

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210051

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 the Abandonment Coordinator at (602) 256-3487** 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 November 18, 2023**), 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, **two-year** extension can be requested prior to the expiration date, with applicable extension fee due.



City of Phoenix

Planning and Development Department

November 18, 2021
Abandonment Staff Report: **ABND 210051**
Project# **21-4561**
Quarter Section: **47-25**
Council District: **1**

Location:

25300 North 17th Avenue

Applicant:

Emil Pop and Emilia Pop

Request to waive:

Patent easement located along the perimeter of GLO LOT41 on the north, west, and south sides.

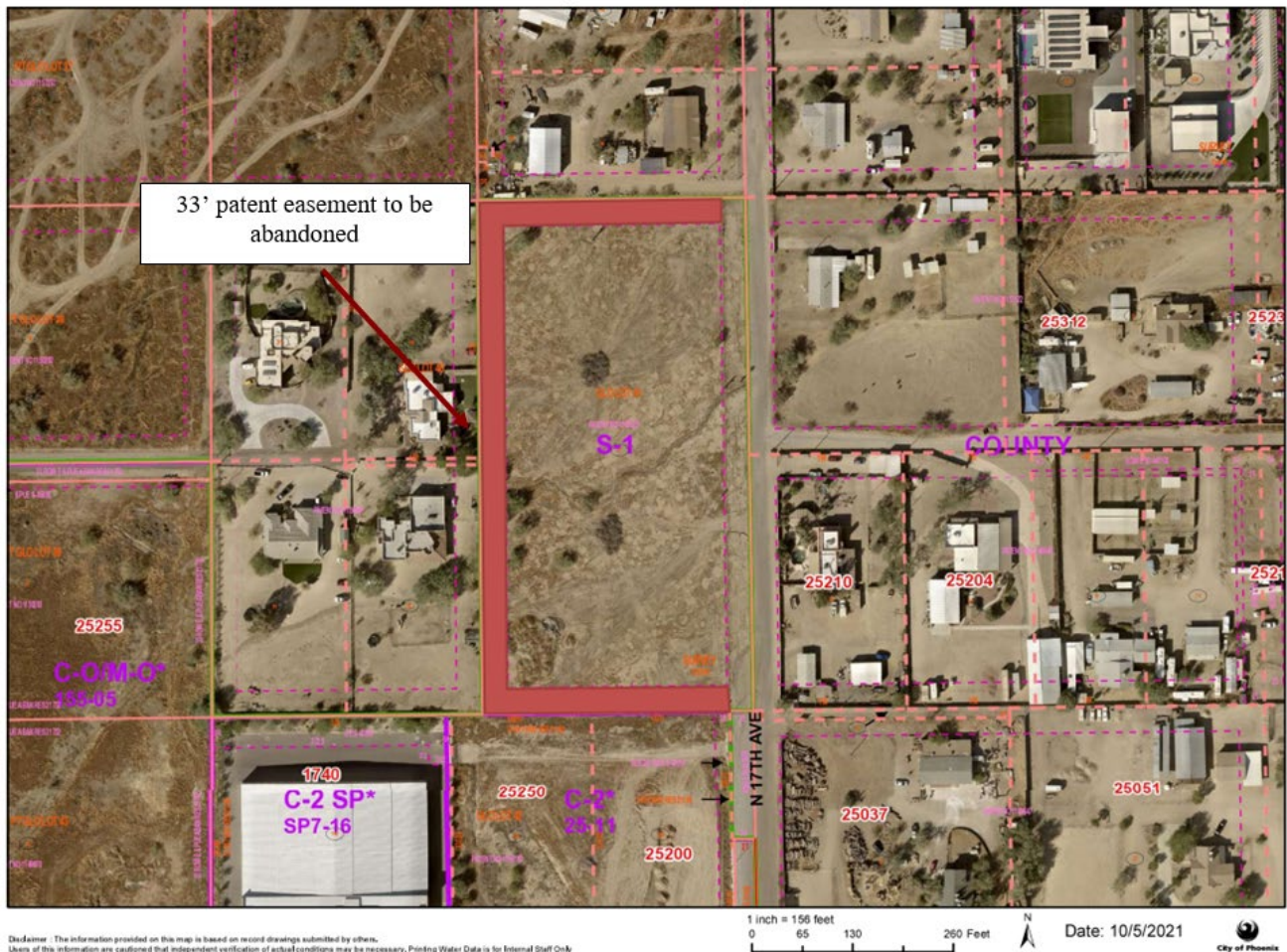
Purpose of request:

The applicant states the patent easement is no longer useful for public access and/or utilities due to land development and City and County easement in the vicinity of the site.

Hearing date:

November 18, 2021

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order after 9:30 am on November 18, 2021. He then invited staff to introduce themselves.

Mr. Matthew Roth, the Abandonment Coordinator introduced the abandonment case ABND 210051 by reading 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. DePerro then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Gene Cetwinski stated that he is the civil engineer representing the owners, Emil and Emilia Pop. Mr. Cetwinski explained that the owners are seeking abandonment of the easement on the northern, western, and southern sides of the property. The eastern side of the property will remain encumbered by patent easement as it is required to serve as right-of-way for the 17th Avenue

alignment. Mr. Cetwinski explained that the proposed development is a healthcare facility for the elderly.

Mr. Cetwinski stated that he had questions regarding the comment received from Southwest Gas.

Mr. DePerro explained that the Southwest Gas reviewer may not have understood the request from the City, and that the City would help with this comment.

Mr. Cetwinski stated that he had no problem working out an APS easement for the overhead lines on site.

Mr. DePerro invited Mr. Wayne Hudgeons, property owner of the neighboring property to the north to speak. Mr. Hudgeons explained that APS needed to access his property through the patent easement in order to replace a transformer on site and that he believed waiving the patent easement would make it more difficult for APS to access the site. Mr. Hudgeons also stated that he believed the surrounding neighbors opposed the easement abandonment.

Regarding APS access, Mr. DePerro explained that request would remove the ability to construct a public street in this location, and that it would not remove the right of public utility companies, such as APS, to access the area. If approved, the area would be retained as a public utility easement, unless the APS facilities were relocated elsewhere.

Mr. Cetwinski stated that four of the five abutting property owners have signed a petition stating they are in support of the abandonment. Mr. Cetwinski also stated that he would grant an easement for APS access.

Mr. DePerro explained that the purpose of the petition is not to grant veto power to neighboring properties, but rather to ensure there is some level of support for the proposed abandonment.

Mr. Roth read into record a letter of opposition from Rick and Laurel Brodie, owners of a nearby property. Rick and Laurel explain that they are in opposition to this request because they believe that it will change the “density footprint” of the parcel and that this would not be compatible with the character of the area.

Mr. DePerro explained that if this abandonment were approved, it would not change the density permitted on site as suggested in the letter. Mr. DePerro elaborated that if these easements were paved with streets, it would facilitate additional development and density.

Mr. DePerro reviewed the recommended stipulations of approval.

Mr. DePerro explained that because the entire alley area would be rededicated 50 feet to the west, the new dedication could qualify as the consideration fee if the applicant provides the necessary and accurate calculations.

The Hearing Officer granted a conditional approval subject to the stipulations in the staff report revised as stated for the record in the abandonment hearing.

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. 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: 12/14/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Gene Cetwinski, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer

