

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 200562

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 Alyssa Neitzel 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 February 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, **one year** extension can be requested prior to the expiration date, with applicable extension fee due.



City of Phoenix

Planning and Development Department

February 18, 2021
Abandonment Staff Report: **ABND 200562**
Project# **01-237**
Quarter Section: **39-32**

<u>Location:</u>	19226 North Cave Creek Road
<u>Applicant:</u>	Cave Creek Road Partners, LLC
<u>Request to abandon:</u>	To abandon the 25' wide Multi-Use Trail Easement located along the eastern property line of the parcel on the west side of Cave Creek Road and south of Utopia Road, identified as parcel APN 213-20-452.
<u>Purpose of request:</u>	The MUTE was recorded several years ago with a thought that this would develop along the western side of Cave Creek Road. The property is one of the last properties to develop in this area and no prior multi-use trails were built both north and south of the property. Today, the MUTE serves no purpose. As an alternative, the area back of the required sidewalk along Cave Creek will be enhanced with required landscape improvements and maintained by the existing property HOA.
<u>Hearing date:</u>	February 18, 2021 (Continued from February 4, 2021)

213-26-027

213-26-001M

213-26-244D

213-26-001N

213-26-324

213-20-452

213-20-008

213-20-001H

213-20-001G

213-20-006

213-20-007B

213-18-098S

213-19-260

213-19-261

213-19-001G

PIUTE AV

UTOPIA RD

24TH ST

25TH ST

24TH PL

25TH PL

WESCOTT DR

TARO LN

TOPEKA DR

23RD PL

CLARK RD

22ND ST

CAVE CREEK RD

0 150 300 Feet

APPLICANT: Cave Creek Rd Partners, LLC
 ABANDONMENT AREA:
 APPLICATION NO: ABND 200562

QUARTER SECTION: 39-32
 DATE: 11/09/2020
 BOOK & PAGE: 891 & 16

City of Phoenix
 A L L O F A R I Z O N A

February 4, 2021

Ms. Maggie Dellow, the Abandonment Coordinator, read the case into the record by stating the location, applicant, abandonment request, reason to abandon and staff research conducted on the proposed abandonment site.

Mr. DePerro asked the applicants if they would like to add anything else to the case. The applicant, Mr. Franklin De La Cruz, indicated that the properties to the north and south do not have a multi-use trail easement, but simply sidewalk. This make it appear that the multi-use trail easement is old and serves no purpose if it is locked between two parcels who have not developed such a trail.

Mr. DePerro asked Ms. Dellow to share more about the research indicating the easements were requested for the properties to the north and that trail development was stipulated.

Mr. DePerro then explained that the City of Phoenix has adopted a trails map with requires the dedication of a multi-use trail. The trails map is a function of the General Plan, therefore the City would not be able to abandon a portion of the multi-use trail easement without the trails map being changes through a General Plan Amendment.

Mr. De La Cruz echoed that the trail does not currently exist to the north. He also indicated that the inclusion of the multi-use trail would cause issues with drainage and result in higher retaining walls.

The Abandonment Hearing Officer decided to continue the case to the following abandonment hearing on February 18, to allow for more time to research the site and to give the applicant an opportunity to provide more information about the issues related to the multi-use trail.

February 18, 2021

Mr. Christopher DePerro, the Abandonment Hearing Officer called the abandonment hearing to order on February 18, 2021 and introduced the first case as a continuation from the February 4, 2021 hearing.

Ms. Maggie Dellow, the Abandonment Coordinator, read the case into the record by stating the location, applicant, abandonment request, reason to abandon and staff research conducted on the proposed abandonment site.

Ms. Dellow provided additional information and research about the adjacent property to the north with was required to developed a 10' shared use path within a 20' shared use path easement. Ms. Dellow also provided the approved Preliminary Site Plan which indicates the applicant has proposed a shared use path separate from the sidewalk, when all that is required is the single shared use path. The Preliminary Review Report did not include any stipulations regarding the shared use path.

Mr. DePerro further explained to the applicants that just a 10' sidewalk/shared use path is required within a 20' multi-use trail easement.

The applicant, Mike Hare, indicated that this change helps resolve the prior issues regarding site drainage as long as they are able to match the shared use path to the property to the north.

The Abandonment Hearing Officer approved the abandonment request 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. The eastern 20' of the existing multi-use trail and sidewalk easement shall be retained.
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: 5/13/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Cave Creek Road Partners, LLC
Christopher DePerro, Abandonment Hearing Officer