and responsibilities in protecting the private lateral. I have included an Notice of Water Rights pamphlet to be given to the owner.

**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. 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 obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 250003.
4. No right-of-way within 20-feet of the 13<sup>th</sup> Street 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:** \_\_\_\_\_ **Date:** March 18, 2025

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: House of Oak, LLC, Jarrin Solomon, Applicant  
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.