

## ATTACHMENT B



**City of Phoenix**

Planning and Development Department

### **CONDITIONAL APPROVAL – ABND 220030**

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 Alyssa Neitzel at 602-534-7321** 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 September 22, 2024**), 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

September 22, 2022  
Preliminary Abandonment Staff Report: **ABND 220030**  
Project# **22-3137**  
Quarter Section: **18-36**  
Council District: **6**

**Location:** 37<sup>th</sup> Street and Elm Street

**Applicant:** Meredith Esner

**Request:** To abandon the length of alley bounded by 37th Street on the west, 38th Street on the east, Elm Street on the north and Highland Avenue on the south.

**Purpose of request:** The applicant states, "closing the alley will increase security and safety of our homes. It will also increase privacy as well as buildable area of the lots. Recently there has been an increase of nonresidents utilizing our alley for various purposes. We have found drug paraphernalia that was disconcerting."

**Hearing date:** **September 22, 2022**

## Planning and Development



### **Hearing Summary**

Mr. Christopher DePerro, the Abandonment Hearing Officer calls the meeting to order at 9:32 a.m. on September 22, 2022.

Ms. Alyssa Neitzel, the Abandonment Coordinator, introduced abandonment ABND 220030 and read the case into the record by stating the applicant, location, and purpose of the request, as well as City staff research.

Mr. DePerro then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Ms. Meredith Esner, applicant summarizes purpose of request and clarifies stipulation verbiage and Public Utility Easements.

Mr. DePerro asks if there is any opposition to this abandonment request.

Ms. Neitzel confirms there is not and proceeds with reading stipulations.

Ms. Maja Brkovic, Streets Transportation Representative, reads stipulations 2 and 3 regarding monument lines.

Mr. DePerro reads stipulation 5.

Ms. Esner requests estimated cost of consideration fee and instructions on how to pay.

Mr. DePerro asked if there were any attendees with additional questions or comments. No attendees had any questions or comments.

The Hearing Officer grants conditional approval for abandonment 220030 subject to stipulations in staff report.

### **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 30-feet of the 37<sup>th</sup> Street monument line may be abandoned.
4. No right-of-way within 25-feet of the 38<sup>th</sup> Street monument line may be abandoned.
5. 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: 1/30/23

REPORT SUBMITTED BY: Paulina Hernandez, Abandonment Secretary

cc: Applicant/Representative, Meredith Esner  
Christopher DePerro, Abandonment Hearing Officer