

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 200557**

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 Maggie Dellow at (602) 262-7399** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations Alyssa Neitzel will schedule your request for City Council action.

If the stipulations of abandonment are not completed within **three years** from the date of your conditional approval (**your expiration date is January 14, 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, **one year** extension can be requested prior to the expiration date, with applicable extension fee due.



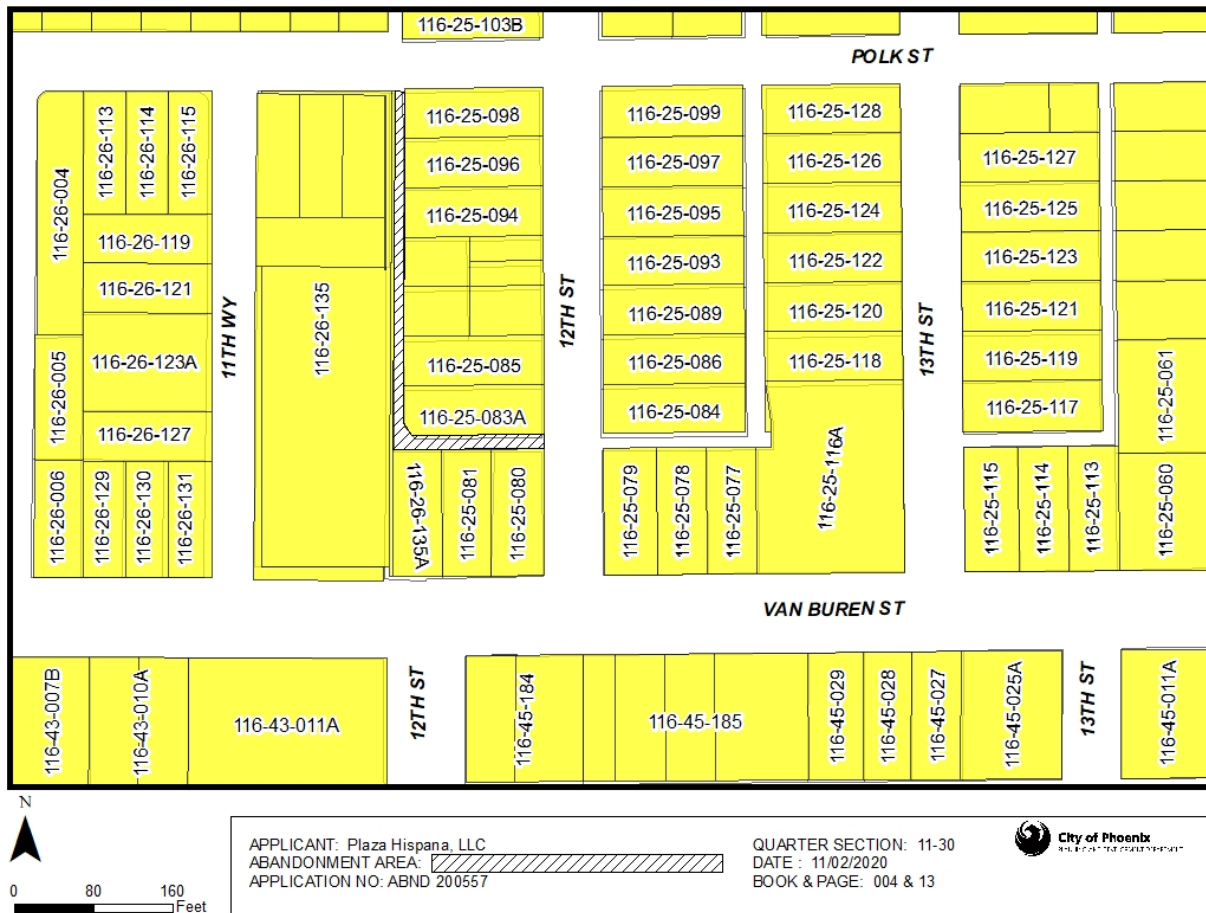
## **City of Phoenix**

Planning and Development Department

January 14, 2021  
Abandonment Staff Report: **ABND 200557**  
Project# **03-195**  
Quarter Section: **11-30**

<b><u>Location:</u></b>	Northwest corner of 12 <sup>th</sup> and Van Buren Streets
<b><u>Applicant:</u></b>	Gammage & Burnham, PLC Lindsay C. Schube
<b><u>Request to abandon:</u></b>	To abandon the “L” shaped alley located north and west of the northwest corner of 12 <sup>th</sup> and Van Buren Streets.
<b><u>Purpose of request:</u></b>	The applicant states to abandon an unmaintained alley no longer utilized by the City and to increase security, expand lot sizes, and better position the properties for future redevelopment.
<b><u>Hearing date:</u></b>	<b>January 14, 2021</b>

## ATTACHMENT A -- MAP



## Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer opened the hearing.

Ms. Maggie Dellow, the Abandonment Coordinator, read the case into the record by stating the location, applicant, abandonment request, reason to abandon and staff research conducted on the proposed abandonment site.

Mr. DePerro invited the applicant to present further information on the abandonment request.

Applicant Ms. Lindsay Schube of Gammage & Burnham introduced her colleagues, Mr. Nick Sobraske and Ms. Elli Brundige. Mr. Sobraske explained that Gammage & Burnham is representing Plaza Hispana, at the corner of 12<sup>th</sup> Street and Van Buren, in this request. The request to abandon the alley is to best position the subject parcels for redevelopment. Mr. Sobraske provided further history on the alley's original dedication and use.

Ms. Schube provided photos to illustrate the current condition of the alley and suggested that the alley is not being actively used, and therefore unnecessary. Ms. Schube indicated that a PUE is intended to be maintained for existing utility providers.

Mr. DePerro invited community member Ms. Laura Cuesta to speak. Ms. Cuesta indicated that the sign for this abandonment was accidentally posted at the alley between 12<sup>th</sup> and 23<sup>th</sup> Streets. She indicated that she had no issue with the proposed alley abandonment.

The Hearing Officer discussed the stipulations with the applicant.

Ms. Schube requested that Stipulation #8 be revised to allow 3 years for the completion of stipulations. Mr. DePerro accepted the request.

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. 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 30 feet of the 12th Street monument line may be abandoned.
4. No right-of-way within 30 feet of the Polk Street monument line may be abandoned.
5. All landlocked parcels shall be replatted, legally combined, or have an alternate legal access provided (private ingress/egress easement) to a public street.
6. The applicant shall close the alley entrance/s on Polk Street with new curb, gutter, sidewalk and incidentals. The entrance may remain if approved by the Street Transportation Department.
7. All work in public right-of-way is to be done in accordance with plans approved by the Planning and Development Department and at no cost to the City.

8. 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: 1/29/2021

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Gammage & Burnham; PLC Lindsay C. Schube  
Christopher DePerro, Abandonment Hearing Officer