

## ATTACHMENT B



### **City of Phoenix**

Planning and Development Department

#### **CONDITIONAL APPROVAL – ABND 250005**

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.

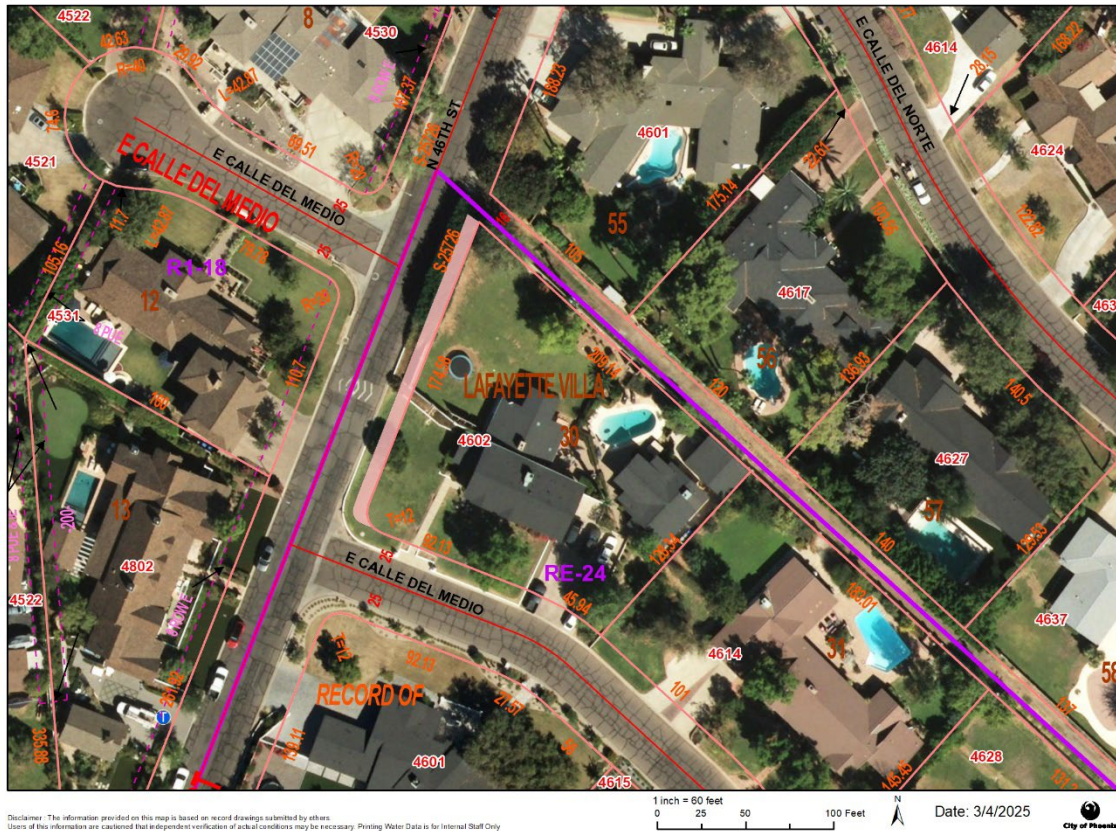


## **City of Phoenix**

Planning and Development Department

March 13, 2025  
Preliminary Abandonment Staff Report: **ABND 250005**  
Project# **00-2991**  
Quarter Section: **18-38**  
District#: **6**

<b><u>Location:</u></b>	Right-of-way abutting 4602 East Calle Del Medio
<b><u>Applicant:</u></b>	Greenman Law / Jordan Greenman
<b><u>Request:</u></b>	Request to abandon 8-feet of the 33-foot right-of-way that abuts 4602 East Calle Del Medio to the west.
<b><u>Purpose of request:</u></b>	Applicant states the right-of-way abandonment has been requested to consolidate the land with the abutting property to aid with removing unneeded right-of-way. Thus, enhancing the community.
<b><u>Hearing date:</u></b>	<b>March 13, 2025</b>



### **City Staff Research**

City Staff research shows that the North 46<sup>th</sup> Street 33-foot right-of-way was dedicated on September 4, 1957 by the Lafayette Villa Unit 3 Subdivision Plat under Book 73, Page 46 of the Maricopa County Recorder. If abandoned, the North 46<sup>th</sup> Street 8-foot-wide right-of-way would be conveyed back to the abutting property owner.

### **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**

Comments:

1. 46<sup>th</sup> Street is a local road with a minimum half-street of 25-feet.

Stipulations:

1. No right-of-way within 25-feet of the 46<sup>th</sup> 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.

**PDD Planning Department – Dru Maynus**

Recommend approval.

**Streetlights – Jason Fernandez**

Recommend approval.

**Solid Waste – Megan Sheets**

Approved.

**Water Services – Don Reynolds**

The Abandonment portion of the right-of-way shall be retained as a water easement or as may be modified by the affected utilities with 24-hour maintenance access subject to the following standard stipulations:

1. 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 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.

**PDD Civil Department – Roxanne Tapia**

Civil Division recommends approval 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 – Zach Lawson**

I have reviewed the abandonment request at ABND 250005 APH 171-29-028 4602 E CALLE DEL MEDIO, 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

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 – Darianna Arias**

Not within APS's service territory.

**CenturyLink – Jody K. Butte**

Quest Corporation d/b/a CENTURYLINK CQ ("CenturyLink") has reviewed the request for the subject abandonment request and has determined that in order to protect its facilities, CenturyLink must deny the request at this time.

If you would like to discuss possible alternative resolutions to this abandonment request, please contact Bill Paul 727-449-3544 or [bill.paul@lumen.com](mailto:bill.paul@lumen.com).

**Salt River Project – Michael Laguna**

Salt River Project has no objection to the abandonment of the east 8' of the 33' right-of-way adjacent along the west property line of 4602 E. Calle Del Medio with the following conditions. The abandoned 8' is to be retained as a Public Utility Easement and the proposed abandoned right-of-way does not supersede the Salt River Project easement recorded in Docket 2480-17.

**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 250005.
4. No right-of-way within 25-feet of the 46th 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: Greenman Law, Jordan Greenman, 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.