

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 200547

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 Maggie Dellow at (602) 262-7399** 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 October 22, 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

October 22, 2020

Abandonment Staff Report: **ABND 200547** Project#
00-1295

Quarter Section: **19-27**

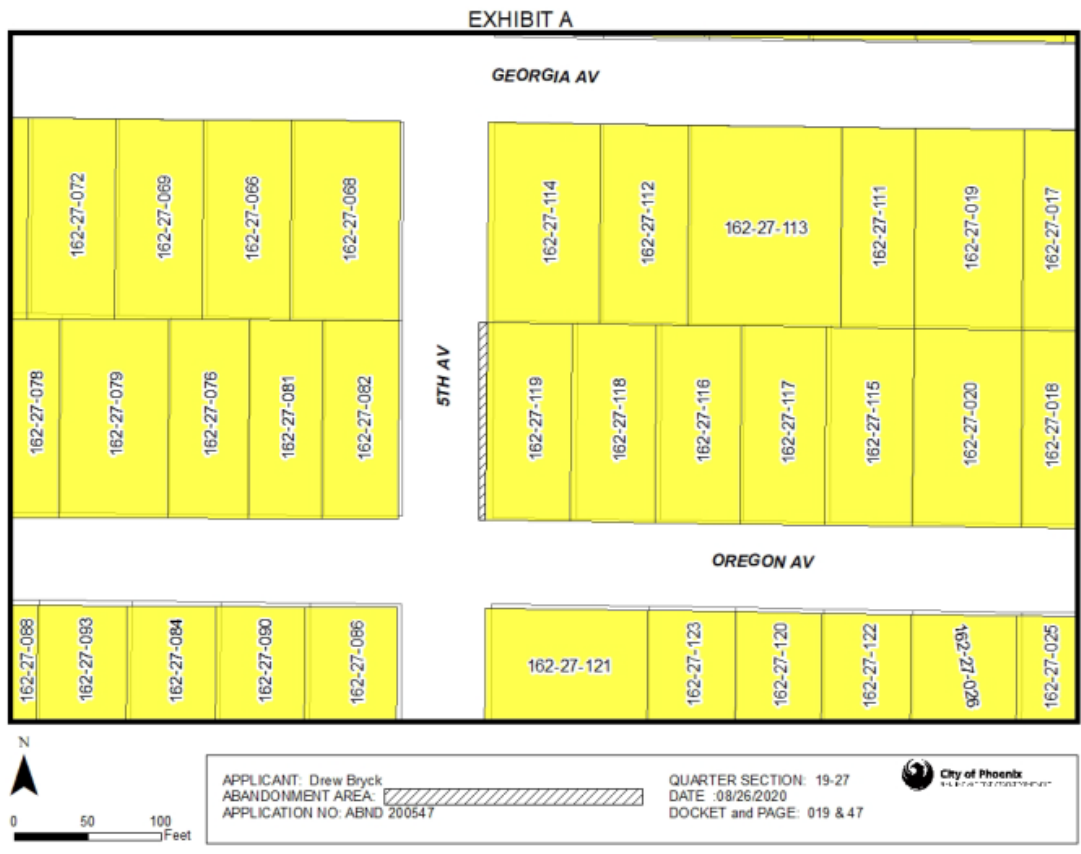
Location: 498 West Oregon Avenue

Applicant: Drew Bryck

Request to abandon: To abandon 5 feet of right-of-way, adjacent to parcel addressed 498 West Oregon Avenue (APN 162-27-119). Recorded with Maricopa County Recorder, subdivision plat "Orangewood Estates, Book 019, Page 47.

Purpose of request: The applicant states: To rectify holdover issues regarding permitting from the 1960's and removing the uncertainty around encroachments and take guess work out of future permitting.

Hearing date: **October 22, 2020**



Hearing Summary

Ms. Emily Dawson, the Abandonment Coordinator read the abandonment case into the record by stating the applicant, location, abandonment request, and purpose of the request, as well as City staff research.

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

Mr. Drew Bryck, the applicant clarified that the purpose of the abandonment is to correct the encroachment of patio cover and site walls into the right-of-way that took place by previous homeowners. Mr. Bryck also clarified the location of the abandonment and explained that it would not limit the City's ability to install a 5' sidewalk in the future, if this is ever desired.

Mr. DePerro then invited the Streets Department representative Mr. Alan Hilty to make a comment. Mr. Hilty did not have any comments to add to the discussion.

Mr. DePerro then opened the hearing for neighbors to speak.

Ms. Lucy Willis shared findings from a 2017 traffic study regarding traffic volume, traffic speeds, and foot traffic. Ms. Willis explained that neighbors in the area are in support of sidewalk additions and expressed concern that such an abandonment will limit the ability to install a sidewalk.

Mr. DePerro invited the Streets Department representative Ms. Maja Brkovic to respond.

Ms. Brkovic indicated that the request from streets to retain 25-foot right-of-way from the centerline of 5th Avenue would provide adequate space for the installation of a sidewalk.

Mr. DePerro illustrated how the proposed abandonment would not limit the ability to install a sidewalk since the area in which the sidewalk could be built will continue to be within the right-of-way.

Mr. Bryck further explained that the requested abandonment would not change the exterior nature of the site but would allow him to move forward with his interior remodel.

The Hearing Officer reviewed drafted stipulations with the applicant, revising stipulation number 4.

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. 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 25 feet of the 5th Avenue monument line may be abandoned.
4. 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: 4/9/2021

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Applicant/Representative, Drew Bryck
Christopher DePerro, Abandonment Hearing Officer