

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210047

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 Matt Roth 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 October 28, 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

October 28, 2021
Abandonment Staff Report: **ABND 210047**
Project# **99-39127**
Quarter Section: **19-28**
Council District: **4**

Location:

2nd Street and Colter

Applicant:

Mary Stoffel

Request to abandon:

The 16-foot alley bounded by 2nd Street and 4th Street and Oregon Avenue and Colter Street.

Purpose of request:

The applicant states: 1) to increase security of homes adjacent to the alley, 2) that City improvements will bring increased pedestrian traffic through the neighborhood and the neighbors would like to deter pedestrian access to the alley, 3) to increase buildable area of residential lots, 4) to improve neighborhood curb appeal by gating off the ends of the alley per easement stipulations, and 5) to secure flood irrigation sandboxes, from tampering and/or child access.

Hearing date:

October 28, 2021

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:35 am on October 28th, 2021. He then invited staff to introduce themselves.

Mr. Matthew Roth, the Abandonment Coordinator introduced the abandonment case ABND 210047 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.

Ms. Mary Stoffel explained that she has lived for the past 18 years in the neighborhood, and her property was located on the South East corner of alley. She further stated that impetus for this alley abandonment actually came as a result of the city about a year ago, notifying neighbors that there was a plan to asphalt the alley. She further elaborated that flood irrigation sandboxes pipes and valves that run through the South Side of that alley and have had issues with vehicles going down the alley and breaking pipes.

Mr. DePerro then asked Mr. Roth to review comments received for this alley abandonment.

Mr. Barry Oleksak, a trustee for irrigation, water, delivery district, number 27, supported the abandonment, but wanted to include stipulations to require 24 access by foot.

Mr. Roth then read off an email from Ms. Anna Marco. She stated that she can only see disadvantages from a deriving from it. The irrigation valves from the house on the north side of culvert are located in the alley and that all the households, except for one have a brick walls to separate the backyard from the alley. This means they would need to let irrigation staff go through our front yard and backyards, access them.

Mr. DePerro stated that alley that could potentially be abandoned is not actually going to be totally blocked off unless utilities were moved.

Mr. Roth reviewed comments provided by City staff and utility provider with the applicant. Mr. DePerro reviewed the recommended stipulations of approval.

Mr. DePerro then opened the hearing to those in attendance to speak.

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. 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 2nd Street monument line may be abandoned.

4. No right-of-way within 15 feet of the 4th Street monument line may be abandoned and retain a 10' sidewalk easement.
5. All work in public right-of-way is to be done in accordance with plans approved by the Planning and Development Department and at no cost to the City.
6. The applicant shall contact the Street Transportation Department (Michael Cano) at 602-495-7149 to coordinate the removal, salvage or purchase all existing City owned signs. No sign is to be removed until a copy of the abandonment resolution is provided to the Street Transportation Department.
7. The applicant shall contact the Street Transportation Department (Jason Fernandez) at (602) 256-4168 to coordinate the removal, relocation or transfer of ownership of all City owned streetlights within the subdivision. This shall be done at no cost to the City.
8. The entire right of way shall be retained as a sewer easement or as may be modified by the affected utilities with 24-hour maintenance access subject to the following standard stipulations:
 - a. 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.
9. 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: 11/16/21

REPORT SUBMITTED BY: Matt Roth, Abandonment Coordinator

cc: Mary Stoffel, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer