



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 240021**

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Craig Messer, 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 June 13, 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

June 13, 2024

Preliminary Abandonment Staff Report: **ABND 240021**

Project# **23-1178**

Quarter Section: **30-25**

District#: **3**

**Location:**

Between North 49<sup>th</sup> Place and North Arcadia Drive north of East Exeter Boulevard

**Applicant:**

Greenman Law Firm, Jordan Greenman

**Request:**

To abandon a 16-foot alley that is located between North 49th Place and North Arcadia Drive north of East Exeter Boulevard. To abandon 8-feet of right-of-way north of East Exeter Boulevard, and to abandon 10-feet of right-of-way located northwest of Arcadia Drive

**Purpose of request:**

Applicant states the purpose is to increase the size of respective parcels and because there is no longer a necessary use for the 16-foot alleyway.

**Hearing date:**

**June 13, 2024**

**TAKEN OUT FROM UNDER  
ADVISEMENT AUGUST 2, 2024**

## ABND 240021



### Hearing Summary

Ms. Dru Maynus, Abandonment Coordinator read ABND 240021 into the record, stating the location, applicant, request, and the purpose of request.

The Abandonment Hearing Officer, Mr. Craig Messer, asked the applicant representative, Mr. Jordan Greenman, if he had a presentation that he wanted to present.

The applicant stated he did have a presentation but that he did not need to present it. He stated that Mr. Fox, abutting neighbor, had concerns. But he and Mr. Fox have worked the issues out with him privately. They have agreed to draft a CC&R to ensure that their property does not encroach into any portion of the new required setbacks.

Mr. Messer said okay, and asked the Abandonment Coordinator to continue on with the report.

Ms. Maynus read through City Staff research.

Mr. Messer said the new section of the alley was dedicated by property 4950 E Exeter Blvd.

The applicant and Ms. Maynus agreed.

Mr. Messer said then that entire piece will vest back to 4950 E Exeter Blvd.

Mr. Greenman said correct.

Mr. Messer asked the Street Transportation Department Representative, Joshua Rogers, to discuss his comments.

Mr. Rogers went over his comments.

Mr. Messer asked Mr. Rogers to clarify the current right-of-way centerlines.

Mr. Greenman chimed in and provided the information.

Mr. Messer asked Ms. Maynus to go over the remaining internal and external reviewer comments.

Ms. Maynus read over the remaining comments.

Mr. Messer asked the applicant if they wanted to discuss any comments and/or concerns they had about the reviewer comments.

Mr. Greenman said that the applicant is prepared to leave it as a public utility easement (PUE) with 24-hour access. He then said they will not fence it off. He said they will also coordinate with the utility companies to ensure they have access.

Mr. Messer said great because the utility companies along with WSD need access.

Mr. Messer said the only issue is the streetlight that is located along Arcadia Drive. He said that it is within the right-of-way. As a result, Streetlight's comment should be included as a stipulation.

Mr. Rogers said that makes sense to him.

Mr. Greenman said the only issue is he doesn't want his client being used as a means to get a new streetlight on Arcadia when there is nothing wrong with the current streetlight. He stated he doesn't believe the streetlight will be affected by the abandonment as he thinks it will still be within the right-of-way.

Mr. Greenman asked the neighbor that owns the property abutting the streetlight to speak on his knowledge of the distance of the streetlight from the roadway.

The resident said he believes the streetlight is close enough to the street and wouldn't impact the abandonment area.

Mr. Rogers said he wanted to add more information regarding the monument line. He went on to say Streets is not allowing abandonment within 30 feet of the monument line, and the monument line is approximately 3 feet away when looking at the aerial image. He said he believes it is within the 30 feet and out of the right-of-way.

Mr. Messer was in agreement that he believes the streetlight will be within the right-of-way, but the stipulation has to be worded differently.

The applicant said he wants to ensure that the stipulation doesn't require his customer to pay for a new streetlight when the current streetlight is in operating condition.

Mr. Greenman asked the Abandonment Hearing Officer to take it under advisement because he is concerned that this client might be responsible for putting in a new streetlight.

Mr. Messer said before we do that allow him a moment to locate the improvement plans for the house nearest the streetlight.

Mr. Messer was unable to come to a resolution and decided to take the abandonment case ABND 240021 under advisement as City staff looked further into the streetlight concerns.

### **Recommended Stipulations of Approval**

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

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. Any utilities which are to remain on private property shall be maintained in an appropriate public utility easement (PUE).
3. 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.
4. Applicant shall submit and obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 240021.
5. No right-of-way shall be abandoned within 25 feet of the Exeter Boulevard monument line.
6. No right-of-way shall be abandoned within 30 feet of the Arcadia Drive monument line.
7. 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: August 5, 2024

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Applicant/Representative, Greenman Law Firm, Jordan Greenman  
Craig Messer, 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.