



City of Phoenix
Planning and Development Department

CONDITIONAL APPROVAL – ABND 230065

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 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 January 18, 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

January 18, 2024
Abandonment Staff Report: **ABND 230065**
Project# **21-3478**
Quarter Section: **44-27**
District#: **1**

Location: Immediately south of Pinnacle Peak Road, northwest of Airport Drive, and east of 7th Avenue

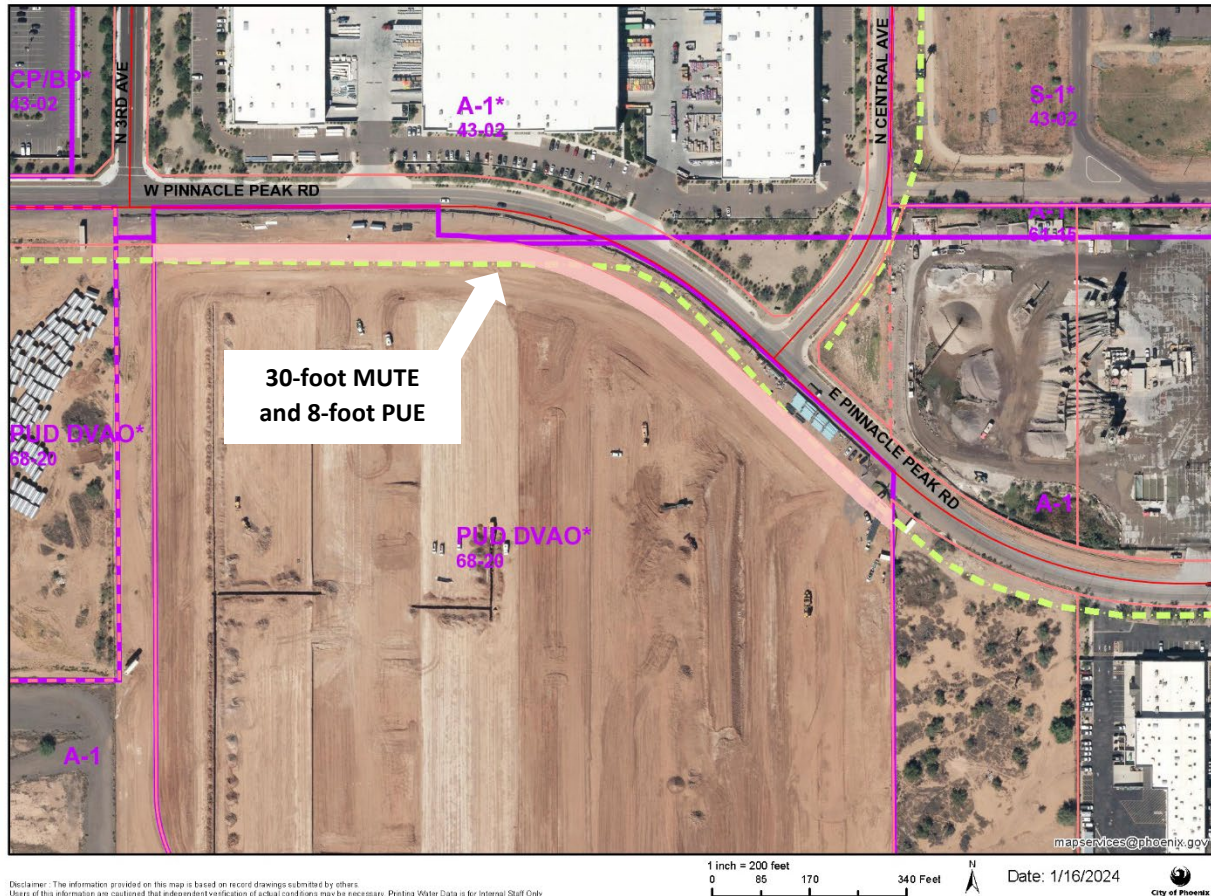
Applicant: Hunter Engineering

Request: To abandon 1,455 +/- linear length of the Pinnacle Peak 30-foot multi-use trail easement and to abandon 1453.8 +/- linear length of a public utility easement (PUE) located Immediately south of Pinnacle Peak Road, northwest of Airport Drive, and east of 7th Avenue.

Purpose of request: Applicant states that the final plat for TSMC Supplier Site C (recorded in Book 1707, Page 4) was recorded prior to the completion of the abandonment request of a portion of the right-of-way along Pinnacle Peak Road. As a result, the applicant is working on a re-plat to dedicate the new location of the multi-use trail easement and PUE upon completion of this abandonment request.

Hearing date: **January 18, 2024**

Planning and Development



Hearing Summary

Ms. Dru Maynus, Abandonment Coordinator read ABND 230065 into the record, stating the location, applicant, request, purpose of request and City Staff research.

Mr. Christopher DePerro asked the applicant Grant Hirneise to provide further clarification on the abandonment request.

Mr. Hirneise agrees to provide further clarification and starts off by saying that although the request includes two items to be abandoned that upon further discussion with civil staff, that it has been determined that they no longer want to abandon the PUE and would like to remove it from the abandonment request. He went on to say they only wish to abandon the 30-foot trail easement which will be replaced with a replat.

Mr. DePerro asked the applicant why it needed to be a replat.

