

Attachment B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210069

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 March 10, 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

March 10, 2022
Preliminary Abandonment Staff Report: **ABND 210069**
Project# **18-2299**
Quarter Section: **33-21**
Council District: **1**

Location: NEC 35th Avenue and Thunderbird Road

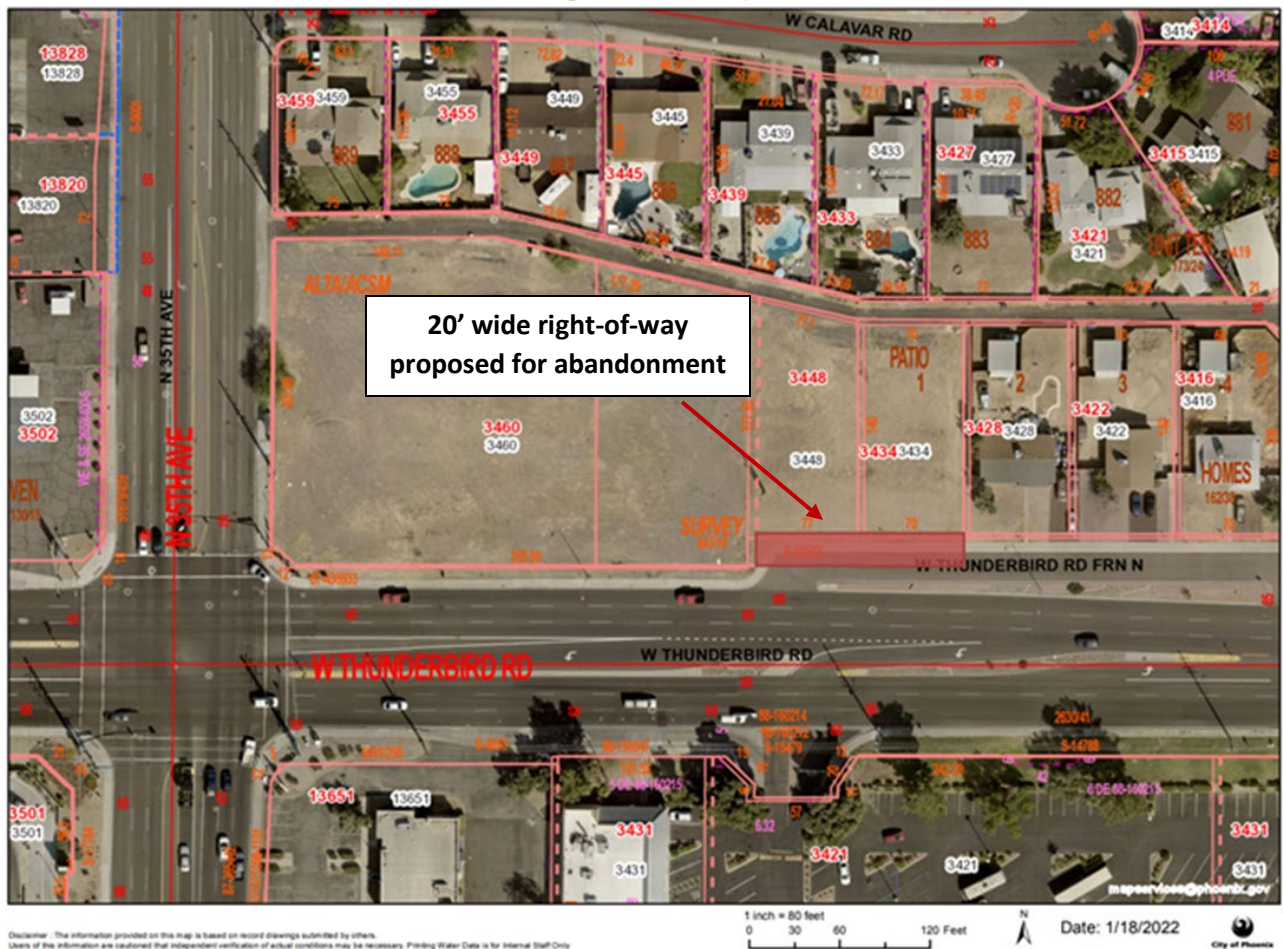
Applicant: John Reddell

Request to abandon: 20' wide right-of-way adjacent to the southern property lines of 3448 and 3434 W Thunderbird Road

