

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – V190031A

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 13, 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.

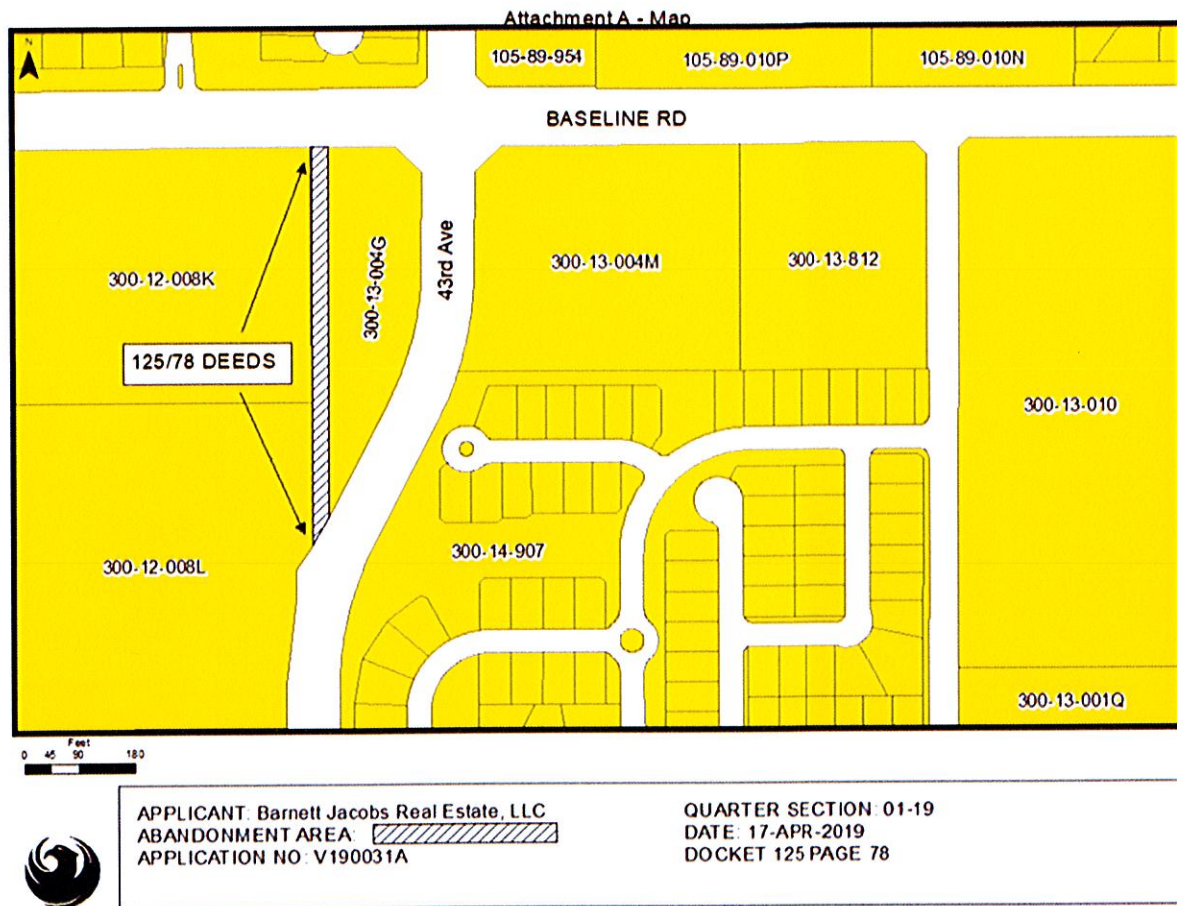


City of Phoenix

Planning and Development Department

June 13, 2019
Abandonment Staff Report: **V190031A**
Project# **19-599**
Quarter Section: **01-19**

<u>Location:</u>	4305 West Baseline Road
<u>Applicant:</u>	Barnett Jacobs Real Estate, LLC
<u>Request to abandon:</u>	To abandon the remaining 33' of right-of-way for what would have been 43rd Avenue; between Baseline Road and realigned 43rd Avenue alignment (approximately 800' south of Baseline Road).
<u>Purpose of request:</u>	The applicant states: That the former alignment is no longer required due to realigned 43rd Avenue, south of Baseline Road. The west side of remaining right-of-way has already been abandoned.
<u>Hearing date:</u>	June 13, 2019



Hearing Summary

The Hearing Officer, Mr. Christopher DePerro opened the case by turning over to the Abandonment Coordinator, Ms. Rocio Iniguez for staff research.

Ms. Iniguez, read the case into the record. Ms. Iniguez indicated that per her research, the west portion of right-of-way was abandoned under ABND 030080 in 2003. If abandoned, the right-of-way will revert in ownership to the adjacent property on the east (Parcel #300-13-004G).

Mr. DePerro clarified the abandonment boundary as it was not mapped correctly in GIS.

Mr. Steve Bowser of Helix Engineering is representing Barnett Jacobs Real Estate. Mr. Bowser noted that the owner has applied for a General Plan Amendment and to rezone for the property to C-2. They are anticipating that they have to complete the street, gutter and sidewalk on the property west and east of the abandonment request which is why they are requesting to abandon the remnant right-of-way.

Mr. DePerro discussed the stipulations with Mr. Bowser.

The Hearing Officer granted a conditional approval with revised stipulations.

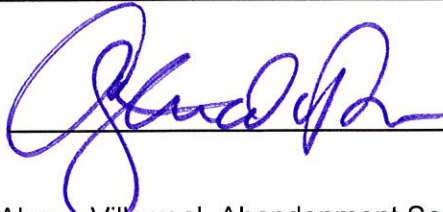
Stipulations of Conditional Approval

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.
 - 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 65 feet of the Baseline Road monument line may be abandoned.
4. No right-of-way within 55 feet of the 43rd Avenue monument line may be abandoned.
5. The applicant/property owners shall abandon all affected water main utilities within right of way prior to the Resolution of this Abandonment in accordance with plans submitted to and approved by the Planning and Development Department, or as otherwise approved by the Water Services Department.
6. All stipulations must be completed within **two year** from the Abandonment Hearing Officer's decision.

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

Hearing Officer Signature: _____



Date: _____

6.25.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Barnett Jacobs Real Estate, LLC
Christopher DePerro, Abandonment Hearing Officer