

Attachment B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 200501

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 **three years** from the date of your conditional approval (**your expiration date is March 19, 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.

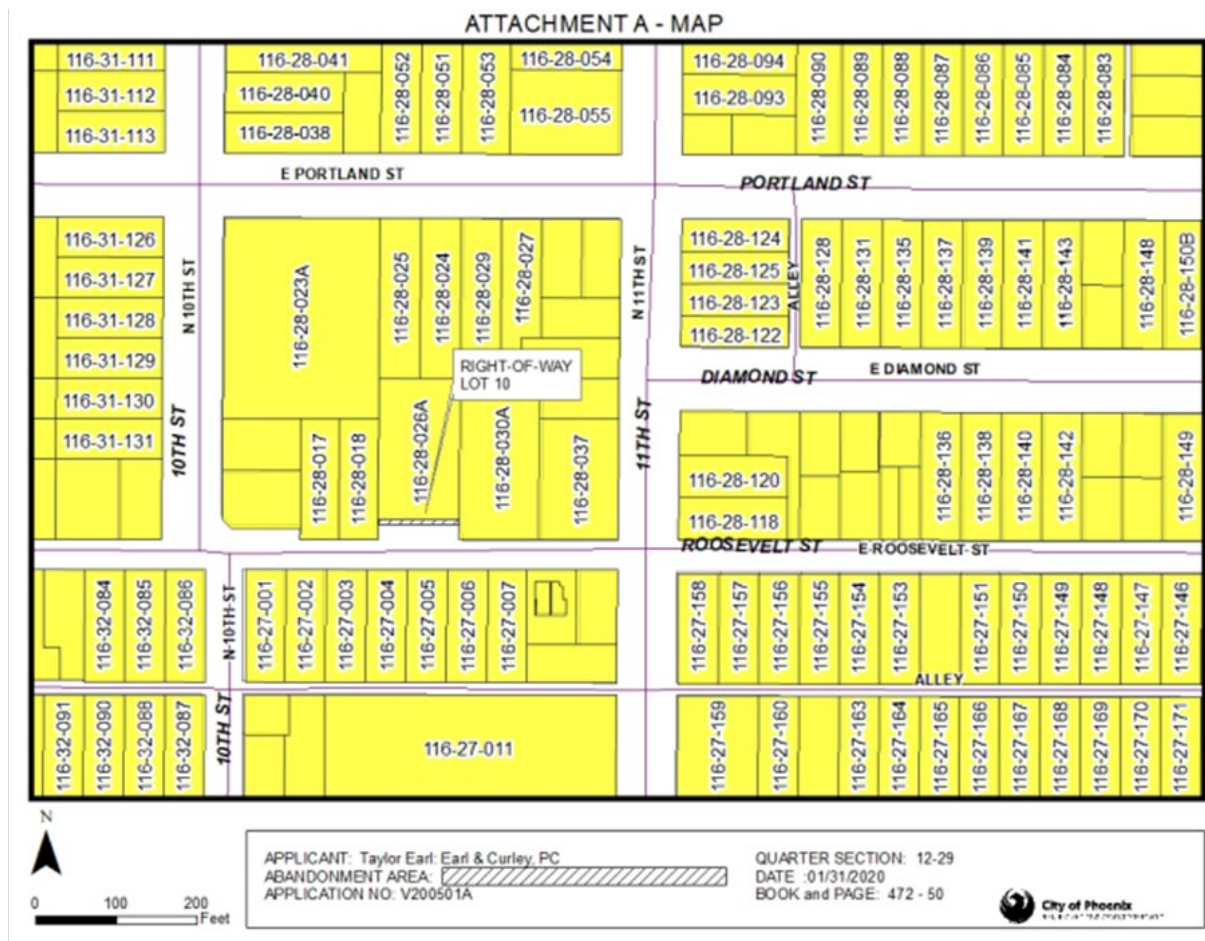


City of Phoenix

Planning and Development Department

March 19, 2020
Abandonment Staff Report: **ABND 200501**
Project# **20-245**
Quarter Section: **12-29**

| | |
|-----------------------------------|--|
| <u>Location:</u> | 1022 East Roosevelt Street |
| <u>Applicant:</u> | Taylor Earl: Earl & Curley, PC |
| <u>Request to abandon:</u> | To abandon approximately 30 feet of excess right-of-way, dedicated by Ordinance S-6274, adjacent to the south property line of 1018 East Roosevelt Street (APN 116-28-026A). |
| <u>Purpose of request:</u> | Applicant states: To be able to maintain right-of-way for the north side of Roosevelt Street that matches the right-of-way for the parcels on either side. |
| <u>Hearing date:</u> | March 19, 2020 (Continued from March 5, 2020) |



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer opened the hearing and provided instructions.

Ms. Wendy Turner, the Abandonment Coordinator, read the case into the record.

Mr. Christopher DePerro, then turned the discussion over to the applicant.

Mr. Taylor Earl noted that they are proposing to develop the property and noticed the excess right-of-way. The applicant reached out to Street Transportation Department and asked if that right-of-way was needed which Derek said it was no longer needed. Mr. Earl mentioned that the proposal is showing less right-of-way than what was originally asked for.

The Hearing Officer, clarified what he interpreted as the request for the abandonment which was to continue the right-of-way with the adjacent parcels on both sides.

The Hearing Officer turned the discussion over to Alan Hilty.

Mr. Alan Hilty stated that Roosevelt Street is designated as a collector street, which means that it needs a total of 60 feet. The southern portion of the street is short 10 feet and the northern portion of the street is in excess 10 feet which only allows the abandonment of 10 feet to

maintain the minimum requirements for a collector street. The adjacent parcels are also short in right-of-way width. The city cannot abandon what is not in excess; out of the 17 feet they can only abandon 10.

The Hearing Officer discussed the street classification widths.

The applicant wished to continue the hearing to think over the stipulations.

The Hearing Officer continued the hearing to March 19th

Hearing March 19, 2020

Mr. Christopher DePerro, the Abandonment Hearing Officer opened the hearing and provided instructions.

Ms. Wendy Turner, the Abandonment Coordinator, read the case into the record.

Mr. Christopher DePerro, then turned the discussion over to the applicant.

Mr. Taylor Earl noted for the record that what was stipulated was as much as staff believes based on the Street Classification map that has authority to abandon. The only thing he asked is if it were possible to expand the time frame to three years.

The Hearing Officer discussed the stipulations and conditionally approved the abandonment 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 50 feet of the North line of lots 9 to 17, inclusive, HIGHLAND ADDITION, according the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 2 of Maps at page 35, may be abandoned.

4. All stipulations must be completed within **three 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: 4/21/2020**

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative, Taylor Earl: Earl & Curley, PC
Christopher DePerro, Abandonment Hearing Officer