

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 240006

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Craig Messer, 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 April 11, 2026**), 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 11, 2024

Preliminary Abandonment Staff Report: **ABND 240006**

Project# **02-788**

Quarter Section: **32-44**

District#: **2**

Location:

East of North 70th Street, between East Thunderbird Road and East Voltaire Avenue

Applicant:

Steve Cottrell

Request:

To abandon an equestrian easement and public utility easement (PUE) between East Thunderbird Road and East Voltaire Avenue commencing at North 70th Street.

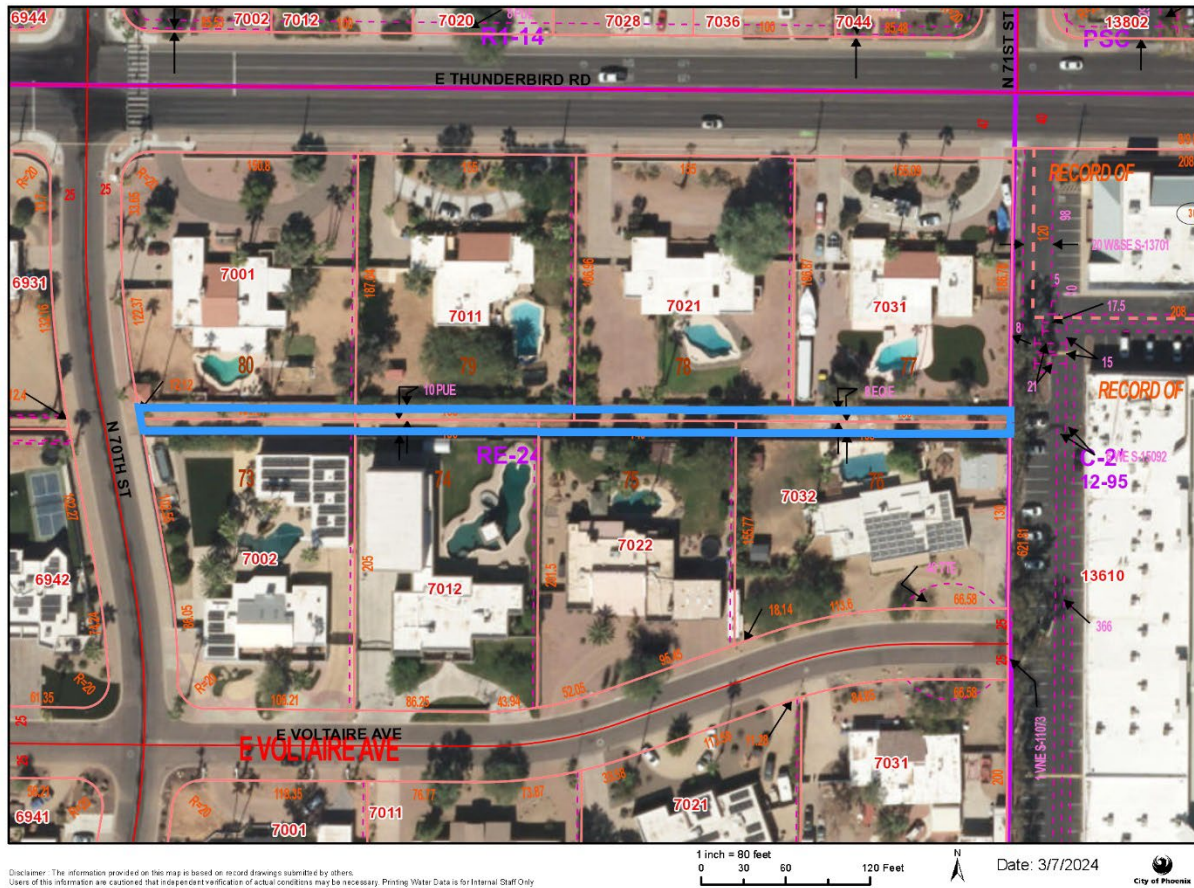
Purpose of request:

The applicant states They would like to move their walls and enjoy additional land they already own. It will increase security.

