

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210007

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 April 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

April 15, 2021

Abandonment Staff Report: **ABND 210007**

Project# **94-0008906**

Quarter Section: **02-28**

Location: Southwest Corner 7th Street and Euclid Avenue

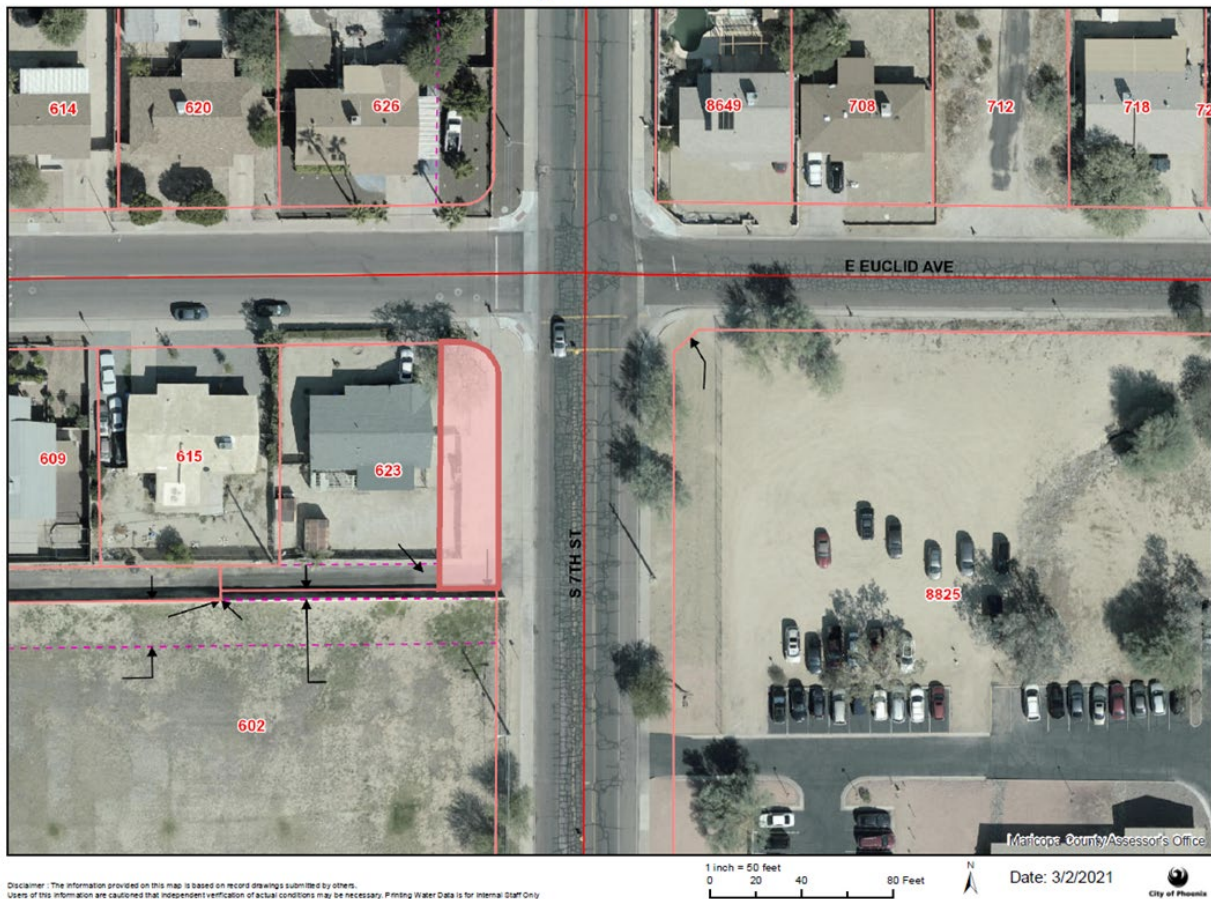
Applicant: Deborah Ellison

Request to abandon: The 25-foot right-of-way easement adjacent to 7th Street.

Purpose of request: The applicant states they would like to incorporate the full extent of their property – utilizing block fence that will replace existing chain link fence that measures less than 5 feet. The proposed fence will help mitigate traffic noise along 7th Street and increase security.

Hearing date: **April 15, 2021**

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Hearing Officer called the hearing to order at 9:30 AM on April 15, 2021. Mr. DePerro then asked the Abandonment Coordinator to introduce abandonment case ABND 210007.

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.

Ms. Deborah Ellison, the applicant explained that she is making improvements and doing renovations to her property and would like to not only rebuild her existing fence, but extend it into the area encumbered by the right-of-way easement.

Ms. Dellow reviewed the comments received from the City reviewers and utility providers.

Ms. Ellison asked for further details regarding the planned multi-use trail. She explained that the available excess right-of-way may not be wide enough for the construction of a multi-use trail.

Mr. DePerro explained that the multi-use trail has been adopted to a City-wide master trails plan that is part of the General Plan. Because the General Plan is a voter-initiated item, it can only be changed by an action of Council. Mr. DePerro explained that when sites are tight, the Parks department will agree to a slightly wider sidewalk in place of the multi-use trail. By retaining the east 8' of the 25' right-of-way as a sidewalk and public utility easement the ability to construct a wider sidewalk, in line with a multi-use trail, would still be possible per the adopted master trails plan.

The Hearing Officer reviewed the recommended stipulations with the applicant.

The Hearing Officer granted a conditional approval with 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. The south 10' of the easement shall be retained for the existing alley.
2. The east 8' of the 25' right-of-way shall be retained as a sidewalk and public utility easement.
3. None of the existing right-of-way dedicated in fee title for 7th Street or Euclid Avenue may be abandoned.
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: 6/16/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Applicant/Representative, Deborah Ellison
Christopher DePerro, Abandonment Hearing Officer