

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210038

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) 256-3487** 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 August 12, 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

August 12, 2021

Abandonment Staff Report: **ABND 210038**

Project# **98-0005479**

Quarter Section: **24-29**

Location:

Kaler Drive and 7th Place

Applicant:

Julian Lucas

Request to abandon:

The alley south of Kaler Drive and east of 7th Place.

Purpose of request:

The applicant states that trash/recycle pick-up for the abutting homes does not utilize the alley space, but rather the front of the homes are used. The alley has never existed in reality and was not accurately disclosed prior to purchasing. If the alley existed, it would roughly eliminate the backyards of nearly every home adjacent to the alley. Long-standing, permanent yard walls exist enclosing this alley and have been maintained by home owners, not the City, since 1970.

Hearing date:

August 12, 2021

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:30 am on August 12, 2021. He then invited staff to introduce themselves.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the abandonment case ABND 210038 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.

Mrs. Stephanie Lucas, the applicant explained that while legally dedicated as an alley, the proposed abandonment area has never functioned as an alley and is currently part of many neighbors' backyards.

Mr. DePerro confirmed that he understood the request and explained that this is a unique circumstance.

Ms. Dellow reviewed City staff comments with the applicant. Mr. DePerro explained that if the alley is abandoned, the length of the alley south of Kaler Drive would need to be retained as a

water easement due to the fact that a water line is currently located within the area. Mr. DePerro wondered if this would impact the applicant's construction plans.

Mrs. Lucas described her construction plans, explaining that new construction would not be located within the abandonment area to be retained as an easement.

Mr. DePerro confirmed that the retention of the water easement would not impact the construction plans.

Ms. Dellow reviewed utility provider comments with the applicant. Utility providers did comment that there are existing utilities within the proposed abandonment area. Ms. Dellow then reviewed the recommended stipulations with the applicant.

The Hearing Officer granted a conditional approval subject to the stipulations in the staff report.

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. 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 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 50 feet of the 7th Street monument line may be abandoned.
4. No right-of-way within 16 feet of the alley along the northern end may 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: 8/12/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Julian Lucas, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer