

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 210025**

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 June 10, 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

June 10, 2021  
Abandonment Staff Report: **ABND 210025**  
Project# **21-2026**  
Quarter Section: **16-32**

<b>Location:</b>	2302 East Weldon Avenue
<b>Applicant:</b>	Wendell and Natalie Matt
<b>Request to abandon:</b>	5' of right-of-way adjacent to Weldon Avenue and 23rd Street abutting 2302 East Weldon Avenue.
<b>Purpose of request:</b>	The applicant states the abandonment will remove unnecessary right-of-way which will increase buildable area and permit further development of the lot.
<b>Hearing date:</b>	June 10, 2021

## Planning and Development



### Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer called the Abandonment Hearing to order at 9:33 am on June 10, 2021.

Mr. DePerro introduced abandonment case ABND 210025 as the third hearing of the day.

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 then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Wendell Matt, the applicant explained that the purpose of the abandonment is to allow a reduce unnecessary right-of-way and claim more area for further development of the lot and expand the home.

Mr. DePerro asked Ms. Maja Brkovic with the Street Transportation Department if the proposed abandonment would be abandoning excess right-of-way per the Street Classification map.

Ms. Brkovic confirmed that only 25' wide right-of-way is necessary for both Weldon Avenue and 23<sup>rd</sup> Street and that the abandonment of 5' of right-of-way would maintain the minimum required width.

Mr. DePerro explained that typically an 8' public Utility Easement would be retained at street frontage. Mr. DePerro asked if Mr. Matt would have any issue with retaining the 5' abandoned right-of-way as public utility easement, explaining that it would have no impact of setbacks or lot coverage.

Mr. Matt stated that he would prefer to not retain a 5' wide public utility easement adjacent to the street frontage.

Ms. Dellow explained that by not retaining a blanket 5' public utility easement, a survey would be required showing the exact locations of the existing water meters so that the legal description can be accurately written to retain water easements around the meters.

Mr. Matt explained that he was intending on obtaining a survey anyway and would prefer not to retain the 5' wide easement.

The Hearing Officer and Abandonment Coordinator reviewed the stipulations with the applicant.

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:

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. No right-of-way within 25 feet of the Weldon Avenue and 23<sup>rd</sup> Street monument lines may be abandoned.
4. The existing water meter(s) shall be relocated onto the public right of way or a water easement in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix
5. The existing fire hydrant shall be relocated onto the public right of way or a water easement in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix
6. A 10' x 10' right-of-way triangle shall be retained at the northeast corner of Weldon Avenue and 23<sup>rd</sup> Street.
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: 7/13/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Applicant/Representative, Wendell and Natalie Matt  
Christopher DePerro, Abandonment Hearing Officer