

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – 180010A**

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 Cathy Chapman at (602) 495-0156** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations Cathy Chapman 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 April 10, 2019**), 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

April 10, 2018  
Preliminary Abandonment Staff Report: **V180010A**  
Project# **17-3104**  
Quarter Section: **04-23**

**Location:** SWC 23rd Ave and Olney Ave

**Applicant:** Scott Ward of Ward Development c/o Chris Moore  
of Sunrise Engineering

**Request to abandon:** The west 5-ft of the 30-ft of 23rd Ave right-of-way dedicated per Ordinance S-2068 (DKT 3706 PG 372, MCR) and per the Map of Dedication in Book 327 Page 10, MCR, adjacent to the parcel addressed 2301 W. Olney Ave (APN 300-16-016) and the parcel identified as APN 300-16-015; the 25-ft Lodge Dr. right-of-way and the 8-ft PUE dedicated per the same Map of Dedication in Book 327 Page 10, MCR; and the 2-ft of right-of-way dedicated per Ordinance S-33918 (07-0548205) from the parcel addressed 2315 W. Lodge Dr. (APN 300-16-002C.)

**Purpose of request:** The applicant states: It will increase the buildable area of the lots and remove unnecessary right-of-way to permit development of the property. All surrounding properties will maintain their access to their parcels through the means they currently use at other right-of-way access points.

**Hearing date:** **April 10, 2018**

## **Hearing Summary**

Alan Beaudoin, Norris Design, represented the applicant Scott Ward of Ward Development c/o Chris Moore of Sunrise Engineering.

The Hearing Officer, Christopher DePerro, stated that no real concerns were received from utilities or staff. However, there are overhead powerlines concerns addressed by SRP that would need to be relocated. Mr. Beaudoin agreed. There was a discussion regarding access to the south property. Mr. Beaudoin stated that conversations with that property owner have taken place and she is aware that a flag on the property would need to take place if the back portion was ever developed.

Alan Hilty, Street Transportation Department, asked for an additional dedication of a 12 x 12' triangle at the southwest corner of Olney & 23rd Avenue, as shown on plans brought by the applicant.

Mr. Beaudoin had a question regarding a 2-foot right-of-way section that crossed over the neighboring property line, and who would be responsible for this fee? Mr. DePerro clarified that the total consideration fee would need to be paid at one time prior to Council approval.

The Hearing Officer approved the abandonment with a conditional approval and modified 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 by the affected utilities 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<sup>1</sup> 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

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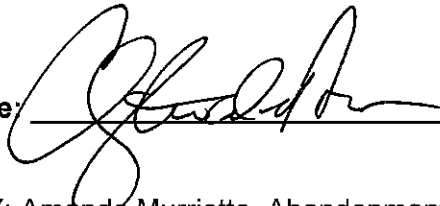
<sup>1</sup> If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S. §36-1471 ET.SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.

Department.

3. The entire 55' ft. right of way shall be retained as a water easement or as may be modified by the affected utilities with 24-hour maintenance access subject to the following standard stipulation: No structure of any kind and/or block wall shall be constructed or placed within the easement except removable type fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction.
4. Dedication of right-of-way 12 x 12' triangle at the southwest corner of Olney & 23rd Avenue.
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: 4.10.18

REPORT SUBMITTED BY: Amanda Murrietta, Abandonment Secretary

cc: Applicant/Representative, Scott Ward of Ward Development c/o Chris Moore  
of Sunrise Engineering  
Christopher DePerro, Abandonment Hearing Officer