Purpose of request: The applicant states "the corner parcels including 3448 and 3434 W Thunderbird Road were rezoned C-1 PUD. The (2) east parcels were residential with an access drive parallel to Thunderbird Road for the residential access. Rezoning to commercial eliminated the access to those two lots from that location and 1' VNAE was required to be shown across the south side of the lots and the only point of access to the site from Thunderbird Road is to the west of these parcels."

Hearing date: **March 10, 2022**

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:35 am on March 10, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the abandonment case ABND 210069 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.

John Reddell stated that he went through the proposed stipulations of conditional approval and is in agreement with those stipulations.

Mr. DePerro asked Mr. Reddell if any work had been done, or plans submitted to reconfigure the frontage road, as would be required by stipulation #4. Mr. Reddell indicated that the plans have not been submitted. Mr. DePerro explained that, in terms of sequencing, those plans

would need to be submitted, approved and bonded before the City could finalize the abandonment.

Mr. Jeff Francis expressed concern over stipulation #4 and the time that it would take to complete this stipulation. Mr. DePerro explained that he cannot abandon public right-of-way with a public improvement in it, such as a frontage road. Upon abandonment, the frontage road would feed into private property unless reconfigured. Mr. DePerro explained that the reconfiguration work would not need to be complete, but the plans would need to be approved and bonded to ensure that the reconfiguration would occur. The improvement plans would accompany the plat.

Mr. Reddell explained that the second submittal of the plat occurred without the abandonment reflected on it and asked if they could proceed with that plat to get the proposed car wash underway and then replat later in order to finish up the abandonment. Mr. DePerro explained that they wouldn't need to replat, but that they could proceed as proposed. They improvement plans to reconfigure the frontage road could be submitted on their own without an accompanying plat.

Mr. DePerro further explained that if the abandonment is not concurrent with the plat, then the vehicular non-access easement (VNAE) required by the PUD rezoning case would be dedicated at the current south property line of 3448 and 3434 W Thunderbird Road. Once the right-of-way is abandoned and the land is conveyed back to those parcels, the VNAE would continue to hover in the exact location. It would not move unless abandoned and rededicated. Mr. Reddell confirmed this would not be an encumbrance as it would lie in the building setback anyway.

Mr. Francis asked Mr. DePerro questions regarding sequencing of abandonment stipulations. Mr. DePerro confirmed sequencing. Mr. Francis asked to confirm that the abandonment does not need to run concurrent with the plat as long as the abandonment is not reflected in the plat. Mr. DePerro confirmed these do not need to be concurrent.

Ms. DePerro then reviewed the recommended stipulations of approval.

The Hearing Officer granted abandonment conditional approval subject to the stipulations stated in the staff report, revised to add language to stipulation #4 and delete stipulation #9 as stated in the hearing.

Stipulations of Conditional Approval

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 65 feet of the Thunderbird Road monument line may be abandoned.
4. The developer shall be responsible for removal and reconfiguration of the frontage road prior to final approval of the abandonment by City Council.
5. The existing water meter(s) shall be relocated onto the public right of way in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix
6. The applicant shall confirm streetlight circuit status. If the circuit is providing power to existing streetlights, a new underground feed circuit is required as approved by the Street Transportation Department.
7. The applicant shall contact the Street Transportation Department (Jason Fernandez) at (602) 256-4168 to coordinate the removal, relocation or transfer of ownership of all City owned streetlights affected by the abandonment. This shall be done at no cost to the City. The customer shall confirm coordination with the Street Transportation Department prior to abandonment approval. Completion of this task will take place following final abandonment resolution.
8. All work within the right-of-way shall be done at no cost to the City.
9. 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:  for CDEP Date: 4/24/24

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: John Reddell, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer