

Attachment B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – 180074A

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 **one year** from the date of your conditional approval (**your expiration date is February 5, 2020**), 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

February 5, 2019
Abandonment Staff Report: **V180074A**
Project# **02-3194**
Quarter Section: **38-40**

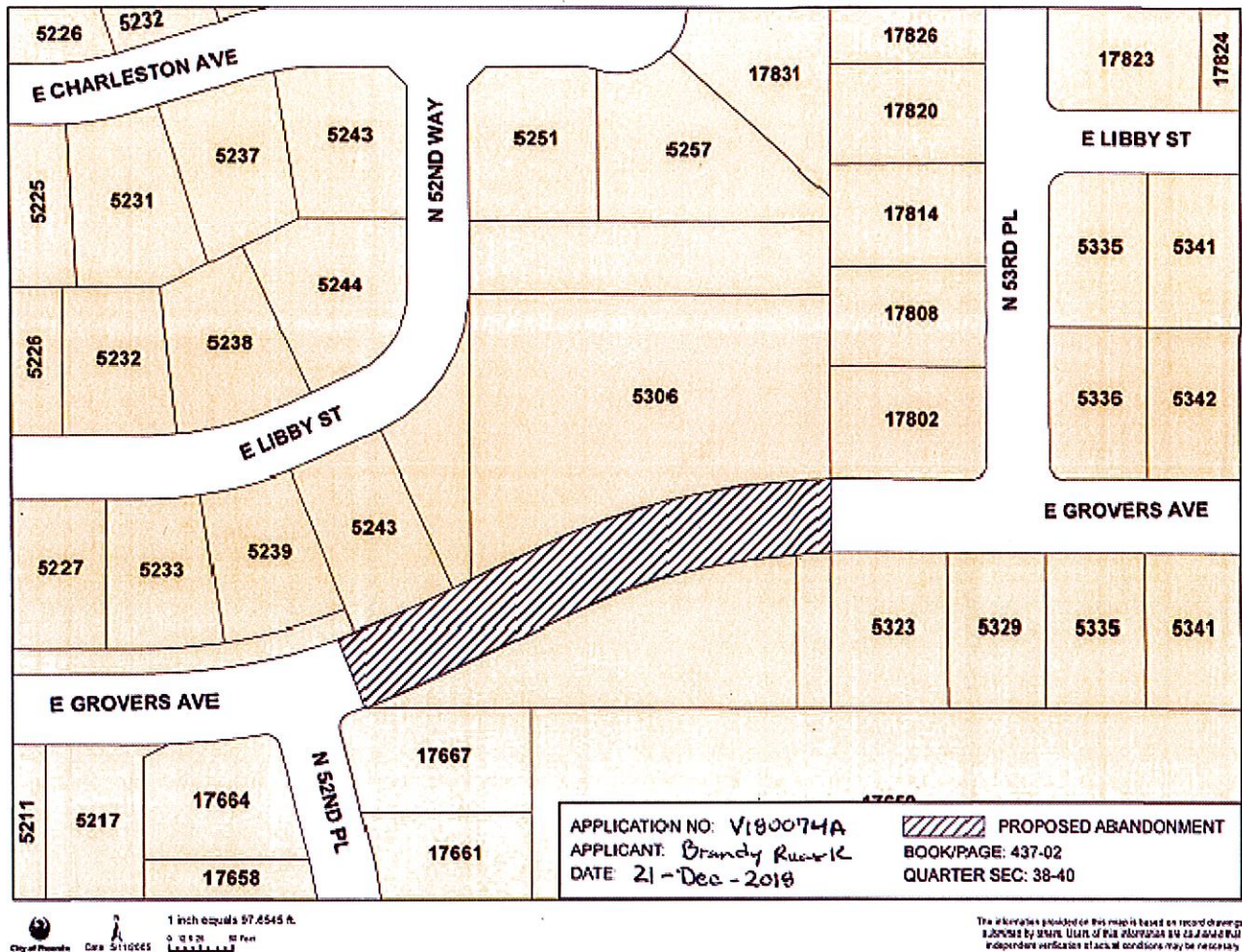
Location: 5306 East Grovers Avenue

Applicant: Brandy Ruark, City of Phoenix; Streets
Transportation Department

Request to abandon: To abandon a portion of right-of-way easement
previously on Abandonment 070019 and not
completed.

Purpose of request: The applicant states: City of Phoenix
Transportation Department has no future to
construct a roadway to connect Grovers Avenue at
5306 East Grovers Avenue and requesting that
entire right-of-way easement be abandoned. The
property owner at 5306 East Grovers Avenue has
agreed to the abandonment to the right-of-way
easement and a signed letter is attached. Existing
drainage easement is to be retained.

Hearing date: **February 5, 2019**



Hearing Summary

Prior to the Abandonment Hearing the Abandonment phone line received numerous phone calls from the neighborhood residents with concerns that Grovers Avenue would become a thoroughfare connecting Tatum and 56th Street. Majority of the phone calls received were due to an anonymous flyer that was either placed in the neighborhood mailboxes or on their doors. This flyer stated that DR Horton had purchased the parcel of land on the corner of Tatum and Bell, planning to build a large development there of multifamily and single-family homes. To accommodate the increase ingress and egress demand, Grovers Avenue would become a thoroughfare.

Mr. Christopher DePerro, the Hearing Officer started the hearing with staff introductions.

Mr. DePerro asked the attendees to raise their hands if they were here because they thought Grovers Avenue would become a thoroughfare. Twelve out of the thirteen attendees raised their hands.

Mr. DePerro then explained this abandonment request was to do the exact opposite, to eliminate it completely to not have it become a road. Mr. DePerro then asked Ms. Brandy Ruark, the applicant with the City of Phoenix Street Transportation Department to introduce herself.

Ms. Ruark introduced herself and stated she is the project manager for the Grovers Avenue drainage improvement project.

Mr. Anthony Chattley, the Abandonment Coordinator read the abandonment request and staff research. Mr. DePerro opened the discussion by asking Ms. Ruark to explain the request and the Grovers Avenue drainage project.

Ms. Ruark explained there were complaints in the past from residents as well as the local school about flooding. The flooding conditions in those areas were evaluated and then a vast design study was done with a consultant. Once management was ready to move the project forward into conception another consultant was able to figure out a way to eliminate this flooding problem. There were several scenarios that were reviewed but the only reasonable solution was to convey more flow through the right-of-way easement located at 5306 East Grovers Avenue. Once this was discovered the property owner of 5306 East Grovers Avenue, Ms. Sidney Dye was contacted along with the local school to come up with a plan. Ms. Ruark stated that Ms. Dye wanted agreed to the right-of-way effectively being abandoned and the drainage improvements.

Mr. DePerro did address the original abandonment application from 2007 (070019) and then opened the hearing for comments.

Mr. Alan Hilty, City of Phoenix, Street Transportation Department stated he would like to add a stipulation that reads the first 10-feet of the right-of-way easement is to be retained as a pedestrian access easement, to continue the sidewalk access to the local school.

Mr. Jeff Gursh, resident at 5402 East Grovers Avenue, stated this a good thing, appreciates the City of Phoenix for going back and looking at this and addressing the drainage issue.

Ms. Darla McMillan, resident at 5323 East Grovers Ave, stated her concern was to make sure the drainage issue was done and completed this time. Referring to the original abandonment applicant V070019A from 2007.

Ms. Ruark, then elaborated more on the drainage project to ensure that this time the drainage issue would be addressed and completed.

Mr. Dean McMillan, resident at 5323 East Grovers Ave, stated his main concern is that the drainage easement maintained.

Mr. DePerro did ensure Mr. McMillan that one of the stipulations is for the existing drainage easement not to be abandoned.

Mr. DePerro reviewed the stipulations with Ms. Ruark, explaining each drafted stipulation.

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:

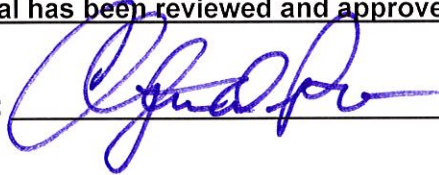
1. Either a or b shall be complied with:
 - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and 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. No structure of any kind and/or block wall shall be constructed or placed within the easement except removable type fencing and/or paving or other as approved by Water Services Department and Street Transportation Department. 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.
3. Existing Drainage Easement shall not be abandoned.
4. The eastern 10-feet must be retained as a pedestrian access easement of the area to be abandoned.
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: _____

3.21.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Brandy Ruark, City of Phoenix; Streets Transportation Department
Christopher DePerro, Abandonment Hearing Officer

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.