

Attachment B - Approval Report



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – 190014A

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 G. Martinez at (602) 495-0806** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations, Robert G. 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 April 11, 2020**), 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

April 11, 2019

Abandonment Staff Report: **V190014A**

Project# **99-39823**

Quarter Section: **24-28**

Location:

Alleyway 107.31 feet Southeast of Kaler and 3rd Street

Applicant:

Darryl & Lynn Lutzer

Request to abandon:

To abandon 16-foot alley right-of-way between 3rd Street and 6th Street between Wagon Wheel Drive and Kaler Drive and a portion of the 6th Street right-of-way

Purpose of request:

The applicant states: to eliminate trash dumping, burglary, aggressive homeless, theft and abandoned cars.

Hearing date:

April 11, 2019



QUARTER SECTION: 24-28
DATE: 21-FEB-2019
DOCKET & PAGE: 089-30

Mr. Christopher DePerro, the Hearing Officer started the discussion by asking the applicant to explain the abandonment request.

Mr. DePerro opened the hearing to anyone that would like to speak.

Mr. LeRoy Harvey, resident at 517 East Kaler Drive, had questions regarding if he would gain land to his property and access for utilities.

Mr. Terry Dilon, resident at 341 East Kaler Drive, stated he was opposed to the abandonment. Mr. Dilon stated the abandonment of the alley does not solve crime issues, he has never seen aggressive homeless or abandoned vehicles in the alley. Mr. Dilon also stated he does not prefer bulk trash to be in the streets and that some of the problems are overexaggerated or possibly completely fabricated.

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Ms. Edwards stated these problems are not fabricated and that most of the neighbors feel this will solve some of these issues.

Mr. Dillon then stated that he questions if this is unanimous with the neighbors.

Mr. DePerro then discussed when there is opposition what he takes into consideration to make this decision.

Mr. DePerro reviewed the drafted stipulations with Ms. Edwards.

The Hearing Officer granted a conditional approval with revised stipulations.

Stipulations of Conditional Approval

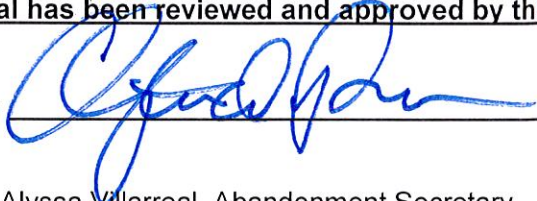
The request of abandonment, is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

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. If utilities are relocated, the existing alley driveway entrance shall be removed.
 - b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access. No structure of any kind and/or block wall shall be constructed or placed within the easement except removable type fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction
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 either side of 6th Street monument line may be abandoned.
4. No right-of-way within 30 feet of the 3rd Street monument line may be abandoned.
5. The applicant shall close the alley entrance on 3rd Street and 6th Street with new curb, gutter, sidewalk and incidentals. The entrance may remain if approved by the Street Transportation Department. 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.
6. All landlocked parcels shall be re-platted, legally combined, or have an alternate legal access provided (private ingress/egress easement) to a public street.

7. The applicant shall contact the Street Transportation Department (Michael Cano) at 602-495-7149 to coordinate the addition, 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.
8. Coordinate with Solid Waste Department for solid waste pick-up relocation.
9. 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: _____

6.11.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Darryl & Lynn Lutzer
Christopher DePerro, Abandonment Hearing Officer