

ATTACHMENT B



City of Phoenix
Planning and Development Department

CONDITIONAL APPROVAL – ABND 200513

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 4, 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 4, 2020

Abandonment Staff Report: **ABND 200513**

Project# **06-287**

Quarter Section: **12 - 37**

Location:

Southeast Corner of 40th Street and
Portland Street

Applicant:

Laurie Castillo; Survey Innovation Group,
Inc.

Request to abandon:

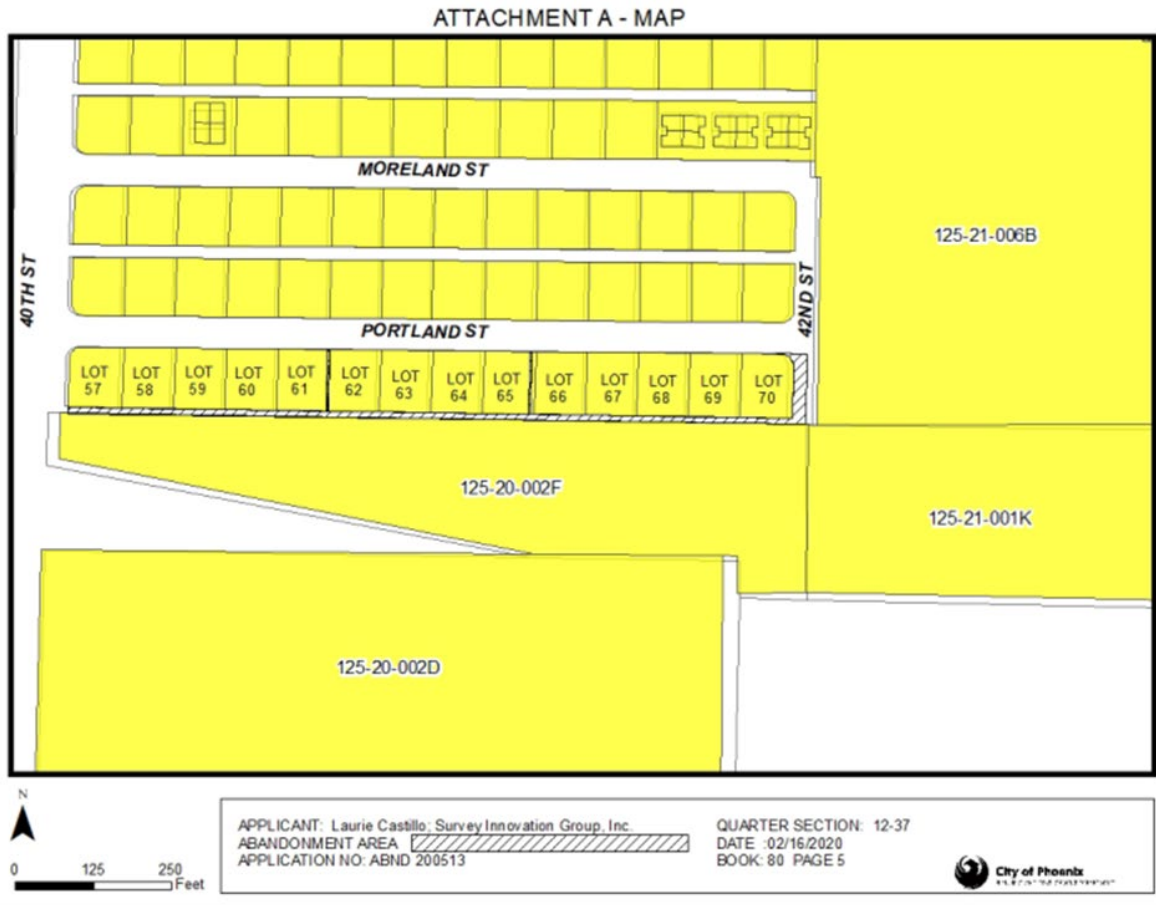
To abandon a portion of 42nd Street
adjacent to APN 125-20-059Q, a portion of
40th Street access road between median
and APN 125-20-059B, the 10-foot alley
right-of-way between 40th Street and 42nd
Street south of Portland Street, and the 3-
foot Streetlight Easements on the parcels
addressed 4033 and 4107 East Portland
Street.

Purpose of request:

The applicant states: To accommodate new
design site plan for a 456-unit multi-family
apartment complex.

Hearing date:

**June 4, 2020 (Continued from May 7,
2020)**



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer opened the hearing and provided instructions.

Ms. Wendy Turner, the Abandonment Coordinator, read the case into the record.

Mr. DePerro then asked the applicant if the request and purpose read into the record was correct.

Mr. Casey Haderly, the applicant stated that everything was correct and covered.

Mr. DePerro, then moved on to ask Mr. Haderly about the 42nd Street right-of-way. Mr. DePerro stated that it appears the request is for west of the quote centerline, leaving a strip of right-of-way east of the centerline adjacent to the school and that this would be a slight problematic. Mr. DePerro then asked Mr. Haderly if there would be a problem abandoning the rest of the right-of-way, although it would not go to them.

Mr. Alan Hilty, the Street Transportation representative then stated that having an improved curb and gutter with no real way to access or use would be a problem. Mr. Hilty also stated that in the site plan design he saw the right-of-way was incorporated.

Mr. Haderly, then shared the site plan with Mr. DePerro and Mr. Hilty.

Mr. DePerro and Mr. Hilty both agreed that additional 10 feet of right-of-way would still need be abandoned.

Mr. DePerro proposed that the additional 10 feet of right-of-way could be abandoned informally to be able to go forward with the current request.

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. New underground feed streets light circuit and new streetlights are to be installed per City standards. A new light will be required at the western end (PC) of Lot 57 oriented over Portland Street, then every 200-feet east of said location.
3. The applicant shall submit a grading and drainage plan and obtain approval by the Civil and Water Services Department prior to the Resolution of this Abandonment. Off-site flows from right-of-way into abandoned areas to be retained in dedicated drainage easement onsite. On-site flows to be retained onsite.
4. 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.
5. An abandonment must be filed for the portion of 42nd Street east of the centerline prior to the completion of ABND 200513.
6. 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: 10.26.2020

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative, Laurie Castillo; Survey Innovation Group, Inc.
Christopher DePerro, Abandonment Hearing Officer