



**CONDITIONAL APPROVAL – ABND 200561**

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Christopher DePerro**  
**Craig Messer, 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) 262-7399 Dru Maynus 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 six years** from the date of your conditional approval (**your expiration date is August 21, 2023**) (**NEW EXPIRATION DATE IS AUGUST 16, 2027**), 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~~ **ABND 200561 HAS EXHAUSTED THE POSSIBILITY TO REQUEST FUTURE TIME EXTENSIONS, NO ADDITIONAL TIME EXTENSION REQUESTS CAN BE GRANTED FOR THIS PERMIT.**



## **City of Phoenix**

Planning and Development Department

August 16, 2021  
Abandonment Staff Report: **ABND 200561**  
Project# **20-808**  
Quarter Section: **3-16**

**Location:** Northwest Corner of Southern Avenue & 51st Avenue

**Applicant:** Southern/51 Ave, LLC

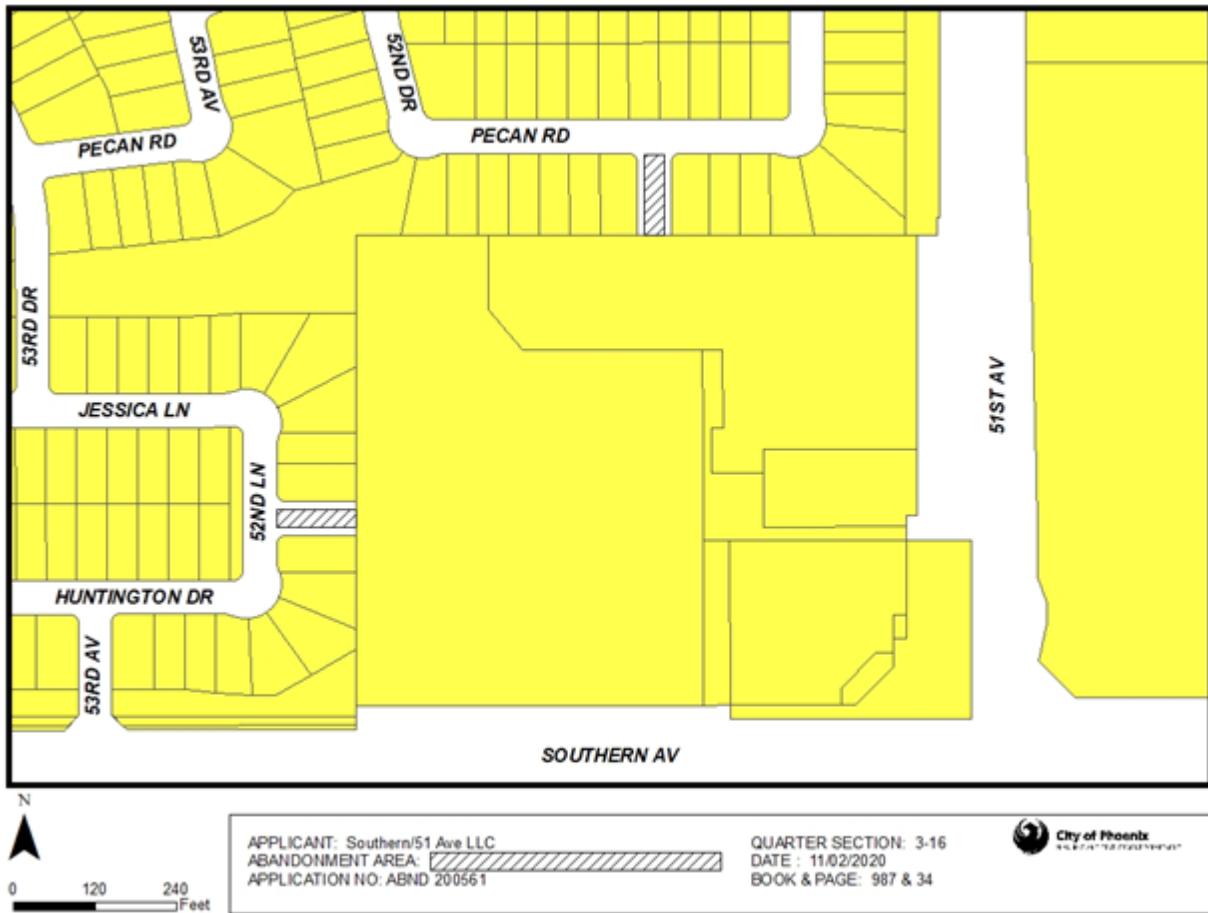
**Request to abandon:** To abandon: 1) the portion of 51st Lane right-of-way, south of Pecan Road, adjacent to parcels APN 104-74-568, 104-74-569, and 104-74-660, and; 2) the portion of Huntington Drive right-of-way east of 52nd Lane, adjacent to parcels APN 104-74-085, 104-74-064, and 104-74-659.

**Purpose of request:** The applicant states that new adjacent development will not continue streets onto the property.

**Hearing date:** **February 4, 2021**

**TAKEN OUT FROM UNDER  
ADVISEMENT ON AUGUST 16, 2021.**

ATTACHMENT A -- MAP



## Hearing Summary

**February 4, 2021**

Mr. Christopher DePerro, the Abandonment Hearing Officer called the abandonment hearing to order at 9:34 am on February 4, 2021. City staff attending the hearing introduced themselves.

Ms. Maggie Dellow, the Abandonment Coordinator, read the case into the record by stating the location, applicant, abandonment request, reason to abandon and staff research conducted on the proposed abandonment site.

Mr. DePerro asked the applicants if they would like to add anything else to the case.

One of the applicants, Mr. Alex Defaria explained that the two existing street stubs are no longer needed as the streets would not continue to the new development.

A neighbor adjacent to one of the proposed abandonment areas (5123 W Pecan Rd), Mr. Kolosick, expressed concern that the abandonment would impact or result in the demolition of his existing site wall.

Mr. DePerro explained that the abandonment would not impact his site wall but would result in an increase to his lot area, property value and property taxes.

Mr. DePerro asked the applicant if their request would be to abandon the entire right-of-way at Huntington Drive and 51<sup>st</sup> Lane. As mapped, the request appears to be just for the area of the right-of-way that is located between curb lines. The applicant confirmed that their intent is to abandon the entire right-of-way.

One of the applicants, Mr. Ballard, indicated that within the right-of-way to be abandoned at 51<sup>st</sup> Ln, they will need to dedicate a 15' sewer easement over the area to lay a sewer which will connect the existing public sewer within the existing subdivision to the private sewer that will be in place at the subject site to the south.

Mr. DePerro explained that typically a sewer line would run through a tract owned by the subdivision, rather than a lot owned by a private homeowner. The applicant's request to maintain a sewer easement the abandoned area of 51<sup>st</sup> Lane, would result in the encumbrance of a private homeowner's property. While they home owners would be conveyed the property, they would also be responsible for maintenance and higher property taxes for land on which they cannot use or develop, due to the encumbrance of the sewer line. Mr. DePerro explained that the Water Services Department would typically never approve putting a private sewer line through someone's private yard. Mr. DePerro indicated that Water Services would allow and may have indicated they would allow this, but only if the area was retained as a subdivision HOA tract. Through the abandonment, there are no legal rights for the abandoned area to turn into such a tract.

Mr. Ballard asked the Abandonment Hearing Officer if they would be able to barricade the end of the street and leave the site in its current condition.

Mr. DePerro asked Mr. Alan Hilty with the Streets Transportation Department, what options would be available if the applicant decided to keep the area as right-of-way.

Mr. Hilty responded that the Streets Transportation Department would still want the street closed off and the pavement removed so that 51<sup>st</sup> Lane is no longer a useable street. My Hilty indicated that leaving the right-of-way as is would create a nuisance.

Mr. DePerro reviewed the City Staff and utility provider comments.

Mr. DePerro explained that he would take the case under advisement so that he could discuss technical options for this case with the Water Services Department and the Streets Transportation Departments about the abandonment at 51<sup>st</sup> Lane.

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**August 16, 2021**

Mr. DePerro removed the case from under advisement and granted Conditional Approval subject to the stipulations listed below.

### **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 Pecan Road monument line may be abandoned.
4. No right-of-way within 25 feet of the 52nd Lane monument line may be abandoned.
5. The applicant shall contact the Street Transportation Department (Michael Cano) at 602-495-7149 to coordinate the removal, salvage or purchase all existing City owned signs. No sign is to be removed until a copy of the abandonment resolution is provided to the Street Transportation Department.
6. The applicant shall close the street entrances on 52<sup>nd</sup> Lane (Huntington Drive) with new curb, gutter, sidewalk and incidentals. The entrance may be modified to become a driveway if approved by the Street Transportation Department.
7. The applicant shall remove the existing street improvements and install new improvements, including landscaping and paving (if required), in the 51<sup>st</sup> Lane stub, as approved by Water Services (due to water and sewer lines remaining) and as approved by the adjacent owners of properties, to whom the properties will be conveyed after abandonment. The properties are:
  - a. 5127 W Pecan Road, APN 104-74-569.
  - b. 5123 W Pecan Road, APN 104-74-568.

Copies of the executed agreements with the owners shall be provided to PDD prior to the completion of the abandonment.

8. The applicant shall contact the Street Transportation Department (Jason Fernandez) at (602) 256-4168 to coordinate the removal, relocation or transfer of ownership of all City owned street lights within the abandoned area. This shall be done at no cost to the City.

9. All work in public right-of-way is to be done in accordance with plans approved by the Planning and Development Department and at no cost to the City.
10. 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: May 16, 2025

REPORT SUBMITTED BY: ~~Maggie Dellow~~ Dru Maynus, Abandonment Coordinator

cc: Southern/51 Ave, LLC  
~~Christopher DePerre~~ Craig Messer, Abandonment Hearing Officer