



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 200524

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 Martinez at (602) 495-0156** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations Robert Martinez will schedule your request 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 June 25, 2022**), 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

June 25, 2020

Abandonment Staff Report: **ABND 200524**

Project# **17-430**

Quarter Section: **3-24**

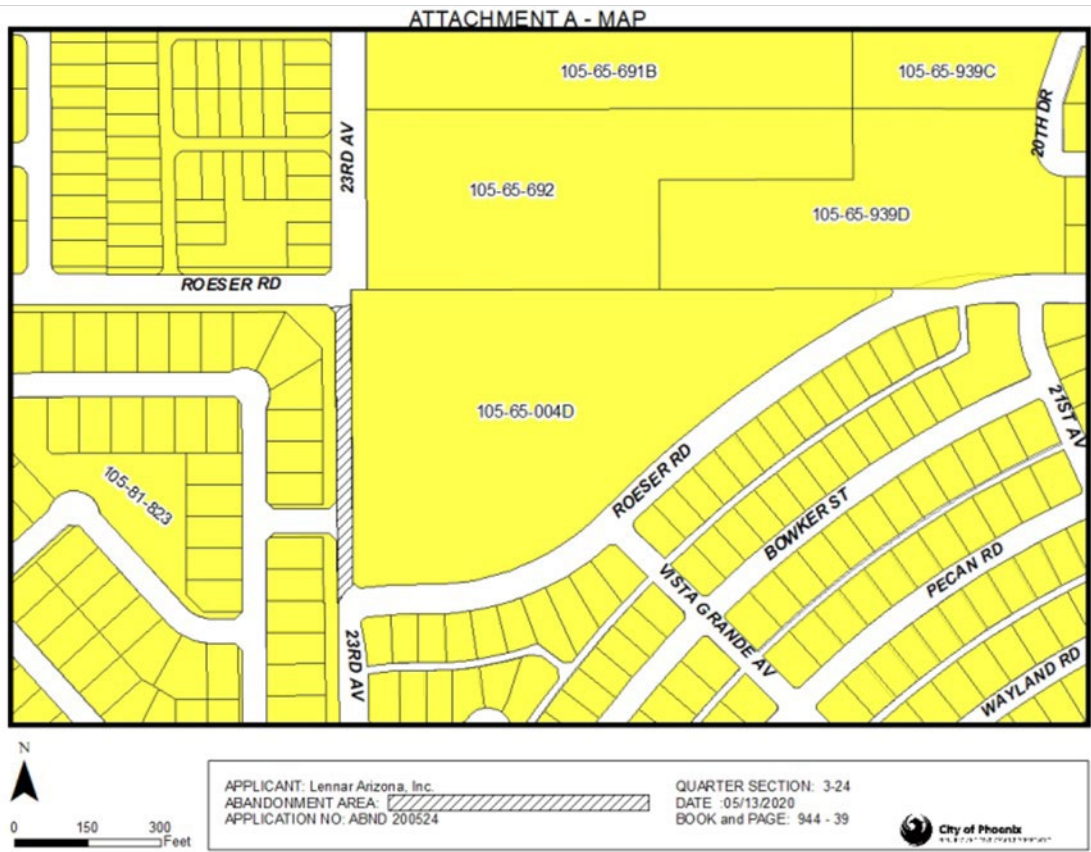
Location: Southwest Corner of 23rd Avenue and Roeser Road

Applicant: Lennar Arizona, Inc.

Request to abandon: To abandon an approximate of 575' of 23rd Avenue between West Roeser Road, north alignment, and West Roeser Road, south alignment, located adjacent to Lindo Park, addressed 2230 West Roeser Road., recorded on residential subdivision final plat "Liberty". Recorded with Maricopa County Recorder's office, Book 944, page 39.

Purpose of request: The applicant states: The 33' of right-of-way west of the monument line is immediately adjacent to City of Phoenix's Lindo Park. At the far west end of the park is a baseball field and associated infrastructure. The City of Phoenix desires for this area to be a tract maintained by the Liberty HOA with a multi-use easement and trail placed within the area for N/S pedestrian access to the park.

Hearing date: **June 25, 2020**



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer turned the hearing over to Ms. Emily Dawson, the Abandonment Coordinator to read the request, purpose and City staff research into the record.

Mr. DePerro asked the applicant if the report was correct, the applicant Mr. Chris Clonts with Lennar Homes stated it was correct. Mr. DePerro asked Mr. Clonts if he would like to expand on the request.

Mr. Clonts responded by explaining the purpose of the abandonment request, which is that a tract to be maintained by the Liberty HOA with a multi-use easement and trail placed within the area for N/S pedestrian access to the park.

Mr. DePerro then explained comments within the report with Mr. Clonts.

The Hearing Officer discussed the stipulations with the applicant.

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. 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 30 feet of the Roeser Road monument line may be abandoned, both east and west legs.
4. All stipulations must be completed within **two years** from date of conditional approval.

This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.

Hearing Officer Signature:



Date: 9.2.2020

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative, Lennar Arizona, Inc.
Christopher DePerro, Abandonment Hearing Officer