

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – V190060A

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 Robert Martinez at (602) 495-0156** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations Robert Martinez will schedule your request for City Council action.

If the stipulations of abandonment are not completed within **one year** from the date of your conditional approval (**your expiration date is October 10, 2021**), 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

October 10, 2019
Abandonment Staff Report: **V190060A**
Project# **01-19451**
Quarter Section: **15-22**

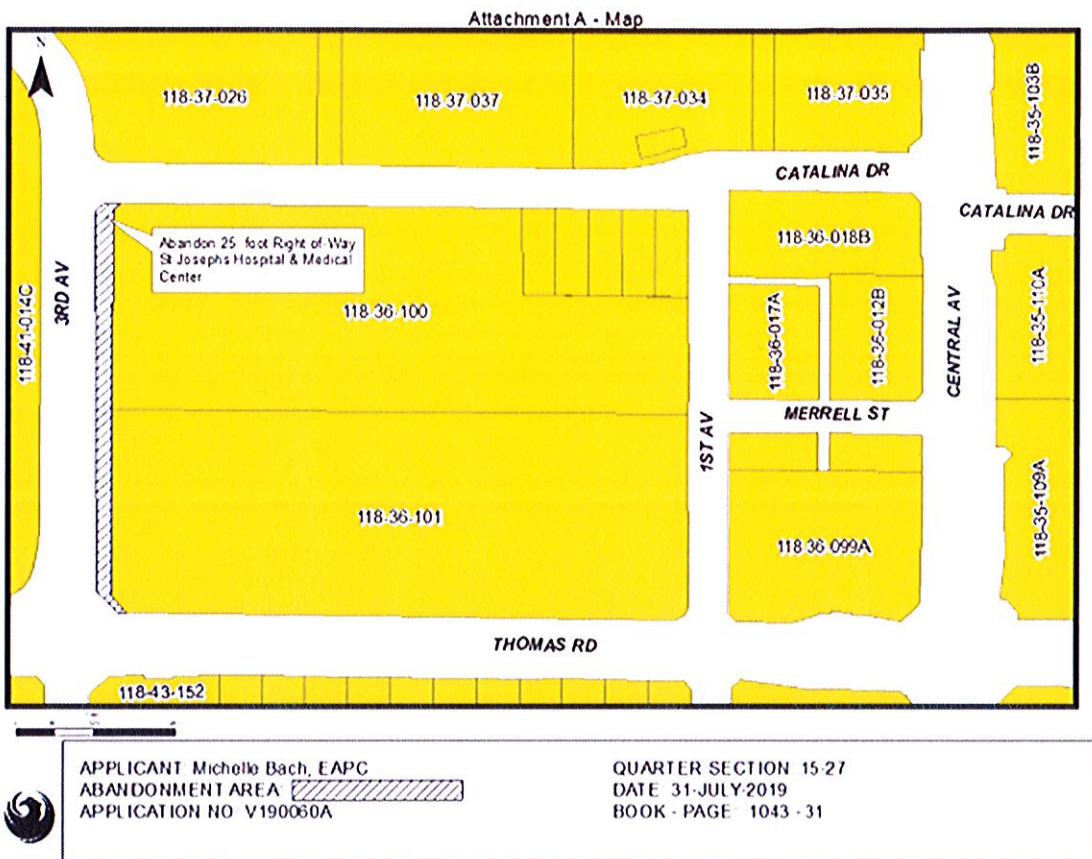
Location: 2929 North 3rd Avenue

Applicant: Michelle Bach; EAPC

Request to abandon: To abandon 25 feet of right-of-way for a new 45-foot right-of-way along 3rd Avenue. This will match the surrounding right-of-way's that range from 40 – 45 feet along Thomas Road and 3rd Avenue.

Purpose of request: The applicant states: Requesting to reduce the existing right-of-way along the east side of 3rd Avenue between Thomas Road and Catalina Drive from the current 70 feet down to 45 feet of right-of-way. This will allow to design and enhanced landscaped area as you enter Dignity St Joseph's Hospital and Medical Center campus.

Hearing date: **October 10, 2019**



Hearing Summary

Ms. Rocio Iniguez, the Abandonment Coordinator read the abandonment request, purpose and staff research into the record.

Ms. Michelle Bach, presented the abandonment request, stating this is to enhance the landscaping for the Muhammad Ali Center of Benefit to create an exterior therapy walk for patients and staff to use. The abandonment request is to allow a different design to be used in the right-of-way.

Mr. DePerro reviewed each drafted stipulation with Ms. Bach, addressing any concerns she might have had with the stipulations. Mr. DePerro then addressed stipulation number 7 and stated he would be changing this stipulation to read, all easements as currently dedicated on the private street Muhammad Ali Way be retained across any portion of right-of-way to be abandoned so all easements connect to the new right-of-way line. Mr. DePerro explained to Ms. Bach this is so there is no gap between these easements and the new right-of-way line. Mr. DePerro moved on to address drafted stipulation number 8 adding the last sentence to read, alternatively, a water easement may be dedicated around the existing meters as approved by the Water Services Department, this was to ensure in the design the concern of the water meters would be met, and Ms. Bach can work with the Water Services Department on this.

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. 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.
 - b. All right-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. No right-of-way within 7 feet of existing back of curb along 3rd Avenue may be abandoned; location shall be verified through a survey by a registered professional in the State of Arizona.
4. Retain a minimum 5-foot Sidewalk Easement along new property line on South 3rd Avenue.
5. No right-of-way within 45 feet of the Thomas Road monument line may be abandoned. A 5-foot sidewalk easement shall be retained along Thomas Road.
6. A 25 foot by 25 feet right of way triangle shall be retained at the northeast corner of 3rd Avenue and Thomas Road.
7. All easements as currently dedicated on the private street Muhammad Ali Way be retained across any portion of right-of-way to be abandoned so all easements connect to the new right-of-way line.
8. If the existing water meter(s) are not located within right-of-way, it shall be relocated onto the public right of way in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix. Alternatively, a water easement may be dedicated around the existing meters as approved by the Water Services Department.
9. A 6-foot by 6-foot water easement shall be retained around existing fire hydrants or be

relocated onto the public right of way in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by licensed contractor at no expense to the City of Phoenix.

10. Retain a drainage easement around the existing drainage facilities per the City of Phoenix Storm Water Policies and Standards Manual, if drainage facility is within private property.

11. All stipulations must be completed within **one year** from the Abandonment Hearing Officer's decision.

This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.

Hearing Officer Signature:



Date: 2.4.2020

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Michelle Bach; EAPC
Christopher DePerro, Abandonment Hearing Officer