



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – V190047A

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 **one year** from the date of your conditional approval (**your expiration date is August 15, 2020**), 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.



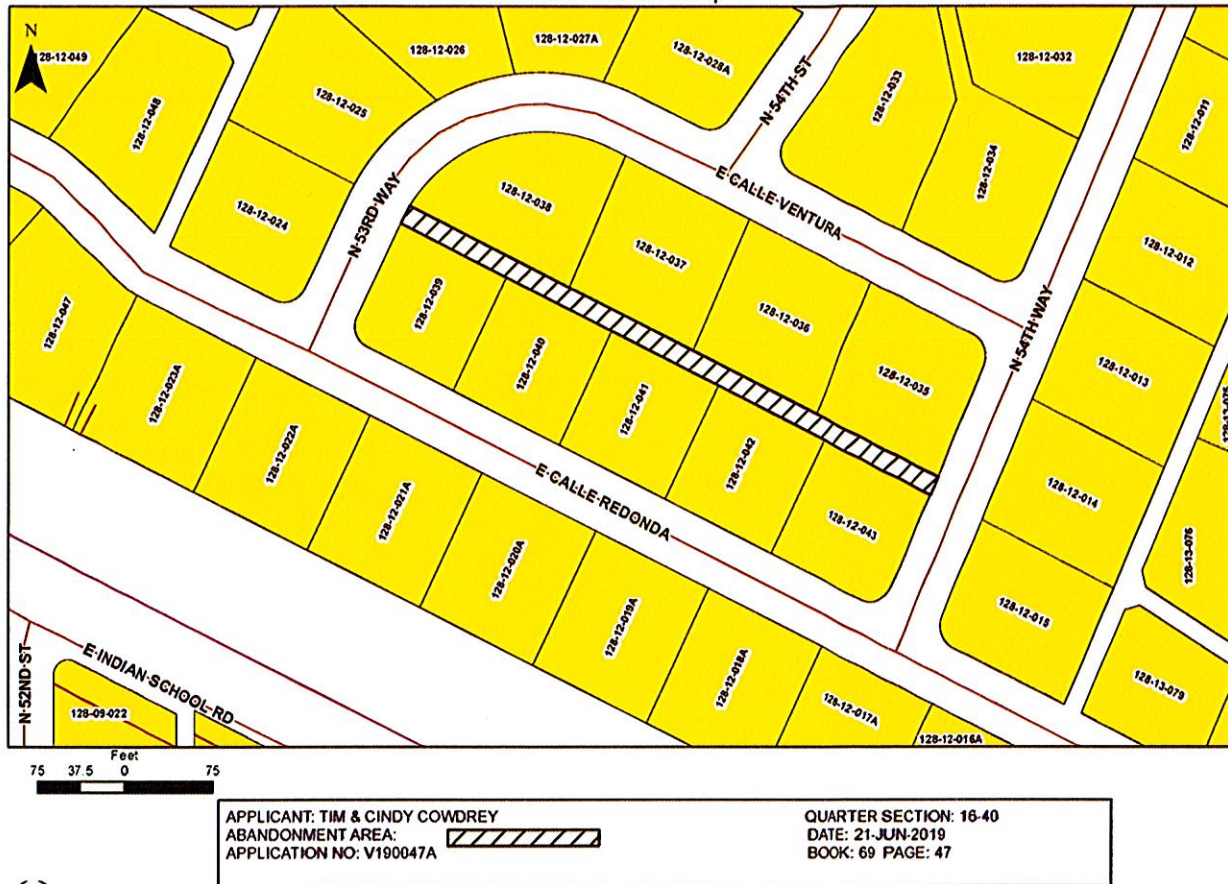
City of Phoenix

Planning and Development Department

August 15, 2019
Abandonment Staff Report: **V190047A**
Project# **00-524**
Quarter Section: **16-40**

<u>Location:</u>	Alley between 53 rd Way and 54 th Way, north of Calle Redonda
<u>Applicant:</u>	Tim and Cindy Cowdrey
<u>Request to abandon:</u>	To abandon alley behind homes of APNs 128-12-035 through 043 and as depicted on Exhibits included with this submittal. Alley is 16-feet wide and is behind Lots 239 through 301 of the Hidden Village Six subdivision (MCR 69-47).
<u>Purpose of request:</u>	The applicant states: The alley has become subject to graffiti, trash and potential criminal activity. Homeowners feel the alley is no longer necessary since refuse collection happens from the front street of each home.
<u>Hearing date:</u>	August 15, 2019

Attachment A - Map



Hearing Summary

Mr. Christopher DePerro, the Hearing Officer called the Abandonment Hearing to order at 9:35 a.m. on Thursday, August 15, 2019.

Mr. DePerro introduced himself to the attendees, provided a summary describing the process of the hearing, which lead into staff introductions. Mr. DePerro then turned the hearing over to Ms. Rocio Iniguez, the Abandonment Coordinator to present the case for the record.

Ms. Iniguez read the abandonment request, purpose and City Staff research into the record.

Mr. DePerro opened the discussion by asking the applicant to introduction herself and expand on the abandonment request.

Mrs. Cindy Cowdrey, the applicant stated the abandonment would allow land owners to take over the land, to be able to keep clear and clean of trash. Mrs. Cowdrey stated that currently there is no traffic through the alley and one of the concerns is also security, due to the thefts that have occurred. This would potentially alleviate the possible crime from happening.

Mr. DePerro asked Mrs. Cowdrey what she physically expects of the alley abandonment.

Mrs. Cowdrey replied by saying her and her neighbors would put gates up at each end and provide access to utilities. There would be no structures built only land to be gained to each property.

Mr. DePerro reviewed the drafted stipulations with Mrs. Cowdrey.

The Hearing Officer granted a conditional approval subject to the stipulations.

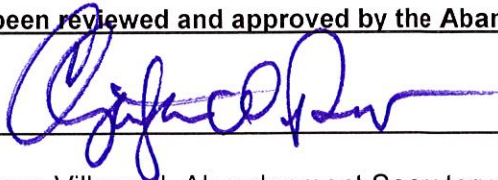
Stipulations of Conditional Approval

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. 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.
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 53rd Way monument line may be abandoned.
4. No right-of-way within 25 feet of the 54th Way monument line may be abandoned.
5. All stipulations must be completed within **one year** from the Abandonment Hearing Officer's decision.

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

Hearing Officer Signature: _____



Date: 10.2.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Tim and Cindy Cowdrey
Christopher DePerro, Abandonment Hearing Officer