



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – V190083A

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 Robert Martinez at (602) 495-0156** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations Robert Martinez will schedule your request for City Council action.

If the stipulations of abandonment are not completed within **eighteen months** from the date of your conditional approval (**your expiration date is July 23, 2021**), 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.



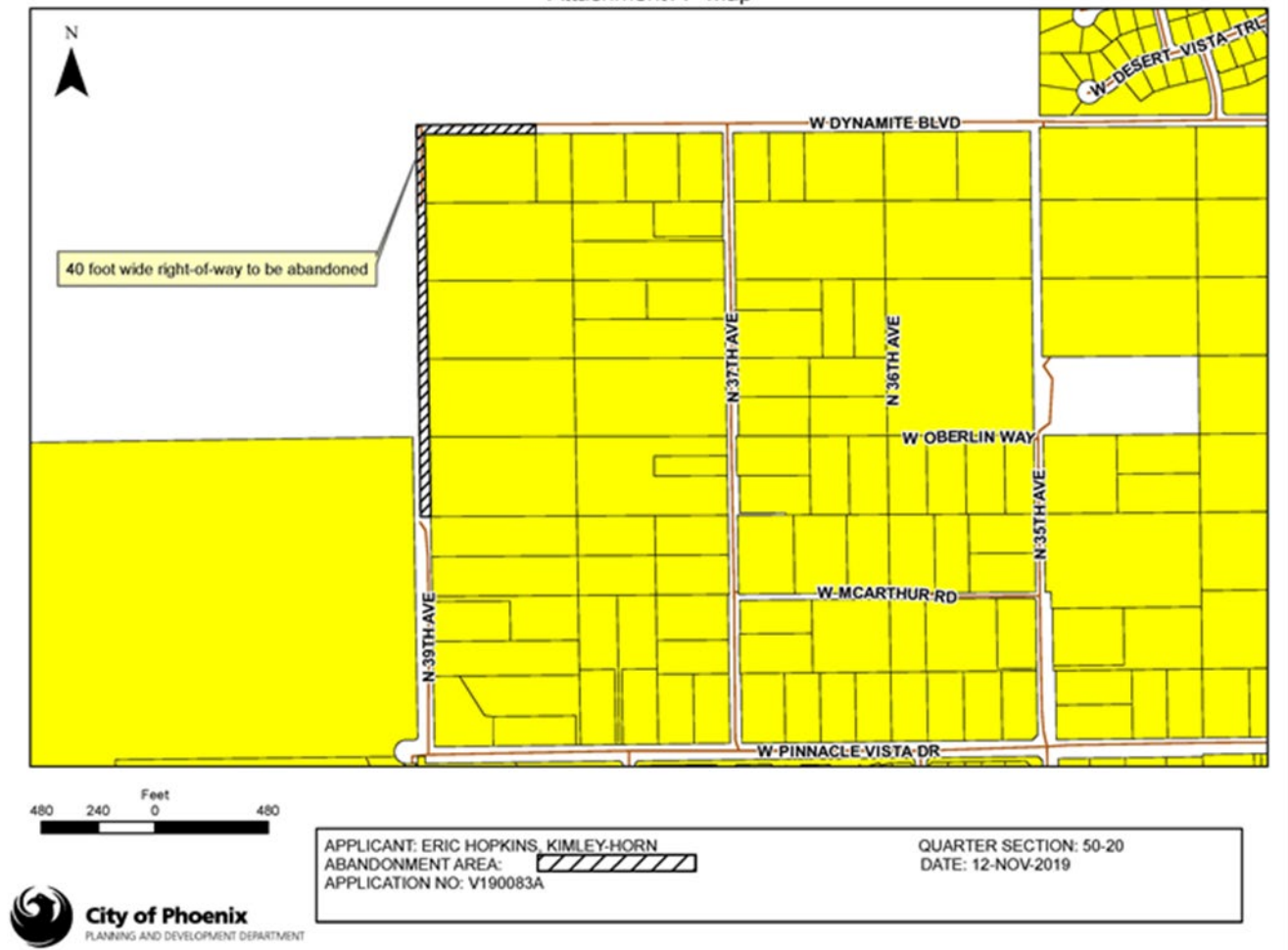
City of Phoenix

Planning and Development Department

January 23, 2020
Abandonment Staff Report: **V190083A**
Project# **19-190**
Quarter Section: **50-20**

<u>Location:</u>	Southeast Corner of West Dynamite Boulevard and North 39th Avenue
<u>Applicant:</u>	Eric Hopkins; Kimley-Horn
<u>Request to abandon:</u>	To abandon 40 feet of right-of-way along West Dynamite Boulevard and North 39th Avenue.
<u>Purpose of request:</u>	The applicant states: The abandonment and rededication of these rights-of-way allows for the planned community, without encroaching onto the Deem Hills Recreation Area, the CAP Canal, and the property owned by the Arizona State Trust Land.
<u>Hearing date:</u>	January 23, 2020

Attachment A - Map



Hearing Summary

Ms. Emily Dawson, the Site Planning, read the case into the record.

Mr. Christopher DePerro, then turned the discussion over to the applicant.

Susan Demmitt on behalf of Taylor Morrison stated that they are proposing modification to the original abandonment request. Due to discussions with both Street Transportation Departments, about the desire to maintain certain portions of right of way due to the potential of future access to the preserve or across the cap canal, (new exhibits were provided). Original was the entire 40-foot strip along 39th Avenue and Dynamite Blvd. right-of-way, what was agreed to with Streets Transportation Department was to abandon the entire strip on 39th Avenue and are abandoning the entire 40-foot right-of-way and replace it with a 15-foot wide right of way easement along that edge of the property. She also stated that they have agreed to maintain the entire right-of-way along Dynamite Blvd., so we are not abandoning anything along the north side.

The Hearing Officer clarified that the applicant is wanting to retain a 15-foot wide right-of-way easement in addition to the new dedicated 50-foot right-of-way.

Mr. Chris Kowalski noted that there is a recreational facility there, so it will allow for future access to 39th Avenue and Dynamite creating a potential for 39th Avenue to go over the Cap canal.

Ms. Demmit noted that the purpose of a right-of-way easement and not dedication was due to the potential setback on a couple of lots.

The Hearing Officer noted that right of way easements is treated the same as right-of-way. The Hearing Officer determined that since the development is adjacent to a preserve there is no perimeter setback.

The Hearing Officer discussed the stipulations with the applicant.

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.
 - 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. None of the existing right-of-way along Dynamite Boulevard shall be abandoned.
4. A public street connection from the existing terminus of 39th Avenue to Dynamite Boulevard shall be dedicated through the new subdivision plat as approved by the Street Transportation and Planning and Development Departments.
5. Sufficient right-of-way shall be rededicated along 39th Avenue frontage to accommodate the trail and the existing water line. Said right-of-way will remain contiguous to the Deem Hills Recreation Area and be sufficient to allow access to the Area as determined by the

Street Transportation Department.

6. The abandonment must be recorded concurrent with the subdivision plat.
7. All stipulations must be completed within **eighteen months** from the Abandonment Hearing Officer's decision.

This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.

Hearing Officer Signature:



Date: 4/21/2020

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Eric Hopkins; Kimley-Horn
Christopher DePerro, Abandonment Hearing Officer