Mr. Hirneise explains that there were instructed by civil staff since they were rededicating the right-of-way along the frontage. He then says original the right-of-way dedication was 65-feet wide, but Michelle Flores, civil reviewer, stated that it needed to be 55-feet. The applicant was going to rededicate that on the replat, but they were instructed not to do that.

Mr. DePerro asked if something was wrong.

Mr. Hirneise says the plat was mistakenly recorded prior to their abandonment being completed.

Mr. DePerro then asked if it was a mistake because it sounds like they are saying the result was going to be 55-feet of right-of-way for the south side.

Mr. Hirneise answered by saying the result will be 55-feet.

Mr. DePerro asked again if it was truly a mistake and gave an example of what a mistake usually entails. He then went on to say it wasn't a mistake it was poor sequencing.

Mr. Hirneise then agreed that it was poor sequencing.

Mr. DePerro interjects and says they dedicated 65-feet that was already existing. He then asked if their plan was showing 65-feet.

Mr. Hirneise said yes.

Mr. DePerro then asked if they had an abandonment get approved to reduce it to 55-feet.

Mr. Hirneise answers Mr. DePerro's question by saying correct.

Mr. DePerro then says he is still trying to understand why they need to replat because there would still be 55-feet of right-of-way.

Mr. Hirneise then says he was told that it needed to be done for the multi-use trail and it had to be done on the replat and that he doesn't know anything further.

Mr. DePerro says he still doesn't understand the reason the replat is needed because they can abandon the right-of-way without replatting. He went on to say the trail easement would not be directly adjacent to the right-of-way. He further explained that they could have just retained in the resolution the 10-feet as both the trail and a PUE to be connected to the right-of-way. Although they would of have been wider than normal, it would have been fine.

Mr. Hirneise then says it does impact their setbacks where the trail easement is.

Mr. DePerro then says if you abandon it your setbacks are now from the new right-of-way line and not the old right-of-way line and it will be part of their property.

Mr. Hirneise then says he understands, but he is just following the direction that he received from the City.

Mr. DePerro then says okay the point of what you are doing is to leave the PUE which he understands, but he doesn't understand the point of trying to move the trail easement to the north.

Mr. Hirneise then says yes, the trail easement would be shifted north 10-feet.

Mr. DePerro says he can move forward with the abandonment, but the stipulations are going to be worded in such a way that they would get stuck with having to do a replat. He then asked if the applicant was fine with that.

Mr. Hirneise says the replat is already within its second submittal with the City.

Mr. DePerro continues with saying that he is going to stipulate the abandonment to go concurrently with the replat.

Hirneise says yes in agreement.

Mr. DePerro then asked if the public utility easement is being listed as existing and dedicated per 1707 page 4 or are they rededicating?

Mr. Hirneise says they are showing it as a dedicated 18-foot PUE along the northern stretch.

Mr. DePerro then asked if it just says PUE like they are dedicated per the plat.

Mr. Hirneise says yes.

Mr. DePerro explains that they do not have to retain the PUE, but from what he gathers, is that Michelle Flores wanted them to keep it because something was designed within it.

Mr. Hirneise says yes APS equipment was already placed within it.

Mr. DePerro then asked if their current plat shows that the PUE is staying in place.

Mr. Hirneise says yes.

Mr. DePerro then explains why he is asking is because the City advertised their request showing the multi-use trail and PUE. He then says if we do not abandon the PUE then the applicant should revise their plat to state that it was dedicated for this plat because they aren't dedicating it on that plat and its already dedicated. He then says or he can continue with abandoning it as the applicant requested and they will then dedicate it brand new on the plat. He then says it doesn't matter as long as they have a PUE. He concludes with asking the applicant to pick which way he would rather do it.

Mr. Hirneise then asks for confirmation of what he heard by restating what Mr. DePerro explained.

Mr. DePerro says yes and that he needs to state that the 8-foot PUE was dedicated per plat book 1707 page 4.

Mr. Hirneise says yes that is what they would like to do.

Mr. DePerro then asks the abandonment coordinator if there was anything else that needs to be discussed on the abandonment.

Mr. DePerro then asks to see the stipulations and says since right-of-way is not being abandon we do not need stipulation number 1 or 2. He then says he will add in two additional stipulations.
1. No portion of the public utility easement adjacent to the south side of Pinnacle Peak Road

shall be abandoned per this request. 2. The abandonment shall be finalized concurrently with the replat of this property. 3 stipulation remains the same. He then asked the applicant if they are in agreeance with the stipulations he created.

Mr. Hirneise says yes they sound good to him.

Hearing Officer DePerro states for the record that ABND 230065 was granted conditional approval per the stipulations in the staff report dated January 18, 2024 modified as such:

Stipulation 1: No portion of the public utility easement adjacent to the south side of Pinnacle Peak Road shall be abandoned per this request.

Stipulation 2: This abandonment shall be finalized concurrently with the replat of the property south of Pinnacle Peak Road.

Stipulation 3: Remains the same as what is currently in the report.

Ms. Maynus says no other major comments besides Street Transportation Department has comments that need to be discussed.

Recommended Stipulations of Approval

The request of abandonment, if approved by the Abandonment Hearing Officer, will be subject to the following stipulations:

1. No portion of the public utility easement adjacent to the south side of Pinnacle Peak Road shall be abandoned per this request.
2. This abandonment shall be finalized concurrently with the replat of the property south of Pinnacle Peak Road.
3. The abandonment 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: 3/21/2024

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Applicant/Representative, James A. Brucci
Christopher DePerro, 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.