

Attachment B - Approval Report



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – 180004A

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

Upon completion of the stipulations Cathy Chapman 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 March 27, 2019**), 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

March 27, 2018
Preliminary Abandonment Staff Report: **V180004A**
Project# **02-4733**
Quarter Section: **13-31**

<u>Location:</u>	1940 East Monte Vista Road
<u>Applicant:</u>	David Martinez Pinto; Alma Patricia Cruz Martinez
<u>Request to abandon:</u>	The north 7-feet of Monte Vista Road right-of-way adjacent to the parcel addressed 1940 E. Monte Vista Road (APN 117-14-150).
<u>Purpose of request:</u>	The applicant states: Existing house encroaches into the right-of-way.
<u>Hearing date:</u>	March 27, 2018

Hearing Summary

The above-named abandonment application was filed by David Martinez Pinto; Alma Patricia Cruz Martinez. The applicant states: Existing house encroaches into the right-of-way.

David Martinez, property owner, stated that the proposed right of way abandonment is needed because the home is currently in the right of way. It was brought to his attention when he filed for a remodel of the home.

The Hearing Officer, Christopher DePerro, discussed with Mr. Martinez on how much of the home is in the right of way. Mr. Martinez stated that the home is within the 30' ft. monument line and the side wall of the home touches that line. There is also a bay window that extends 5' ft. out from the home's southern wall.

Mr. DePerro asked Alan Hilty, Street Transportation Department, for 7' ft. of right of way abandonment, if the applicant retained the southern 2' ft. as a sewer/water easement. Mr. Hilty agreed that this would be appropriate.

Mr. DePerro explained the rest of the stipulations to Mr. Martinez including the request from the Water Services Department. The Water Department requested a 3' ft. x 3' ft. water easement to protect water tap on property.

The Hearing Officer approved the abandonment with a conditional approval and modified stipulations.

Stipulations of Conditional Approval

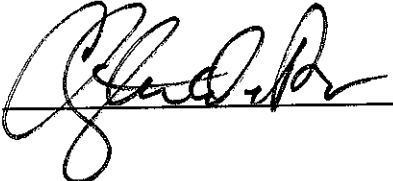
The request of abandonment, is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

1. 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 Value¹ 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.
2. The existing water meter shall be relocated onto the public right-of-way or within a 3' ft. x 3' ft. water easement in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix.
3. Retain a two-foot sidewalk easement on southern boundary of proposed abandoned area.

¹ If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S. §36-1471 ET.SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.

4. 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: 3.28.18

REPORT SUBMITTED BY: Amanda Murrietta, Abandonment Secretary

cc: Applicant/Representative, David Martinez Pinto; Alma Patricia Cruz Martinez
Christopher DePerro, Abandonment Hearing Officer