



**CONDITIONAL APPROVAL – ABND 220044**

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 Alyssa Neitzel at 602-534-7321** 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 **three years** from the date of your conditional approval (**your expiration date is October 27, 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

October 27, 2022  
Abandonment Staff Report: **ABND 220044**  
Project# **00-1527**  
Quarter Section: **10-27**  
District#: **7**

**Location:** Southeast Corner of 1<sup>st</sup> Avenue and Madison Street

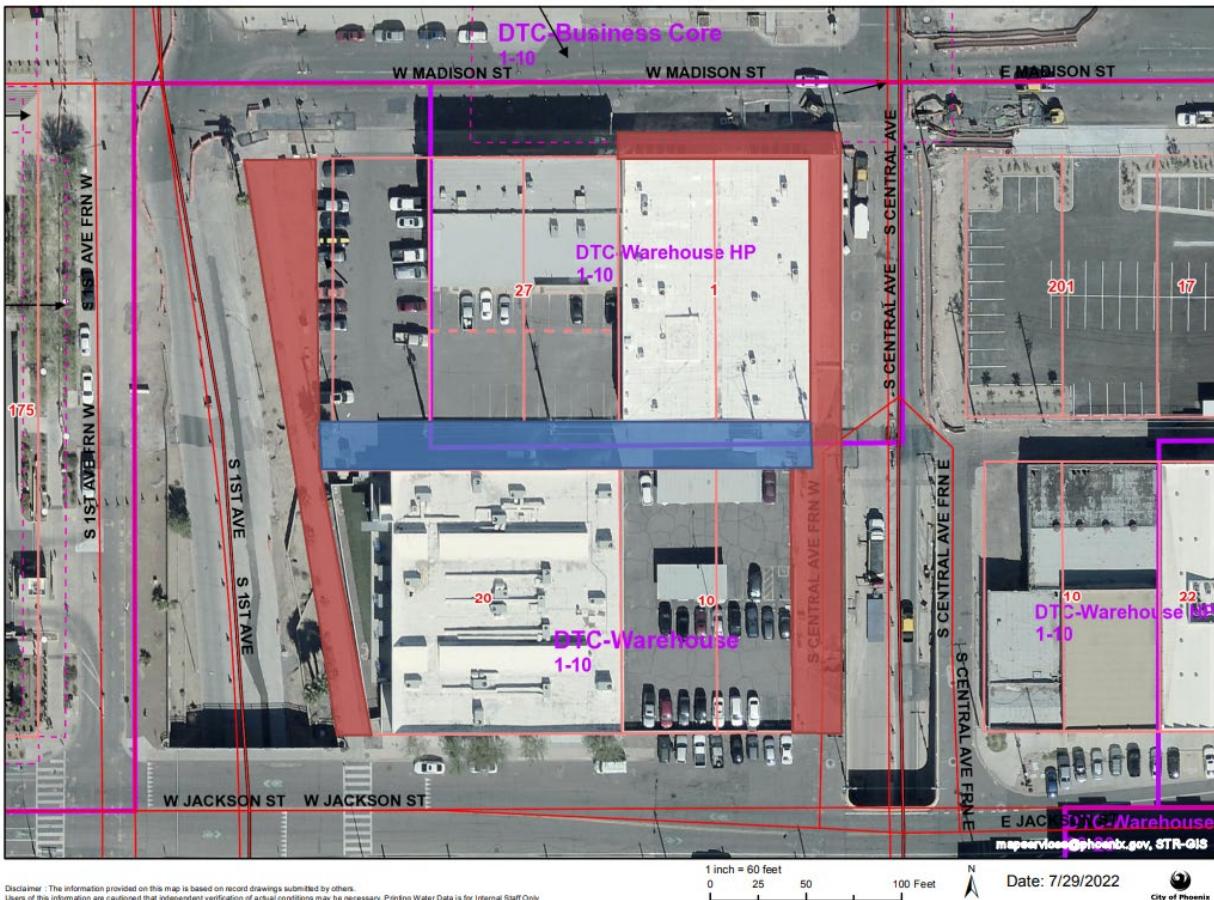
**Applicant:** Noel Griemann

**Request:** To abandon A) the entirety of the east/west alleyway bifurcating Block 63 of the Original Townsite of Phoenix (Book 2, Page 51 Maricopa County Recorder); and B) approximately 14 feet of east/west depth of Central Avenue along Lot 1; and C) approximately 25 feet of east/west depth of Central Avenue along Lot 2; and D) the triangular area from the back of the 1<sup>st</sup> Avenue underpass fence line along the western side of Lot 11 (Book 2, page 51 Maricopa County Recorder) and Lot 1 (Book 524, page 13 Maricopa County Recorder) and; E) approximately 14 feet of north/south depth of Madison Street abutting Lots 1,3 and 5 (Book 2, Page 51 Maricopa County Recorder).

**Purpose of request:** "The applicant states to abandon excess right-of-way for site redevelopment."

**Hearing date:** **October 27, 2022** (Continued from September 22, 2022, October 13, 2022)

## Planning and Development



### Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer calls the meeting to order on October 27, 2022.

Ms. Alyssa Neitzel, the Abandonment Coordinator introduced abandonment ABND 220044 and read the case into the record by stating the applicant, location, 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.

Mr. Mike Maerowitz, applicant presents PowerPoint presentation.

Ms. Maja Brkovic, Streets Transportation Representative gets clarification and adds comments to areas proposed for abandonment.

Ms. Neitzel reads alley abandonment criteria and staff evaluations.

Ms. Maja Brkovic reads stipulations as it relates to applicants' exhibits.

Ms. Neitzel reads stipulation recommendations from various city departments.

Mr. DePerro reads stipulations of approval and clarifies consideration fees only for portions of right-of-way subsequent to the plat.

Mr. DePerro adds clause to stipulation #3 "unless otherwise approved by the Streets Transportation Department." Stipulation #4 (Area B) only. Adds stipulation #5 "A sidewalk easement shall be retained over the entire abandonment area (Area C) unless modified by the Streets Transportation Department." New #6 "A sidewalk easement and a traffic control easement shall be retained over the entire abandonment area (Area E) unless modified by the Streets Transportation Department. New #7 "No portion of (Area D) shall be abandoned that includes the existing public sidewalk or any portion required to be retained as right-of-way for the existing water main as approved by the Streets Transportation and Water Services Departments." Removes previous stipulations #6, #7, #8 and #9. New #8 "All stipulations to be completed within three years."

The Hearing Officer grants conditional approval for abandonment 220044 subject to stipulations in staff report with modifications.

### **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. No right-of-way within 50-feet of the Central Avenue monument line may be abandoned (Area A) unless otherwise approved by the Streets Transportation Department.
4. A sidewalk easement shall be retained over the entire abandonment area (Area B).
5. A sidewalk easement shall be retained over the entire abandonment area (Area C) unless modified by the Streets Transportation Department.

6. A sidewalk easement and a traffic control easement shall be retained over the entire abandonment area (Area E) unless modified by the Streets Transportation Department.
7. No portion of (Area D) shall be abandoned that includes the existing public sidewalk or any portion required to be retained as right-of-way for the existing water main as approved by the Streets Transportation and Water Services Departments.
8. All stipulations must be completed within **three 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: 6/26/23

REPORT SUBMITTED BY: Paulina Hernandez, Abandonment Secretary

cc:     Applicant/Representative, Noel Griemann  
          Christopher DePerro, Abandonment Hearing Officer