

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 210033**

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) 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 July 15, 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

July 15, 2021

Preliminary Abandonment Staff Report: **ABND 210033**

Project# **02-3987**

Quarter Section: **27-30**

**Location:**

9015 North 15th Place

**Applicant:**

Teresa Duhancik

**Request to abandon:**

The partial circular right-of-way area adjacent to 9015 North 15th Place and 1521 East Eva Street, south of the 15th Place cul-de-sac.

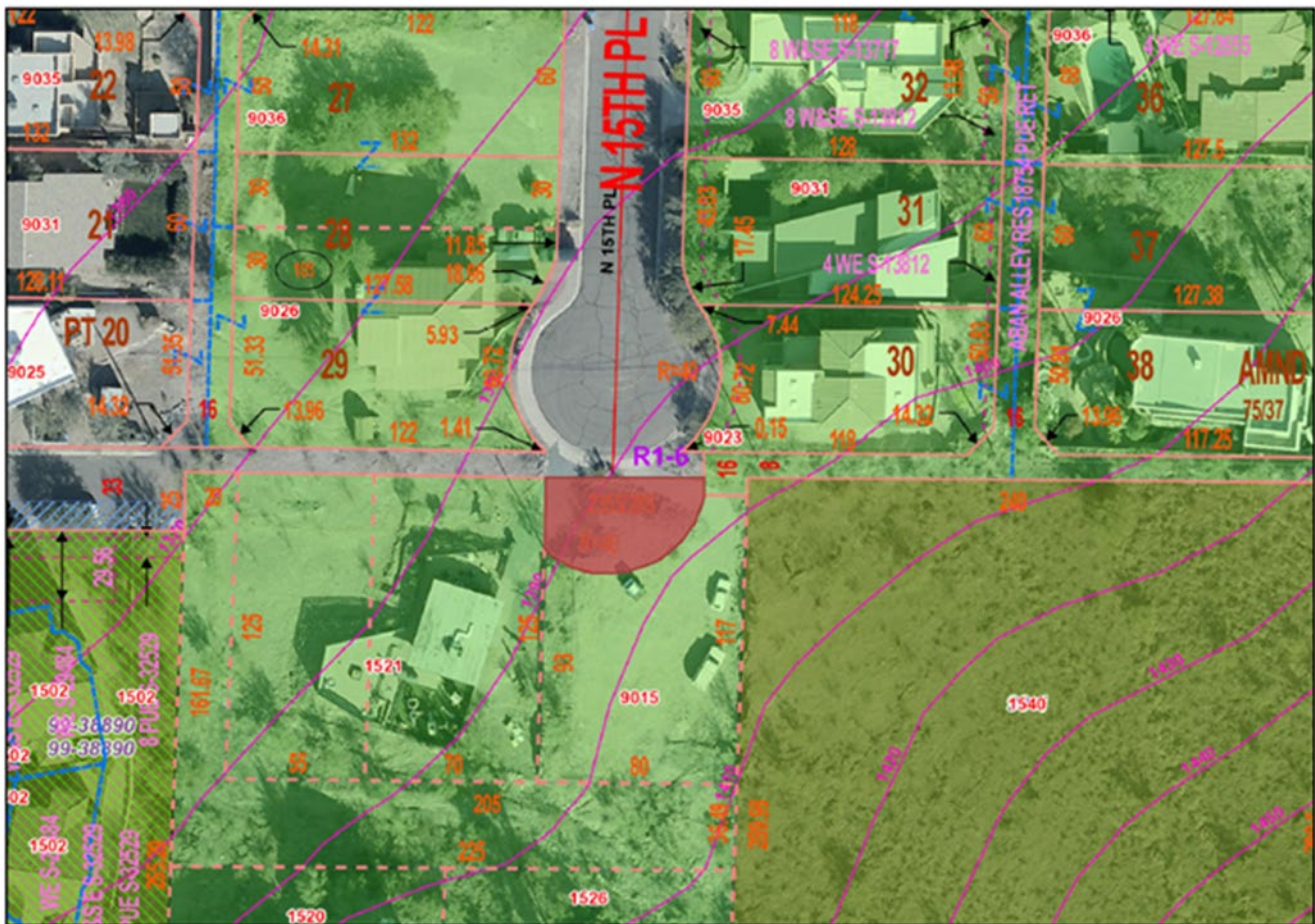
**Purpose of request:**

The applicant states she owns both parcels 159-33-115A and 159-33-094C. She and her husband I would like to build a new home on 159-33-094C. However, the current shape of the lot leads the driveway crossing an unused/abandoned quarter pie shaped old cul-de-sac area from the 1950s. Abandonment officially enables parcel 159-33115A to have a proper driveway/street/frontage access.

**Hearing date:**

**July 15, 2021**

## Planning and Development



Disclaimer: The information provided on this map is based on record drawings submitted by others. Users of this information are cautioned that independent verification of actual conditions may be necessary. Printing Date: 6/4/2021

1 inch = 50 feet  
0 20 40 80 Feet  
Date: 6/4/2021  
City of Phoenix

### Hearing Summary

Mr. Christopher DePerro the Abandonment Hearing Officer asked the Abandonment Coordinator to introduce abandonment case ABND 210033.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the case 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. Teresa Duhancik did not have any additional comments to provide.

Ms. Dellow reviewed the comments and proposed stipulations of approval provided from City Reviewers and Public Utility Providers.

Ms. Duhancik asked for clarity on stipulation number 4. She explained that her intention is not to combine the property at 1521 East Eva Street.

Mr. DePerro confirmed that stipulation number 4 could be altered to allow the option of obtaining a building code modification should a lot combination not be desired. Mr. DePerro made one modification to stipulation number 4 which allows the applicant to either combine the parcels at 1521 East Eva Street or the applicant shall provide evidence that there is no structure crossing the property line or receive a code modification to allow a structure to cross the property line.

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. 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 40 feet of the 15th Avenue cul-de-sac monument line may be abandoned.
4. The applicant shall compete a lot combination/division application to convey property from 9015 North 15th Place to 1521 East Eva Street for street frontage on 15th Place. The application shall also combine the two parcels addressed as 1521 East Eva Street, or the applicant shall either demonstrate there are no structures crossing the property line that divides 1521 East Eva Street, or complete a building code modification with the Building Official in order to allow a structure to cross the property line.
5. 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: 8/9/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Teresa Duhancik, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer