



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 220015**

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 the Abandonment Coordinator 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 April May 12, 2024**), 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, **two-year** extension can be requested prior to the expiration date, with applicable extension fee due.



## **City of Phoenix**

Planning and Development Department

May 12, 2022

Abandonment Staff Report: **ABND 220015**

Project# **94-0006661**

Quarter Section: **16-40**

Council District: **6**

**Location:**

Southwest Corner of Lafayette Boulevard  
and 54th Court

**Applicant:**

Tristahn Schaub

**Request to abandon:**

The alley running east to west, immediately north of 3824 and 3830 North 54th Court, and south of 3846 and 3840 North 54th Court.

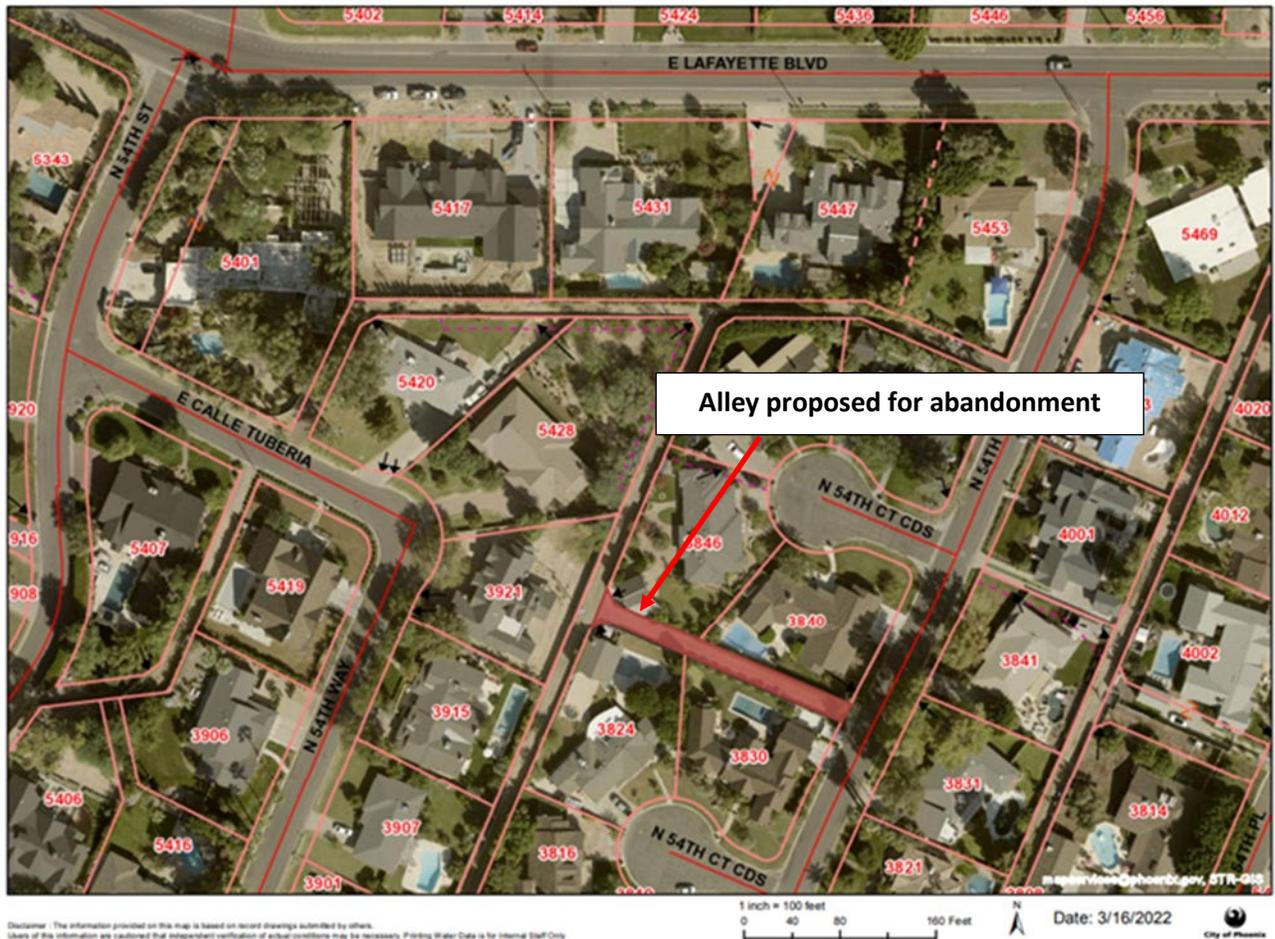
**Purpose of request:**

The applicant states increased safety from alleyway trespassers, a desire to share, increase lot size, and to add an access gate between the north and south properties.

**Hearing date:**

**May 12, 2022**

## Planning and Development



### Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:30 am on May 12, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator, introduced the abandonment case ABND 220015 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.

Mr. Tristahn Schaub, the applicant, shared that that abandonment of the alley would provide additional yard space for the abutting property owners for future projects and prolonged enjoyment of their property. Mr. Schaub explained that all four properties abutting the proposed abandonment area have signed the petition and are supportive of the abandonment.

Mr. DePerro invited Ms. Kerri Flader to comment. Ms. Flader shared that her property abuts the alley on the north and the added area from the abandonment would afford her additional room for parking her family members' cars.

Mr. DePerro invited Mr. Ben Lindquist to comment. Mr. Lindquist shared that he was in support of the requested abandonment. Mr. Lindquist also indicated that he was attending the hearing to learn more about the abandonment process as he and his neighbors were considering putting together an application to abandon the remainder of the alley area within this block. Ms. Caitlin Lindquist echoed her husband's sentiments.

Mr. DePerro asked the abandonment coordinator to read into record an email received from a neighbor, a Ms. Kathleen Raife. Ms. Dellow read the email, expressing opposition to the abandonment request, into record. Ms. Raife expressed concerns over the existence of sewer lines, utilities, and irrigation infrastructure.

