

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210067

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 the Abandonment Coordinator 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 February 3, 2024**), 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

February 3, 2022
Abandonment Staff Report: **ABND 210067**
Project# **21-3802**
Quarter Section: **46-25**
Council District: **1**

Location:

1750 West Alameda Road

Applicant:

Matt Visnansky, The Opus Group

Request to waive:

The 33-foot federal patent easement bordering the west, north, and east property lines of the parcel located at 1750 West Alameda Road.

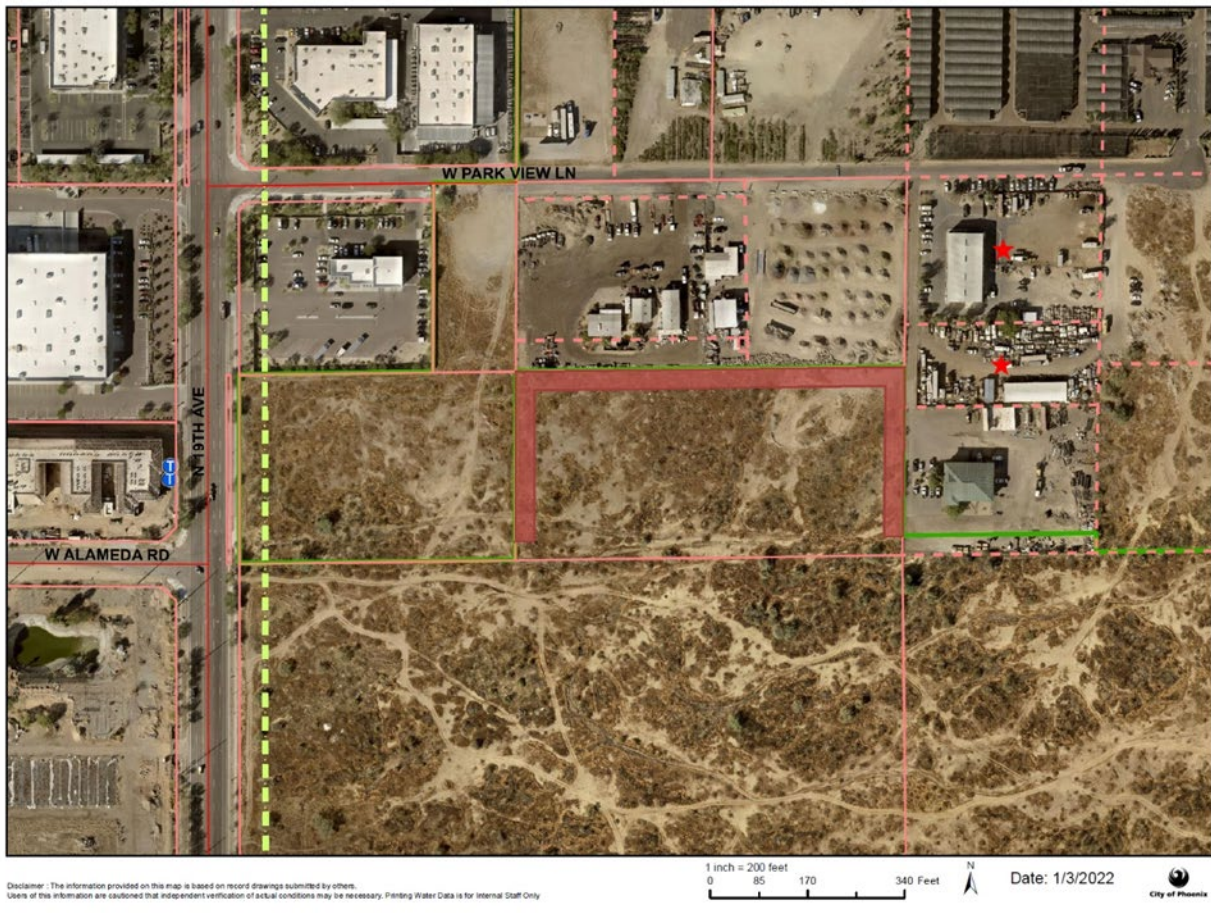
Purpose of request:

The applicant states the site is being developed with a Class A industrial warehouse building. There are no plans to construct right-of-way within the portions of the federal patent easement bordering the west, north and east property lines. The portion of federal patent easement bordering the south property line will remain in anticipation of the construction of Alameda Road.

Hearing date:

February 3, 2022

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:31 am on February 3, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced ABND 210067 by reading the 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.

Mr. Ed Bull indicated that he had a question in regards to stipulation #4 which states, "the abandonment shall run concurrent with the dedication of right-of-way as stipulated by PHO 1-21--Z-128-07." Mr. Bull asked for clarification on what that stipulation means. Mr. DePerro explained that the dedication of right-of-way and the waiver of the federal patent easement would both be added to the same City Council meeting agenda for concurrent approval to ensure that the abandonment wouldn't get rid of any easement area without the required dedication of right-of-way in its place.

Mr. Bull asked if this would be completed by plat. Mr. Tom Czerwinski indicated that this should be by plat. Mr. DePerro clarified that the plat and the easement waiver would then be approved at the same City Council meeting.

Mr. Bull asked about how stipulation #1 would impact the associated case on the site to the east (ABND 210068) because the existing federal patent easements cut through the middle of the site. Mr. DePerro explained that for stipulation #1, either option a. or option b. would need to be chosen in order to meet the stipulation, and that the applicant could choose what option they felt was most appropriate. Mr. DePerro explained that if there are no utilities to relocate, then stipulation #1 does not apply and therefore, nothing needs to be relocated and no easements would need to be retained.

Mr. DePerro suggested before making a decision on ABND 210067, the associated abandonment on the eastern site should be read into record, and then he could make a decision for both cases at the same time.

Ms. Dellow introduced the associated abandonment case ABND 210068 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 asked if comments and stipulations between the two cases were identical. Ms. Dellow explained that the comments were identical with the exception of comments from Cox, which indicated utilities were located within the area proposed in ABND 210067, but not within the area proposed in ABND 210068.

Mr. Bull asked if the request to waive the federal patent easement would be treated like any other right-of-way abandonment. Mr. DePerro confirmed that it would.

Mr. Bull asked to add it to the record that the request proposed at this hearing should not be construed as a request to abandon any right-of-way adjacent to any nearby or neighboring properties.

The Hearing Officer granted conditional approval to ABND 210067 subject to the stipulations stated 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 federal patent easement shall be retained as a public utilities easement with 24-hour vehicle maintenance access.
2. No abandonment shall be permitted within 40-feet of the property line and Alameda

roadway alignment.

3. All landlocked parcels shall be replatted, legally combined, or have an alternate legal access provided (private ingress/egress easement) to a public street.
4. The abandonment shall run concurrent with the dedication of right-of-way as stipulated by PHO 1-21--Z-128-07.
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: 4/28/2022

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Matt Visnansky, The Opus Group, Applicant
Christopher DePerro, Abandonment Hearing Officer