

## Attachment B: Approval Report



### **City of Phoenix**

Planning and Development Department

#### **CONDITIONAL APPROVAL – V190029A**

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 **one year** from the date of your conditional approval (**your expiration date is June 13, 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.

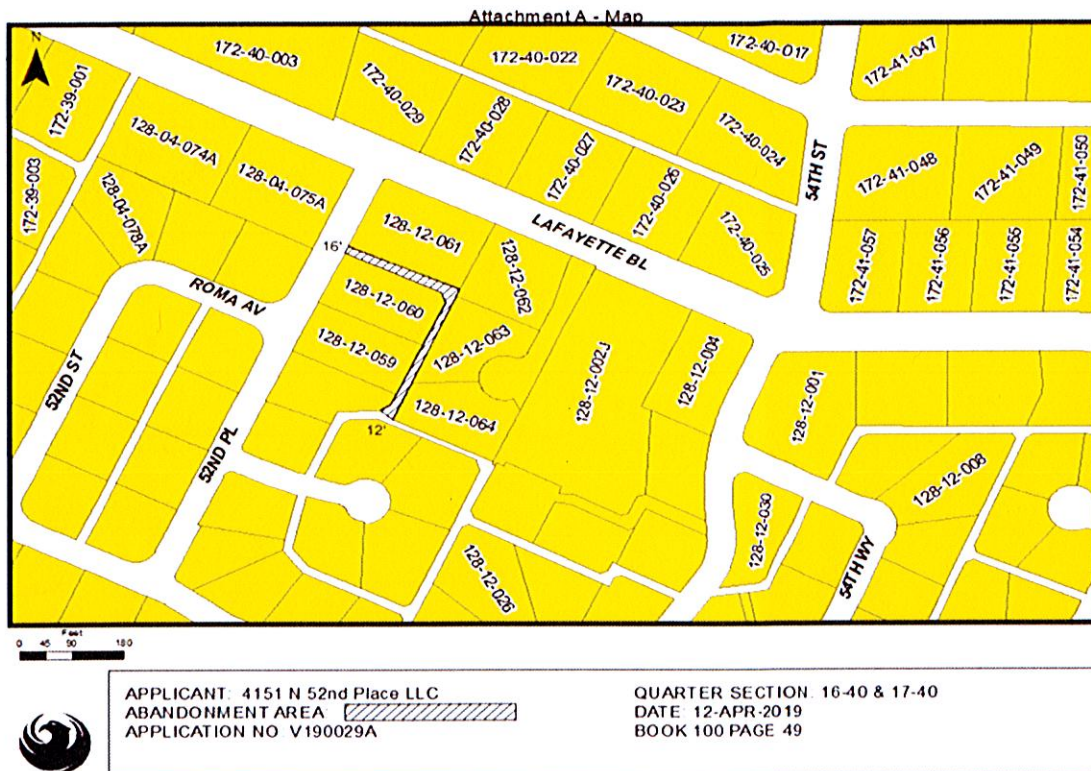


## **City of Phoenix**

Planning and Development Department

June 13, 2019  
Abandonment Staff Report: **V190029A**  
Project# **19-2108**  
Quarter Section: **16-40 & 17-40**

<b><u>Location:</u></b>	4151 North 52nd Place
<b><u>Applicant:</u></b>	Cassandra Ayres; 4151 N 52nd Place LLC.
<b><u>Request to abandon:</u></b>	To abandon the public alley adjacent to Lots 17 (4151 North 52nd Place), 18 (5235 East Lafayette Boulevard), 16 (4141 North 52nd Place), and part of Lot 15 (4135 North 52nd Place), per "Villa Arcadia", Book 100 Page 49.
<b><u>Purpose of request:</u></b>	The applicant states: That they are the only property with access to this portion of the alley, most of which is filled with overgrown vegetation, trash, and landscaping debris, and is currently not being maintained. There are also concerns of flooding, which may cause damage to the foundation of the fences.
<b><u>Hearing date:</u></b>	<b>June 13, 2019</b>



## Hearing Summary

Ms. Rocio Iniguez, the Abandonment Coordinator read the case into the record.

Mr. Christopher DePerro, the Hearing Officer opened the discussion by asking the applicant to expand on the abandonment request.

Mr. Paul Gilbert of Beus Gilbert PLLC presented the case on behalf of the applicant Cassandra Ayres. Mr. Gilbert began by stating that he is representing the owner Patrick McGroder in this abandonment. Mr. Gilbert opened the discussion by stating a correction that there was an objection from Salt River Project for the abandonment, but they have received a letter withdrawing their objection subject to keeping the alley as a public utility easement (letter from Sherry Wagner was added to the file). He noted that the home has used the alleyway as an access point since the home was built. Currently the rest of the alley is not being used, and showed an exhibit showing photographs of the alley. Mr. Gilbert requested clarification on stipulation number 3. Stipulation number 4 which requires the owner to close off the entrance was a point of concern since the homeowner utilizes the alley as access.

Mr. Alan Hilty of the City of Phoenix Street Transpiration Department addressed the concern and suggested that it be stricken out of the stipulations.

Mr. DePerro opened the hearing to questions from the attendees.

Mr. Torr Russo, owner of property addressed 4120 North 53rd Place mentioned that his concern is the sewer tap that will have to occur off the sewer line running through the alley and the off flows draining into the alleyway.

Mr. DePerro replaced stipulation number 4, to retain a portion of the alleyway as a Drainage Easement.



The Hearing Officer granted a conditional approval with revised stipulations.

**Stipulations of Conditional Approval**

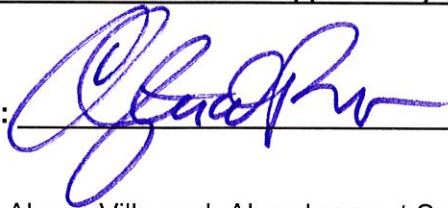
The request of abandonment, is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

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.
  - 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 52nd Place monument line may be abandoned.
4. Retain a 12-foot wide Drainage Easement over the portion of alley on the eastern side, extending from property addressed 5235 East Lafayette Boulevard down to the southern boundary of the request.
5. 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: 6.25.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Cassandra Ayres; 4151 N 52nd Place LLC  
Christopher DePerro, Abandonment Hearing Officer