

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210037

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.



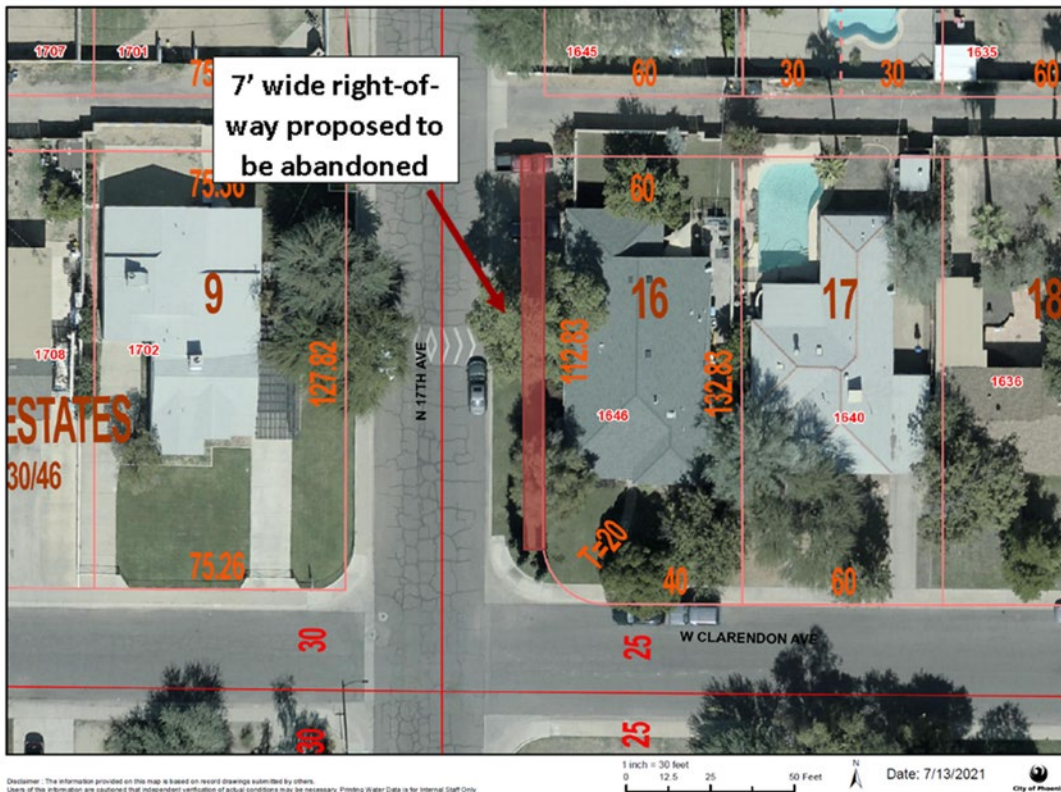
City of Phoenix

Planning and Development Department

August 12, 2021
Abandonment Staff Report: **ABND 210037**
Project# **99-40793**
Quarter Section: **05-15**

<u>Location:</u>	1646 West Clarendon Avenue, Northeast Corner of 17th Avenue and Clarendon Avenue
<u>Applicant:</u>	Carlos and Kimberly Villabon
<u>Request to abandon:</u>	112.83 - feet of 7-foot wide right-of-way adjacent to the west side of 1646 West Clarendon Avenue.
<u>Purpose of request:</u>	The applicant states they would like to extend their block wall towards 17th Avenue and install a pool in the northwest corner of the lot.
<u>Hearing date:</u>	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 210037 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.

Ms. Kimberly Villabon explained that the existing right-of-way is taking up a lot of space near the lot which is making it difficult to construct a pool in the desired area. Ms. Villabon explained that an abandonment of the excessive right-of-way would allow her to move the site wall closer to the street, providing more space to build a pool in the backyard of her home.

Ms. Dellow and staff reviewed the comments and proposed stipulations of approval provided from City Reviewers and Public Utility Providers.

Ms. Villabon asked if the property markers would be moved following final approval of the abandonment. Mr. DePerro indicated that the City does not move property markers, but that the City maps would be updated to show the abandonment following final approval.

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 25 feet of the 17th Avenue monument line may be abandoned.
4. No right-of-way within 25 feet of the Clarendon Avenue monument line 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: 9/2/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Carlos and Kimberly Villabon, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer