

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210010

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 July 15, 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

July 15, 2021

Abandonment Staff Report: **ABND 210010**

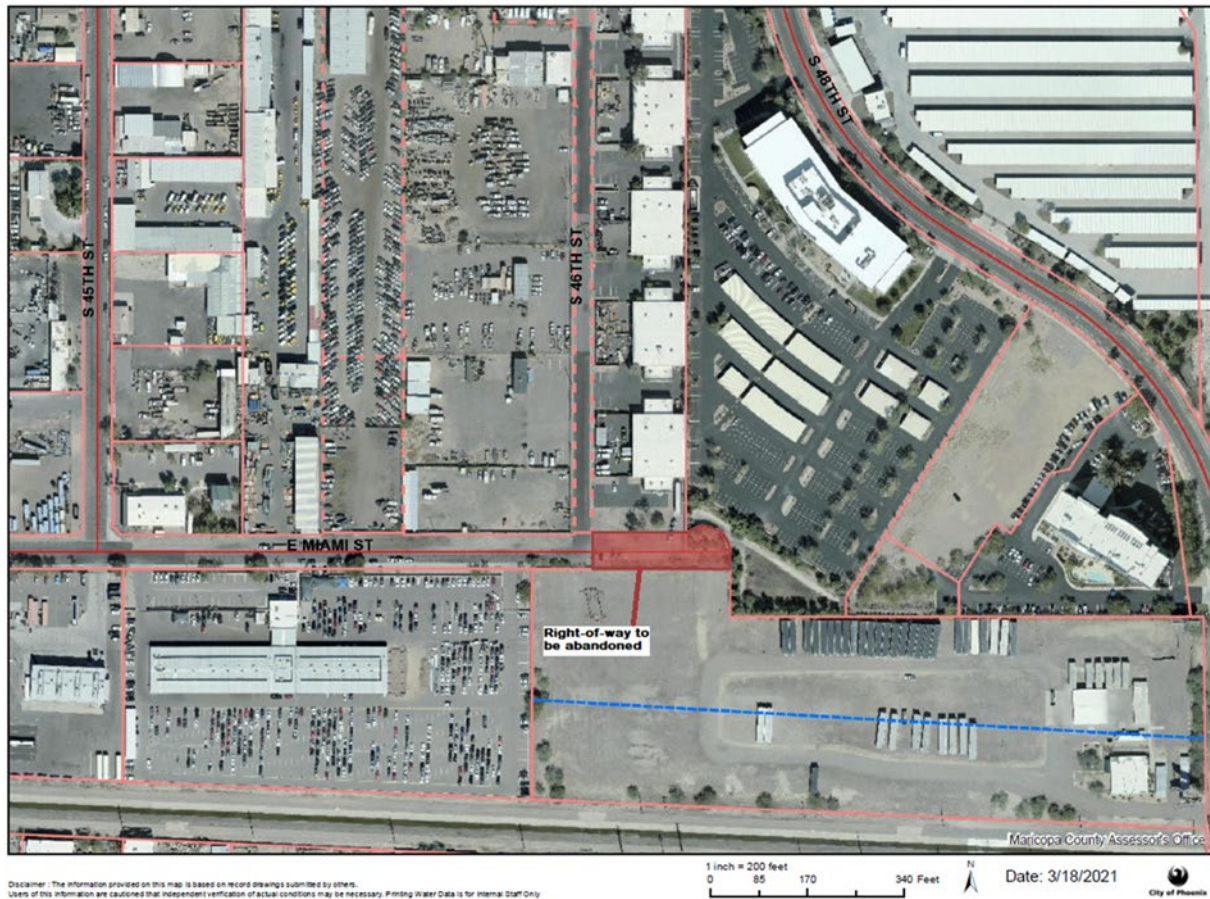
Project# **20-3828**

Quarter Section: **6-38**

Council District: **8**

<u>Location:</u>	Miami Street, immediately west of 46th Street, adjacent to parcels APN 124-53-010, 154-53-037B, 124-53-008X
<u>Applicant:</u>	Eric Whitehurst, PE
<u>Request to abandon:</u>	The area located east of the intersection of East Miami Street and South 46th Street, bounded by approximately 165 lineal feet of 63' right-of-way, 80 lineal feet of 30' right-of-way, and a circular area
<u>Purpose of request:</u>	The applicant states that the existing half street right-of-way is no longer required for Miami Street, as that road is no longer planned to extend east to 48th Street from its current terminus at 46th Street. There is no public benefit to retaining the existing right-of-way.
<u>Hearing date:</u>	July 15, 2021 (Continued from May 13, 2021 and June 10, 2021)

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Hearing Officer introduce abandonment case ABND 210010.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the case 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 the applicant if they would like to provide additional information about the request. The applicant did not have anything to add.

Mr. DePerro first briefly summarized that at the previous hearing there was a lot of concern over how the abandonment and proposed construction could impact the property to the north. Previously Mr. DePerro suggested the applicant file for a technical appeal in order to leave the right-of-way without triggering improvements.

Mr. DePerro explained that the Street Transportation Department was not keen on keeping right-of-way without the improvement and would prefer to abandon the right-of-way as is, as shown in the provided exhibit with the addition of a driveway to the property to the North. Mr. DePerro further explained that no additional improvements would be required to the property to the north.

Mr. DePerro explained the proposed resolution to the abandonment case to Mr. Eric Eaves, tenant to the north, after he joined the meeting late. Mr. DePerro asked Mr. Eaves if this was acceptable to him and he confirmed.

The Abandonment Coordinator reviewed the stipulations with the applicant.

The Hearing Officer granted a conditional approval subject to stipulations in the staff report with one revision.

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 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 developer shall dedicate right-of-way for the south half of Miami Street to accommodate a 50-foot radius cul-de-sac termination.
4. The developer shall retain right-of-way along the western edge of abandonment area to accommodate a 50-foot radius cul-de-sac termination of Miami Street.
5. Ensure that the legal description includes cul-de-sac including sidewalk entirely in the right-of-way.
6. Dedicate and construct the cul-de-sac and 5' sidewalk per the exhibit dated 11-20-2020 with the additional of a driveway to allow access to APN 124-53-010. All work in public right-of-way is to be done in accordance with plans approved by the Planning and Development Department at no cost to the City.
7. 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: 8/4/2022

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Eric Whitehurst, PE, Applicant/Representative
Alex Boles, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer