

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 220006**

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 the Abandonment Coordinator 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 14, 2024**), 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 14, 2022

Abandonment Staff Report: **ABND 220006**

Project# **00-524**

Quarter Section: **16-40**

Council District: **6**

**Location:**

5402 East Calle Tuberia

**Applicant:**

Daniel Plapp

**Request to abandon:**

A portion of the alley off of Calle Tuberia, adjacent to parcels 128-21-001, -007, -005, -006A, and -008 as shown on the associated exhibit.

**Purpose of request:**

The applicant states the alley is not used by any public services or utility companies. It is not accessible due to differed maintenance, overgrown vegetation, and trash piles up. No owners use it for waste receptacles, and it is a public safety issue.

**Hearing date:**

**April 14, 2022**

## Planning and Development



### Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:32 am on April 14, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the abandonment case ABND 220006 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.

Mr. Daniel Plapp, the applicant, explained that he was in agreement with the stipulations in the report and was working with utility providers to place utilities underground.

Mr. DePerro invited Ms. Julie Weintraub to provide public comment. Ms. Weintraub indicated that she had no comments and was attending the hearing to listen.

Mr. DePerro invited Ms. Grace Bernal to provide public comment. Ms. Bernal did not respond.

Ms. Dellow reviewed the city staff and utility provider comments received during the review period. Ms. Dellow then reviewed the staff recommended stipulations of approval.

Mr. Plapp asked if the alley can still be abandoned if the utilities remain aerial. Mr. DePerro confirmed that the alley could be abandoned and a utility easement would be retained regardless of if the utilities are aerial or underground.

Mr. Plapp asked how his neighbors could convey their portions of the abandoned alley to him once abandoned. Mr. DePerro explained that this would be done through a lot division/combination application.

Mr. Plapp asked what the timeframe for final approval would be. Mr. DePerro shared details about the timeline and expectations.

The Hearing Officer granted a conditional approval subject to stipulations in the staff report.

### **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 Calle Tuberia monument line 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: 8/11/22

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Daniel Plapp, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer