

## Attachment B



### **City of Phoenix**

Planning and Development Department

#### **CONDITIONAL APPROVAL – ABND 230011**

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 Alyssa Neitzel at 602-534-7321** 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 May 11, 2025**), 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

May 11, 2023

Abandonment Staff Report: **ABND 230011**

Project# **00-8238**

Quarter Section: **15-39**

Council District: **6**

**Location:**

Address Northwest Corner of East Earll  
Drive and North 52<sup>nd</sup> Street

**Applicant:**

Keith Woods

**Request to abandon:**

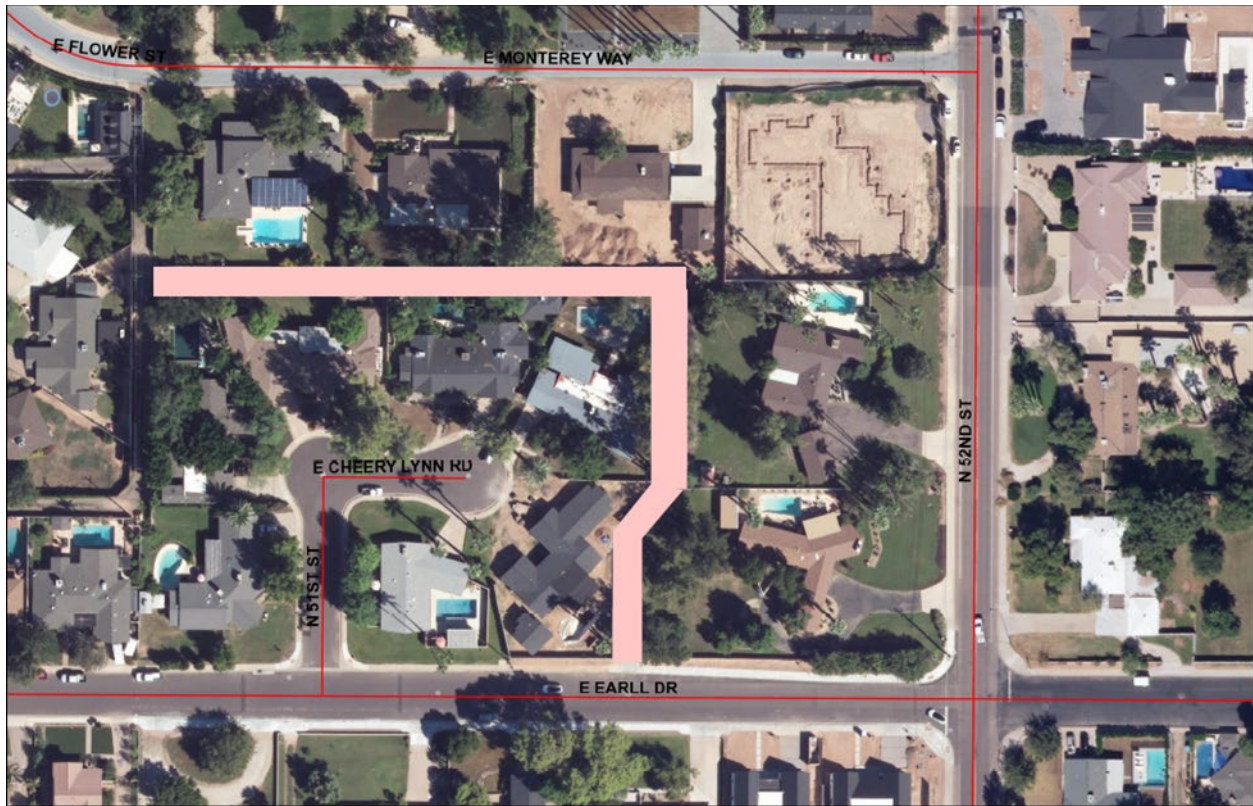
To abandon the alley in the Camelback  
Square Neighborhood

**Purpose of request:**

Applicant states: "The City of Phoenix has discontinued waste removal services in the alley. Plans with SRP are underway to replace the overhead line with underground power service. Abandoning the alley will secure the area from crime."

**Hearing date:**

**May 11, 2023**



### **Hearing Summary**

Mr. Christopher DePerro, the Abandonment Hearing Officer calls the meeting to order on May 11, 2023.

Mr. Craig Messer, acting Abandonment Coordinator, introduced abandonment ABND 230011 and read the case into the record by stating the applicant, location, and purpose of the request, as well as City staff research.

Mr. DePerro asks the applicant if they would like to add comment.

Mr. Keith Woods, applicant explains how that area was a county island and has been out of use to the city for at least six months. It has been a pass-through for kids, vagrants, illegal activities where it should only be for utility purposes. There has been illegal dumping occurring in the alley and it is the owners' responsibility to maintain. The owners would like to take ownership since they are already maintaining the alley.

Mr. DePerro asks the applicant if the intent was to incorporate the alley into the yard.

Mr. Woods explains plans with other property owners to maintain as an open alley with gate for SRP and keeping a public utility easement with twenty-four-hour access. The East/West portion would be incorporated with abutting properties. SRP has underground lines for irrigation.

Mr. DePerro explains sign-off requirements/encroachment from utility companies if the abandonment were to be granted.

Mr. Messer reads stipulations and comments from various City departments. Keeping a public utility easement in place. No objections received.

Mr. Woods asks about stipulation regarding curbing and how City has added sidewalk and curbing.

Mr. DePerro asks Mr. Rogers if he has any issue with getting rid of stipulation number 4. He states he has no objection.

Mr. DePerro goes over stipulations with applicant and asks him if he has any questions.

Mr. Woods asks about encroachment documents and determining how much each neighbor would pay for consideration fee. How to determine breakdown of square footage.

Mr. DePerro explains that the City does not breakdown costs, there would be a total fee based on square footage and the city would collect payment by check or multiple checks.

The Abandonment Hearing Officer grants conditional approval for abandonment 230011 subject to stipulations in the staff report with modifications.

### **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. No right-of-way within 30-feet of the monument line along Earll Drive may be abandoned.
4. 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: 8/22/23

REPORT SUBMITTED BY: Paulina Hernandez, Abandonment Secretary

cc: Applicant/Representative, Keith Woods  
Christopher DePerro, Abandonment Hearing Officer