

## Attachment B



### **City of Phoenix**

Planning and Development Department

#### **CONDITIONAL APPROVAL – 180020A**

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 May 8, 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

May 8, 2018

Abandonment Staff Report: **V180020A**

Project #: **18-1347**

Quarter Section: **17-39**

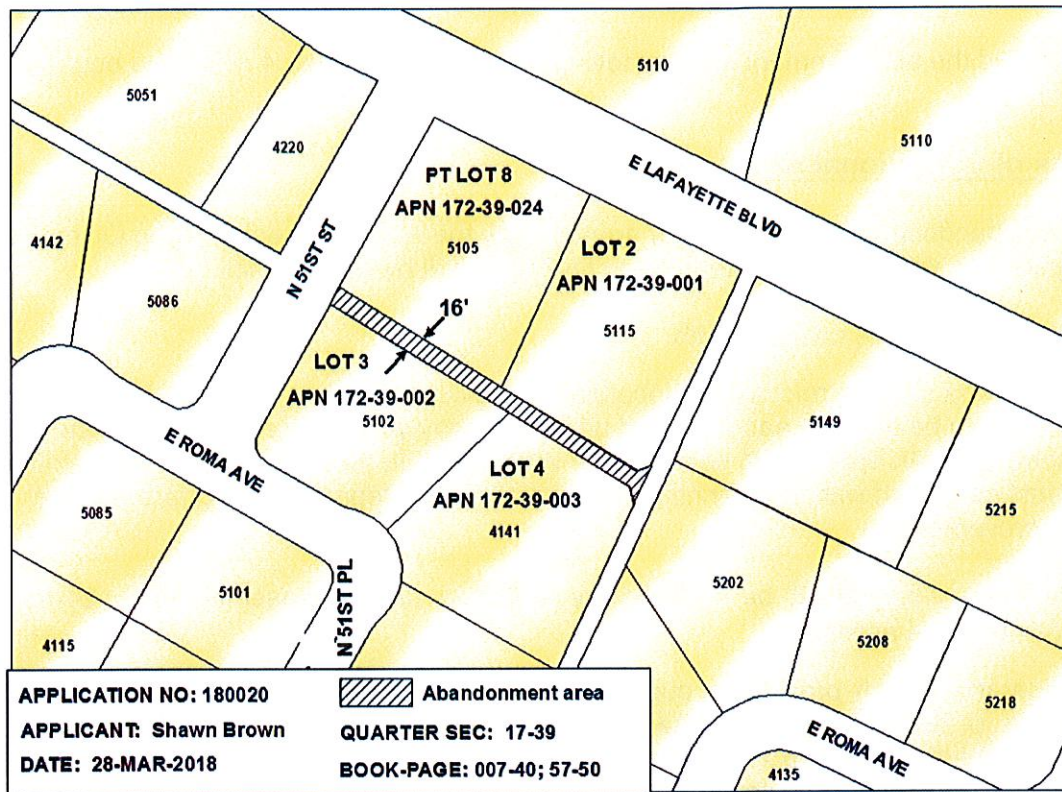
**Location:** 5102 East Roma Avenue

**Applicant:** Shawn Brown

**Request to abandon:** To abandon the 16-foot alley right-of-way located between the parcels addressed 5105 and 5115 E. Lafayette Blvd, 5102 E. Roma Ave., and 4141 N. 51st Pl. (APN 172-39-024, 172-39-001, 172-39-002, and 172-39-003.)

**Purpose of request:** The applicant states: The owner of 5102 E. Roma Ave would like additional lot coverage; will not build into the alley if abandoned.

**Hearing date:** **May 8, 2018**



**APPLICATION NO:** 180020  
**APPLICANT:** Shawn Brown  
**DATE:** 28-MAR-2018  
**QUARTER SEC:** 17-39  
**BOOK-PAGE:** 007-40; 57-50



Planning & Development Department

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.

## Hearing Summary

Jordan Greenman, Abandonment Coordinator, read the case into the record. Greenman indicated that per his research, the portion of the alley located between 5102 E Roma and 5105 E Lafayette Blvd would be conveyed solely to 5102 E Roma if approved, since the alley was dedicated with the plat recorded in Book 57, Page 50, MCR, and that 5105 E Lafayette was not a part of that subdivision plat.

Shawn Brown (owner, 5102 E Roma), was the applicant for this abandonment request. Brown stated that the land was fenced in and landscaped by the prior owner of 5105 E Lafayette Blvd, though it was never formally abandoned, and that he has no plans to build in the alley, if the abandonment request is granted. Jeff Bilie (701 N 44<sup>th</sup> St), Beus Gilbert PLLC, representing the current owner of 5105 E Lafayette, stated he was opposed. Bilie argued that the alley should be dedicated back to both Brown and Shields. Michael Shields, current owner of 5105 E Lafayette, opposed the abandonment, as he just purchased the northern parcel. Shields was led to believe the alley was his by the seller of the property.

Barry Dale (4132 N 50<sup>th</sup> Pl) was opposed to the abandonment, since he wanted to leave the alley exactly as it sits currently. DePerro clarified that the current placement of any walls, gates, landscaping, etc. by the prior owner of 5105 E Lafayette was completed without permits, and was not something which the City could permit, if it remains an alley. DePerro then explained that the purpose of the hearing was to determine the merits of the request for abandonment, which comes down to whether or not the City and other neighbors want to keep use of the alley. Since the alley is currently not paved, and fenced in at several locations, DePerro determined that there does not appear to be a reason to keep the public ROW component of the alley. DePerro also stated that the alley, after abandonment would need to remain a public utility easement unless all existing utilities were relocated. DePerro also stated that the alley, once abandoned, would be conveyed to private owners as required by law, and



neither he nor City Council could change how the property would be conveyed.

DePerro approved the abandonment after removing proposed stipulation 4 regarding boundaries of abandonment.

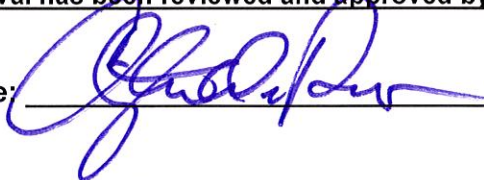
**Stipulations of Conditional Approval**

The request of abandonment is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met prior to final approval by City Council:

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<sup>1</sup> 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 51st Street monument line may be abandoned.
4. No portion of the alley to the east of the proposed abandonment terminus will be less than 16 feet in width.
5. All stipulations must be completed within one year of receiving Conditional Approval.

**This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.**

Hearing Officer Signature: \_\_\_\_\_



Date: 5.16.18

REPORT SUBMITTED BY: Amanda Murrietta, Abandonment Secretary

cc: Applicant/Representative, Shawn Brown  
Christopher DePerro, Abandonment Hearing Officer

<sup>1</sup> 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.