

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – 190002A**

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 G. Martinez at (602) 495-0806** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations, Robert G. 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 March 12, 2021**), 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.



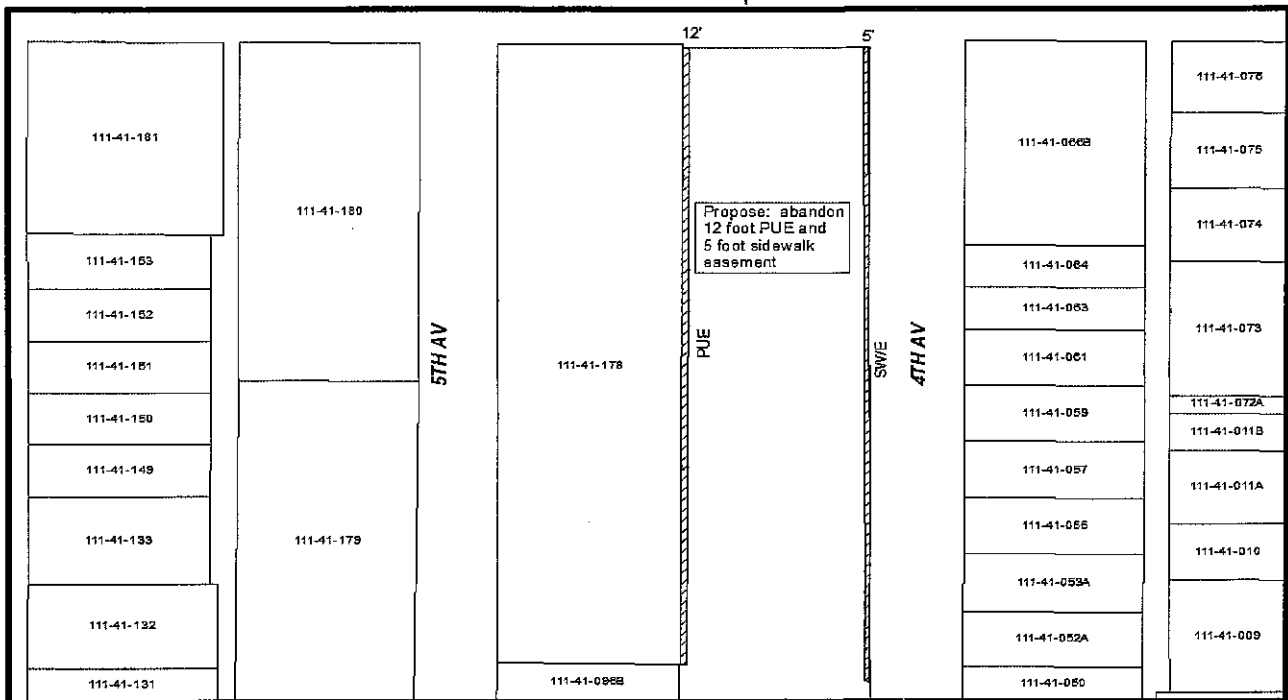
## **City of Phoenix**


Planning and Development Department

March 12, 2019  
Abandonment Staff Report: **V190002A**  
Project# **18-615**  
Quarter Section: **11-27**

<b><u>Location:</u></b>	Southeast Corner of Fillmore Street and 5th Avenue
<b><u>Applicant:</u></b>	Stephen M. Krager; High Street Residential
<b><u>Request to abandon:</u></b>	To abandon 12-foot public utility easement, running north to south on parcels bounded by APNs 111-41-178A and 111-41-178B and 5-foot sidewalk easement on 4th Avenue along parcels APN 111-41-178A and 111-41-178B.
<b><u>Purpose of request:</u></b>	The applicant states: that the existing 12' PUE bisects the development parcel. Public sewer and dry utilities to be relocated from easement with proposed development. Existing PUE conflicts with future building location. 5-foot sidewalk easement is no longer needed since sidewalk will be reconstructed within existing 4th Ave public street R/W. 5-foot sidewalk easement conflicts with future building location.
<b><u>Hearing date:</u></b>	<b>March 12, 2019</b>

## Attachment A - Map



APPLICANT: Stephen M Krager; High Street Residential  
 ABANDONMENT AREA:   
 APPLICATION NO: V190002A

QUARTER SECTION: 11-27  
 DATE: 16-JAN-2019  
 DOCKET & PAGE: 431 - 50

### Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer started the hearing by explaining the reason for this abandonment request to be held at a hearing. Mr. DePerro stated it is policy to have a hearing when it is public right to utilize something, which in this case is the sidewalk.

Ms. Emily Dawson, Site Planner read the abandonment request, purpose and staff research into the record.

Mr. Dean Pehrson, with David Evans and Associates, Inc., representing the applicant Stephen M. Krager; High Street Residential, explained the abandonment request. He noted that there is a public utility easement running through the center of the development. Taylor Street Paseo will be developed east to west of the development and utilities will be removed up to where they intersect the Paseo alignment. The 5-foot sidewalk easement will be reconstructed in the existing right of way so there is no use for the sidewalk easement. The building location also conflicts with the sidewalk easement, where the setbacks are between 0 feet and 5 feet. There is no conflict with the design reflecting any stairwells within the right of way.

Mr. Pehrson discussed the mapping of the abandonment with Mr. DePerro.

Mr. DePerro reviewed the drafted stipulations with Mr. Pehrson.

The Hearing Officer granted a conditional approval with revised stipulations.

### Stipulations of Conditional 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. The applicant/property owner shall relocate all affected sewer utilities into an alternate easement or right of way prior to the resolution of the abandonment in accordance with plans submitted to and approved by the Planning and Development Department or as otherwise approved by the Water Services Department. Once the new sewer is installed and accepted, the old sewer main can be abandoned. All work is to be done by a licensed contractor at no expense to the City of Phoenix.
  - b. The requested abandonment area covered by the Public Utility Easement shall be retained as a public utilities easement with 24-hour vehicle maintenance access. No structure of any kind and/or block wall shall be constructed or placed within the easement except removable type fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction
2. 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: 4.4.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Stephen M. Krager; High Street Residential  
Christopher DePerro, Abandonment Hearing Officer