Hearing date:

April 11, 2024

ABND 240006



Hearing Summary

Mr. Craig Messer, the Abandonment Hearing Officer calls the meeting to order on April 11, 2024.

Ms. Dru Maynus, the Abandonment Coordinator, introduced abandonment ABND 240006 and read the case into the record by stating the applicant, location, and purpose of the request, as well as City staff research.

The Abandonment Hearing Officer asked the applicant, Mr. Steve Cottrell, if he wanted to add more to the conversation.

Mr. Cottrell, said, no besides that the abandonment will increase the safety for the neighborhood as it did for the abandonment west of their proposed abandonment.

The Abandonment Hearing Officer asked if other approved abandonment now has gates that were constructed to limit access to the prior equestrian easement area.

Mr. Cottrell explained that two neighbors have since built out their backyards.

The Abandonment Hearing Officer said okay. Then asked the Abandonment Coordinator to read through the comments.

The Abandonment Coordinator read through City of Phoenix staff member comments. Then asked the Abandonment Hearing Officer if he wanted her to move on to going over external reviewer, utility company, comments.

The Abandonment Hearing Officer said no not yet he wanted to give Josh Rogers with the Street Transportation Department an opportunity to discuss his comments first.

Josh Rogers said he didn't have anything else to add.

The Abandonment Hearing Officer said okay, and for Ms. Maynus to move on to the utility comments.

Ms. Maynus read through the utility company comments.

The Abandonment Hearing Officer then asked if there were any other comments or stipulations from additional parties.

The Abandonment Coordinator responded that staff has not received additional comments.

The Abandonment Hearing Officer said that since there isn't sewer, water or any other utilities in the abandonment area that essentially it would be a great candidate to abandon the equestrian easement and public utility easement that are functioning as an alley.

The Abandonment Hearing Officer then asked Mr. Cottrell why he believed the equestrian easement was dedicated when it terminates at the back of commercial development.

Mr. Cottrell, said he wasn't sure, and that he owned his property since 1998 and the abandonment has no real use.

The Abandonment Hearing Officer said okay.

The Abandonment Hearing Officer then asked Ms. Maynus to read over the recommended stipulations.

The Abandonment Coordinator read through each stipulations asking at the end of each stipulation if there were any questions.

The Abandonment Hearing Officer stated that stipulation number 2 will need to be modified to provide context of the timing of which the legal description should be approved.

Mr. Robert Martinez, Plan Tech Supervisor, asked the applicant if he wrote the legal description himself.

Mr. Cottrell said yes.

Mr. Martinez, explained that real estate department more than likely will require a registered seal on the legal description.

Alyssa Neitzel, Site Planning Administrative Supervisor, concurred with Mr. Martinez that the legal description needs to be sealed by a registered professional.

Mr. Cottrell, said he will work on getting that completed.

The Abandonment Hearing Officer said he will grant conditional approval with modification to stipulation number 2 to read as such, "The applicant shall provide a legal description of the abandonment area and obtain City approval prior to City Council approval of abandonment request ABND 240006".

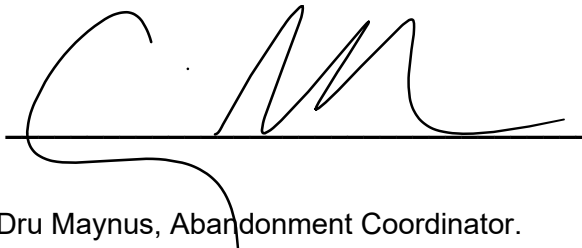
Recommended Stipulations of Approval

The request of abandonment, if approved by the Abandonment Hearing Officer, will be subject to the following stipulations:

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. The applicant shall provide a legal description of the abandonment area and obtain City approval prior to City Council approval of abandonment request ABND 240006.
3. 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: May 29, 2024

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Applicant/Representative, Liridon Ulaj
Craig Messer, Abandonment Hearing Officer

If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S. §36-1471 ET.SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.