

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – 190020A

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 Robert G. Martinez at (602) 495-0806** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations, Robert G. Martinez will schedule your request 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 May 9, 2021**), 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

May 9, 2019

Abandonment Staff Report: **V190020A**

Project# **02-967**

Quarter Section: **01-25**

Location:

1728 & 1802 West Magdalena Lane

Applicant:

Neftali Rivera, Magdalena Estates HOA

Request to abandon:

To abandon 50' right-of-way entrance of 18th Avenue in Final Plat "Magdalena Estates".

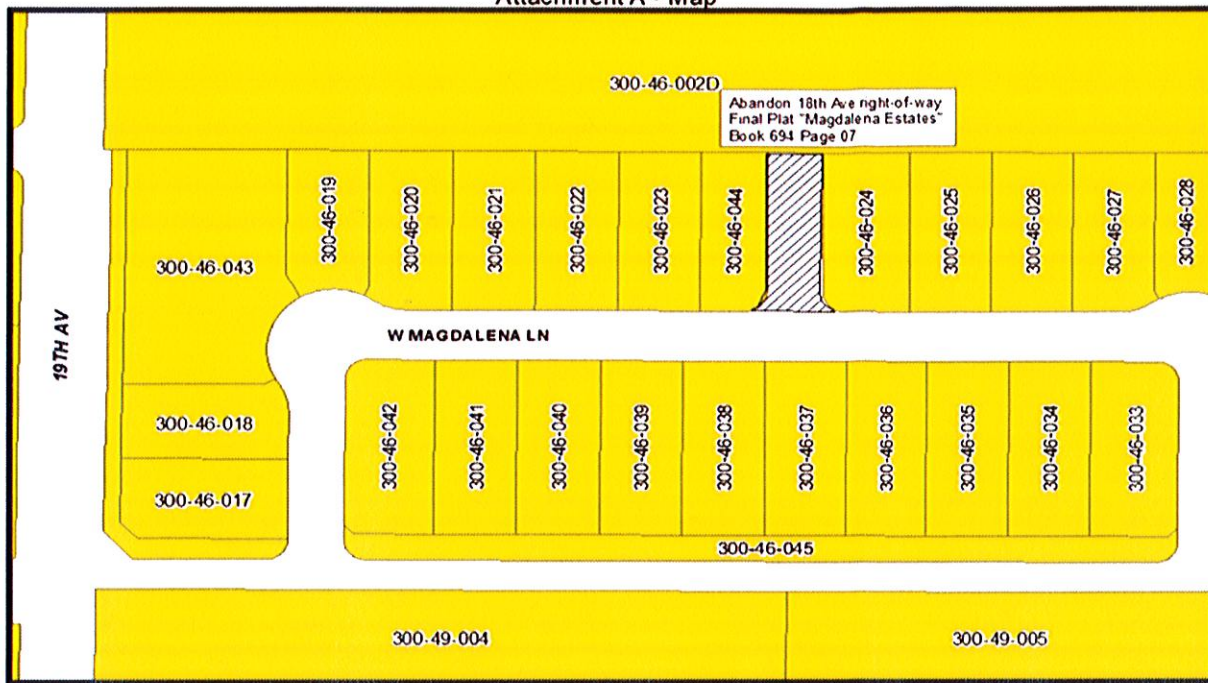
Purpose of request:

The applicant states: The Community would like to utilize the unused portion of street/area to begin the process of becoming a private community. The street portion has been closed off for years and does not have any paving continued beyond a block wall.

Hearing date:

May 9, 2019

Attachment A - Map



APPLICANT: Neftali Rivera - Magdalena Estates HOA
 ABANDONMENT AREA: 
 APPLICATION NO: V190020A

QUARTER SECTION: 01-20
 DATE: 14-MAR-2019
 BOOK & PAGE: 694-07

Hearing Summary

The Hearing Officer, Mr. Christopher DePerro opened the case by turning over to the Abandonment Coordinator, Ms. Rocio Iniguez for staff research.

Ms. Iniguez, read the case into the record. Ms. Iniguez indicated that per her research, if abandoned, 25 feet of right-of-way reverts in ownership to the adjacent properties to the east and west.

Mr. DePerro started the discussion by asking the applicant to explain the request.

Mr. Neftali Rivera, community manager of Magdalen Estates HOA along with Mr. Jeffrey Simons a board member for the HOA and Mr. Donatus Agbakwu president of the HOA are presenting the case.

Mr. River indicated that the plan is to make the community private. There is a lot of development around the area, which has ultimately increased the traffic and unwanted crime that has not occurred before. Discussions with staff have indicated that the 18th Avenue right-of-way was added to connect to future developments on the north. The nursery to the north has been established for years with no intention of developing it. The abandonment of this right-of-way is the initial step to privatizing the community.

Mr. Agbakwu, mentioned that crime has increased since the other gated communities have been established. There has been more loitering activity.

Mr. Simmons stated that they had paid for a traffic study to add a speed bump to decrease the speed along South Mountain Avenue. He also commented on the crime increase within the community.

Mr. Alan Hilty of the Street Transportation Department stated that Streets directive per the subdivision ordinance, the development requires connectivity which is why the Streets Department recommend a denial.

Mr. DePerro explained the subdivision ordinance pertaining to the block length and connectivity of the community with the lot to the north. Mr. DePerro noted that ultimately to privatize the community everything must be abandoned, and part of the concern would be the entry design with an appropriate turn around.

Mr. DePerro discussed the stipulations with Mr. Rivera.

The Hearing Officer granted a conditional approval with revised stipulations.

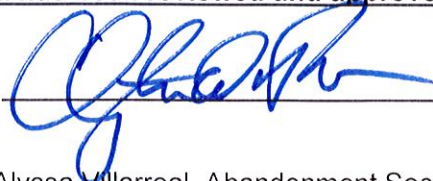
Stipulations of Conditional Approval

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.
 - 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 entire right-of-way shall be retained as a water and sewer easement or as may be modified by the affected utilities. 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. The applicant shall replace the 18th Avenue entrance with new curb, gutter, sidewalk as per plans approved by the Planning and Development Department and at no cost to the City.
5. 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: _____

3.24.2020

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Neftali Rivera, Magdalena Estates HOA
Christopher DePerro, Abandonment Hearing Officer