

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210002

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Christopher DePerro, 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 Maggie Dellow at (602) 262-7399** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations **Alyssa Neitzel** will schedule your request 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 4, 2023**), 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 4, 2021

Abandonment Staff Report: **ABND 210002**

Project# **20-4356**

Quarter Section: **02-29**

Location:

8th Place and Euclid Avenue

Applicant:

Adam Baugh, Withey Morris PLC\

Request to abandon:

The entirety of 8th Place right-of-way, south of Euclid Avenue.

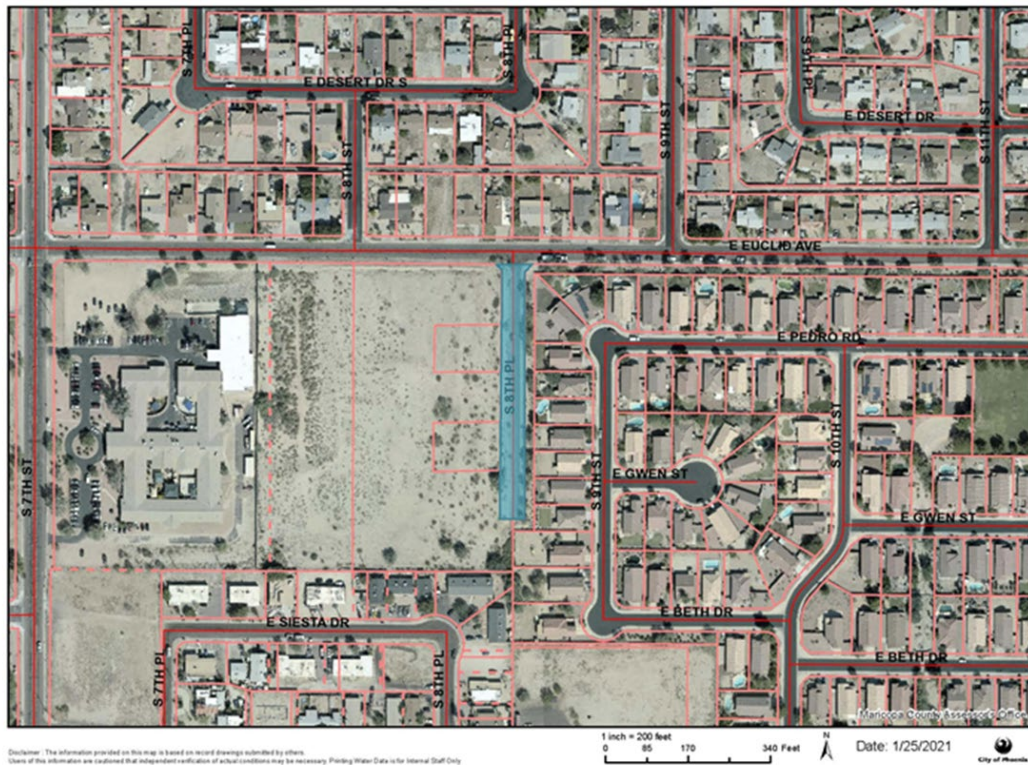
Purpose of request:

The applicant states that 8th Place is only partially improved, terminates approximately 515 feet south of Euclid Avenue, and does not serve any other surrounding developments. The applicant intends to develop a townhome project on the adjacent site to the west. The proposed abandonment will increase the opportunity for quality landscaping and buffering between the existing residential subdivision to the east, and it will provide an opportunity for improved security behind the adjacent subdivision.

Hearing date:

March 4, 2021

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Hearing Officer called the hearing to order at 9:30 AM on February 4, 2021. ABND 210002 was the first case heard during this hearing. Mr. DePerro then asked the Abandonment Coordinator to introduce the case.

Ms. Maggie Dellow the Abandonment Coordinator introduced the case by reading the abandonment case into the record by stating the applicant, location, abandonment request, and purpose of the request, as well as City staff research.

Mr. DePerro then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Adam Baugh, the applicant explained that proposed project on this site will only have accesses off of Euclid Avenue and that there is not longer any use or utility for the existing 8th Place right-of-way as it does not serve any of the other adjacent properties. Mr. Baugh explained that the abandonment of 8th Place would not only serve the proposed project off of Euclid, but that it would also provide increased security and enable greater landscaping in the abandoned area.

Mr. DePerro then reviewed the comments provided by the utility companies and confirmed that there are no utilities within the proposed abandoned area.

The Hearing Officer reviewed the recommended stipulations with the applicant making modifications to the drafted stipulations by striking stipulation number 1 and renumber the remaining stipulations accordingly, and to revise the existing stipulation number 6 to state: "The

applicant shall close the street entrance on Euclid Avenue with new curb, gutter, sidewalk and incidentals. The applicant should also remove the remaining existing improvements within the area to be abandoned for 8th Place.”

The Hearing Officer granted a conditional approval with revised stipulations.

Stipulations of Conditional Approval

The request of abandonment is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

1. 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.
2. No right-of-way within 25 feet of the Euclid Avenue monument line may be abandoned.
3. All landlocked parcels shall be replatted, legally combined, or have an alternate legal access provided (private ingress/egress easement) to a public street.
4. The applicant shall contact the Street Transportation Department (Michael Cano) at 602-495-7149 to coordinate the removal, salvage or purchase all existing City owned signs. No sign is to be removed until a copy of the abandonment resolution is provided to the Street Transportation Department.
5. The applicant shall close the street entrance on Euclid Avenue with new curb, gutter, sidewalk and incidentals. The applicant should also remove the remaining existing improvements within the area to be abandoned for 8th Place.
6. The applicant shall contact the Street Transportation Department (Jason Fernandez) at (602) 256-4168 to coordinate the removal, relocation or transfer of ownership of all City owned streetlights within the subdivision. This shall be done at no cost to the City.
7. All work in public right-of-way is to be done in accordance with plans approved by the Planning and Development Department and at no cost to the City.
8. 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: 3.24.2021

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative, Adam Baugh, Withey Morris
Christopher DePerro, Abandonment Hearing Officer