Mr. DePerro and Mr. Schaub discussed the concerns voiced in Ms. Raife's email. Mr. DePerro confirmed that there is no sewer line within the length of alley requested for abandonment and Mr. Schaub confirmed that the irrigation lines near the length of alley requested for abandonment had already been decommissioned.

Ms. Dellow reviewed comments received by the City as well as recommend stipulations for abandonment approval.

Mr. Schaub shared that eventually all utilities would be relocated to the front yards and asked what this would mean for the current abandonment case. Mr. DePerro explained that he could either keep the abandonment case open until the utilities were removed and then the abandonment could be approved without any retention of a public utility easement, or the abandonment could be approved with the retention of a public utility easement and an additional abandonment of the public utility easement could be filed once the utilities are relocated.

Mr. Schaub asked if he would be able to build a wall in the public utility easement if access was still provided to the utility companies for the utility pole located in the length of the alley proposed for abandonment. Mr. DePerro explained that permission from the public utility providers is required in order to permit construction within a public utility easement.

Mr. Lindquist and Mr. DePerro discussed the length of time the conditional approval would be valid for and what the primary use of the alley was for when it was first dedicated.

Ms. Flader wanted to confirm that the alley could still be abandoned regardless of the condition of utilities. Mr. DePerro confirmed this to be correct.

Mr. Schaub asked if the alleyway extending north and south were to be abandoned, he would have no right to get his project car from his rear garage in and out through the alley. Mr. DePerro confirmed that he would not. Mr. Schaub asked if this could extend to a 4 year deadline. Mr. DePerro explained that he felt more comfortable granting 3 years with the understanding that an additional year could be requested through an administrative extension.

The Hearing Officer granted a conditional approval subject to stipulations in the staff report with a revision to stipulation #5.

### **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 25-feet of the 54<sup>th</sup> Court monument line may be abandoned.
4. No right-of-way shall be abandoned that will leave any adjacent alley less than 16-feet wide.
5. All stipulations must be completed within three 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: 8/4/2022

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Tristahn Schaub, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer