

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 230055

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 Dru Maynus at 602-262-7403** 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 January 12, 2025**), 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

January 12, 2024
Preliminary Abandonment Staff Report: **ABND 230055**
Project# **03-263**
Quarter Section: **10-26**
District#: **7**

<u>Location:</u>	Harrison Street, between 9 th Avenue and 7 th Avenue
<u>Applicant:</u>	Greenman Law – Jordan Greenman
<u>Request:</u>	To abandon a 60-foot-wide right-of-way located north of Harrison Street between 9 th Avenue and 7 th Avenue.
<u>Purpose of request:</u>	The applicant states the abandonment will increase the size of their property.
<u>Hearing date:</u>	November 9, 2023: TAKEN UNDER ADVISEMENT January 12, 2024: CONDITIONAL APPROVAL GRANTED



Hearing Summary

Ms. Dru Maynus, Abandonment Coordinator read ABND 230055 into the record, stating the location, applicant, request, purpose of request and City Staff research.

Mr. Christopher DePerro, Abandonment Hearing Officer asked the applicant if they wanted to present or add to the case.

Mr. Jordan Greenman, the applicant presented the abandonment area, stating the history of the area and how difficult it was to get approval from the railroads. Mr. Greenman also stated what easements would be retained in the abandonment area.

Mr. Josh Rogers, Street Transportation Representative stated how the additional right of way to the south would need to be added to the request. The request included only the north 60' of the fully 85' dedicated, and Streets could not support this request without fully abandoning all of Harrison Street between 7th Avenue and 9th Avenue.

Mr. Greenman stated how difficult it is to obtain approval from the railroads to sign off on the abandonment request, and asked if it would be required since they own the properties to the south of the additional ROW. Mr. Rogers stated that a revised petition including the properties abutting the south side of Harrison Street would be required to move forward with the abandonment.

Hearing Officer DePerro took ABND 230055 under advisement.

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 rights-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. This abandonment request shall not be completed and conveyed in fee title until such time that the additional ROW for Harrison Street between 7th Avenue and 9th Avenue is also abandoned through a separate abandonment case. Both cases, upon receiving conditional approval, must be finalized by Council concurrently.
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: 1.12.24

REPORT SUBMITTED BY: Alyssa Neitzel, Site Planning Administrative Supervisor

cc: Applicant/Representative, Greenman Law – Jordan Greenman
Christopher DePerro, Abandonment Hearing Officer