



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – V190070A

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 November 21, 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

November 21, 2019
Abandonment Staff Report: **V190070A**
Project# **19-3400**
Quarter Section: **22-25**

Location:

Alley South of West Glendale Avenue,
between North 17th Avenue and North 15th
Avenue.

Applicant:

Urban Communities, LLC

Request to abandon:

To abandon alley extending from North 15th
Avenue to unnamed alley that is the
Western boundary of Avenue 15
Apartments.

Purpose of request:

The applicant states: The main reason to
abandon is security. The alley is frequented
by persons who do not live in adjacent
properties and have no legitimate business
there. We, and neighboring property
owners, have noticed consistent issues with
theft, vandalism, drug-use, and trespassers
passing through the alley. The intention is to
abandon and gate the alley.

Hearing date:

November 21, 2019

APPLICANT: URBAN COMMUNITIES LLC
 ABANDONMENT AREA:
 APPLICATION NO: V190070A

QUARTER SECTION: 22-25
 DATE: 18-OCT-2019
 BOOK 88 PAGE 10

Ms. Emily Dawson, with the Planning and Development Department read the abandonment case into the record.

Mr. Christopher DePerro, the Hearing Officer then asked the applicant to introduce herself and expand on the Abandonment Request.

Ms. Taylor Schroeffer, a paralegal with Urban Communities LLC introduced herself, along with her team that was present at the hearing. Ms. Schroeffer then went on to expand on the abandonment request, stating that the abandonment request stems from their company's mission statement, which is to improve people's lives through the development and redevelopment of sustainable communities. Since Urban Communities LLC has owned the property there has been a high volume of crime in the area, as well as ten unit break ins of the property. Ms. Schroeffer then presented a chart that had a breakdown of data of the crimes that have taken place in the last 30 days. Ms. Schroeffer also stated that Urban Communities along with the neighbors would like to incorporate the alley into the gated perimeters, along with adding gate access to utilities at the east and west ends of the alley.

Mr. DePerro then expressed a concern about the half of the alley that would go back to the neighborhood property owners, asking Ms. Schroepfer, if they had thought about how that would work with the multi-family complex will only get half of the alley.

Ms. Schroepfer then replied that she had knocked on the neighbor's doors and had held meeting, there were only two neighbor's they were unable to get a hold of but she is very confident that this will not be an issue of purchasing the parcels from the neighborhood property owners or granting access to the gate to them if they are interested.

Mr. Alan Hilty, with the Street Transportation Department, stated that with the gate on 15th Avenue there would need to be an off-set. Mr. Hilty then stated that the concern from the Street Transportation Department is people backing up in the middle of the right-of-way.

Ms. Schroepfer responded with presenting the Site Plan for the proposed gate and fence, stating that the set back is far enough for vehicles to be able to turn around.

Mr. Hilty stated based off the Site Plan Ms. Schroepfer presented it will work for the concern the Street Transportation Department had.

Mr. DePerro moved on to review comments from other departments and utilities, specifically addressing the catch basin Ms. Tina Jensen from the Public Works Department had provided for the drafted report. Mr. DePerro stated he would add in a stipulation regarding this. Mr. DePerro then reviewed stipulations with Ms. Schroepfer, adding in a stipulation to addressing the catch basin, that would read, retain a drainage easement over the entire alley. Mr. DePerro made this stipulation the new number 4, Mr. DePerro then wanted Ms. Schroepfer to understand that to achieve what they are wanting to do with their Site Plan, they would need to purchase the south half of the alley from each neighbor, and that he cannot award those properties to them through this abandonment. Mr. DePerro moved on to state that he would add another stipulation to the report addressing this, that would read, south half of the alley needs to be granted maneuvering easements from all the property owners of the south or needs to be acquired by the property of the north side of the alley, making this the new number 5. Drafted stipulation number 4 was then renumbered to be stipulation number 6.

The Hearing Officer granted a conditional approval with revised stipulations.

Stipulations of Conditional Approval

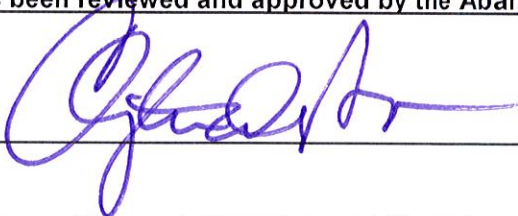
The request of abandonment, is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

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.
 - 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 access gates 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 obstruction, 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 30 feet of the 15th Avenue monument line may be abandoned.
4. Retain a drainage easement over the entire alleyway.
5. South half of the alley needs to be granted maneuvering easements from all the property owners of the south or needs to be acquired by the property of the north side of the alley.
6. 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: 3.17.2020

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Urban Communities, LLC
Christopher DePerro, Abandonment Hearing Officer