

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 240045

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 December 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

December 12, 2024

Preliminary Abandonment Staff Report: **ABND 240045**

Project# **00-5179**

Quarter Section: **17-41**

District#: **6**

Location:

U-shaped alleyway the abuts 5616 E Argyle Drive and 5615 E Argyle Drive

Applicant:

Jordan Evan Greenman, Greenman Law Firm

Request:

To abandon a U-shaped 16-feet-wide alley (10,846 square feet) the abuts 5616 E Argyle Drive and 5615 E Argyle Drive. The right-of-way was recorded within the Final Plat for Argyle Circle (10/27/1954), Book 61, Page 7).

Purpose of request:

To abandon the current public alley that is dilapidated. The alley is unused, and neighbors would like to increase the size of their parcels.

Hearing date:

December 12, 2024

RECORD OF SURVEY 100743
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E ARGYLE DR
N 56TH ST
N 57TH ST

100743

10/16/2024

1 inch = 60 feet
0 25 50 100 Feet

Disclaimers: The information provided on this map is based on record drawings submitted by others. Users of this information are cautioned that independent verification of actual conditions may be necessary. Printing Water Data is for Internal Staff Only.

City of Resources

City Staff research shows that 16-foot u-shaped alley was dedicated on October 27, 1954 by the Argyle Circle subdivision plat under Book 61, Page 7 of the Maricopa County Recorder. If abandoned, the 16 feet wide alley would be divided in half and 8 feet would return to all abutting properties.

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

Comments:

The radial measurement of the existing Argyle Drive cul-de-sac right-of-way of a 35-foot is below the current city standard of 50-feet. However, due to the low number of homes this cul-de-sac serves, Streets is amenable to allowing the alley abandonment to conform to the existing condition. This does not disqualify the city from requesting the full radial width of the cul-de-sac right-of-way be dedicated in the future if the necessity arises.

1. No right-of-way within 25-feet of the Argyle Drive monument line shall be abandoned.

2. No right-of-way within a minimum of 35-foot center point of the Argyle Drive cul-de-sac shall be abandoned.
3. The applicant(s) shall remove alley driveway apron and replace with new rolled curb, gutter, and incidentals. The entrance may remain if approved by the Street Transportation Department.

Street Transportation Utility Coordination Department– Andrea Diaz

The Street Transportation Department Utility Coordination section has no comments.

PDD Traffic Department – Derek Fancon

Recommend approval

PDD Planning Department – Dru Maynus

Recommend approval.

Streetlights – Jason Fernandez

Existing city owned streetlight 13502 is being fed from overhead power source within proposed abandonment.

Solid Waste – Megan Sheets

Recommend approval.

Water Services – Don Reynolds

WSD has **No stipulation** for this Abandonment.

PDD Village Planner – Sarah Stockham

No comment received.

PDD Civil Department – Rachel LaMesa

Approved without stipulations.

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 – Jacob Horsman

have reviewed the proposed abandonment request for the parcel located at 56th St. & Argyle Dr, in Phoenix, AZ.

Based upon the supplied drawings/exhibit that you've submitted it has been determined that COX will allow easement abandonment with the following stipulations.

COX will abandon once the existing facilities are relocated at the cost of the developer/requestor.

Also please note that Cox Communications accepts no liability for costs associated with any relocation of existing facilities required because of this proposed abandonment.

If I can be of further assistance or a conflict arises, please contact me using the contact information below.

Southwest Gas – Susan R. Mulanax

After reviewing the documents for the above-referenced abandonment, it has been determined that while there are **no apparent conflicts for the most part of the request** between the Southwest Gas (SWG) system and your proposed abandonment, SWG does have an existing service line between 5616 E Argyle Drive and 4123 N 56th Street that serves 5609 E Monterosa Street. Permission is granted to abandon the right-of-way, **provided that an easement is reserved for SWG at the above referenced service line location.**

Thank you for your cooperation on this project. Please contact me if you have any questions or require additional information.

Arizona Public Service – Darianna Arias

After careful review, we have determined that this matter falls outside our service territory. As such, we are not involved and do not have any conflict. Please refer to the attached letter for further details.

CenturyLink – Jody Butte

Qwest Corporation. d/b/a CENTURYLINK QC (“CenturyLink”) has reviewed the request for a letter of no objection to the abandonment described above and has determined that it has reservations with respect to the areas proposed for encroachment as shown and/or described on Exhibit “A”, said Exhibit “A” attached hereto and incorporated by this reference.

Lumen has aerial facilities on joint use utility poles within the alleyway.

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

This Letter of Objections 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 have any questions please contact Jody Butte, 814-599-0114 jody.butte@lumen.com.

Salt River Project – Michael Laguna

Salt River Project has an objection to the abandonment of the 16’ alleyway adjacent to APNs: 172-42-013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024, -025, -026, and -027. The abandonment request was denied because Salt River Project has overhead facilities within the proposed abandonment area. The alley abandonment would impeded Salt River Project’s ability to safely operate and maintain 24/7 access.

If gating the alleyway 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 602-236-8888 to coordinate the delivery or pick up of the lock. The alleyway must remain clear of all obstacles. No trees, plants, extending of the fence or block walls, kids pools or playhouse, etc.

If the owners would like to inquire about the cost of converting the overhead facilities to underground. Please have them call Customer Service at 602-236-8888 and ask to be transferred to a Designer for an estimate.

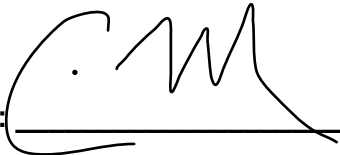
If you have any questions or need further information, please feel free to contact me at 602-236-3116.

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 submit and obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 240045.
4. No right-of-way within 25-feet of the Argyle Drive monument line shall be abandoned.
5. No right-of-way within a minimum of 35-feet center point of the Argyle Drive cul-de-sac shall be abandoned.
6. The applicant(s) shall remove alley driveway apron and replace it 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:** December 31, 2024

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Jordan Evan Greenman., Applicant/Representative
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.