

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 200515

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 Maggie Dellow 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 August 6, 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.



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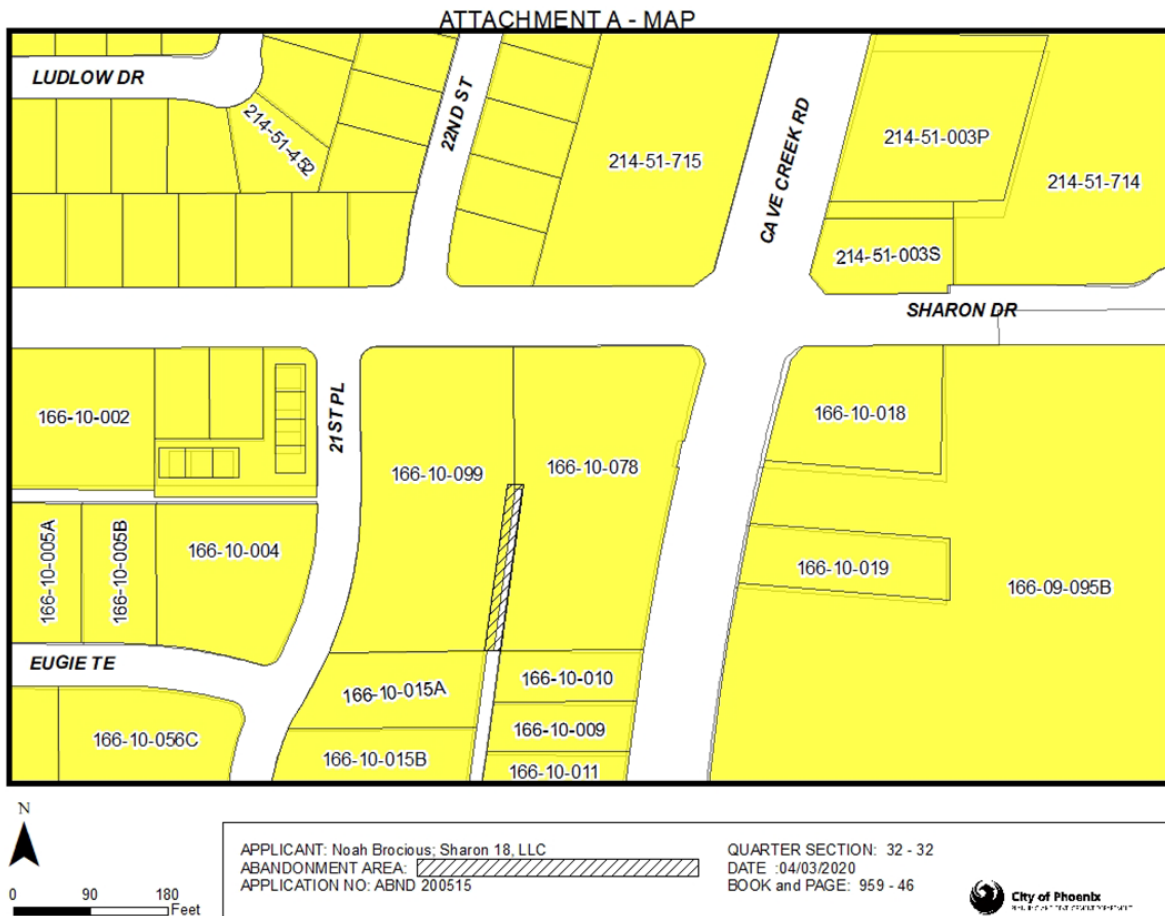
August 6, 2021

Abandonment Staff Report: **ABND 200515**

Project# **16-648**

Quarter Section: **32-32**

<u>Location:</u>	Southwest Corner of Cave Creek Road and Sharon Drive
<u>Applicant:</u>	Noah Brocious; Sharon 18, LLC
<u>Request to abandon:</u>	To abandon a portion of 16-foot by 181-foot alley, running north to south between addresses identified as APN 166-10-078 and 166-10-099. Recorded on Book 712 Page 27 and Book 959 Page 46.
<u>Purpose of request:</u>	The applicant states: To have full ownership of the alley property and increase security for the proposed development. Additionally, to landscape and maintain the alley adjacent to proposed development.
<u>Hearing date:</u>	May 21, 2020 TAKEN OUT FROM UNDER ADVISEMENT AUGUST 6, 2021.



Hearing Summary

May 21, 2020.

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

Ms. Emily Dawson, the Abandonment Coordinator, read the abandonment request, purpose and staff research into the record.

Mr. DePerro then asked Mr. Tom Weber, if he would be the one presenting for the applicant.

Mr. Weber replied with yes and that he felt that the request and purpose Ms. Dawson read into the record represented the abandonment request quite adequately. Mr. Weber went on to state that they had previous filed an abandonment for the east to west portion of the alleyway and that they had met all the stipulations for that abandonment.

Mr. DePerro then stated that he and Mr. Alan Hilty had some questions regarding the request and the previous abandonment. Mr. DePerro also stated that the previous abandonment request was approved leaving a dead-end alley and was unsure how that happened since the approval was for all it. Mr. DePerro asked Mr. Weber if he could provide some history as to why it ended up as a dead end.

Mr. Weber explained that with the previous abandonment request an easement was dedicated over the alley.

Mr. DePerro replied with stating that the easement was not legal since the alley was never abandoned, so an easement could not be dedicated over the alley being requested, it could only be over the portion of the east west alley. Mr. DePerro discussed possible solutions with Mr. Weber but still felt because of the conversations in the past with the previous abandonment it would need to be taken under advisement to make sure this got fixed.

The Hearing Officer took the case under advisement.


On August 6, 2021, the Hearing Officer revised the recommended stipulations of approval and granted the abandonment request conditional approval.

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. 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. The applicant shall dedicate and construct a minimum 16 foot wide connection to 21st Place per plans approved by the City. Dedications shall be as required by the affected utility companies and COP Solid Waste (trash collection).
4. 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: 8/6/2021

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative, Noah Brocious; Sharon 18, LLC
Christopher DePerro, Abandonment Hearing Officer