

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 210054**

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 December 9, 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, **two-year** extension can be requested prior to the expiration date, with applicable extension fee due.



## **City of Phoenix**

Planning and Development Department

December 9, 2021  
Abandonment Staff Report: **ABND 210054**  
Project# **21-1515**  
Quarter Section: **3-35**  
Council District: **8**

**Location:** Southern Avenue and 32nd Street

**Applicant:** South Mountain Acquisition LP

**Request to abandon:** 815 feet of right-of-way north of the Intersection of Southern Avenue and 32nd Street.

**Purpose of request:** The applicant states the abandonment of the right-of-way would: (i) remove unutilized public right-of-way that is not serving the public interest, (ii) will return this area to the tax rolls, benefiting schools and other governmental entities that rely upon property tax; and (iii) create additional available land area for future development, thus enhancing the visual interest for the area surrounding the property by removal of a blighted vacant and unsecured property.

**Hearing date:** **December 9, 2021**

## Planning and Development



### **Hearing Summary**

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order after 9:33 am on December 9, 2021.

Mr. Matthew Roth, the Abandonment Coordinator introduced the abandonment case ABND 210054 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 then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Chris Colyer explained that the parcel adjacent to the canal right-of-way proposed for abandonment is intended for future multi-family development. Mr. Colyer explained that the right-of-way was originally dedicated through the Bartlett-Heard Lands plat in 1927, but that it is currently unused and unnecessary for future development. He shared that because a sewer line runs through the proposed abandonment area, they would be comfortable retaining a sewer easement over the full abandonment area. If abandoned, the area could be used for additional landscaping area to the benefit of the proposed development.

The Abandonment Coordinator, Matthew Roth, reviewed comments received from City staff and utility providers. Mr. Roth then reviewed the recommended stipulations of approval.

The Hearing Officer granted abandonment conditional approval subject to the stipulations stated in the staff report, revised only to renumber the stipulations so that they are numbered 1 through 4.

**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. The entire right of way shall be retained as a sewer easement or as may be modified by the affected utilities with 24-hour maintenance as approved by the Water/Sewer Department.
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 shall be abandoned west of the existing western property line at 3218 East Southern Avenue, APN 122-69-006A.
4. 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: 4/25/2022

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: South Mountain Acquisition LP, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer