

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 220012**

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 April 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, **two-year** extension can be requested prior to the expiration date, with applicable extension fee due.



## **City of Phoenix**

Planning and Development Department

April 14, 2022

Abandonment Staff Report: **ABND 220012**

Project# **13-2704**

Quarter Section: **1-17**

Council District: **7**

**Location:**

7219 South 51st Avenue

**Applicant:**

Rachel Novak

**Request to abandon:**

The 30-foot multi-use trail easement adjacent to the west property line of the parcel identified by APN 104-89-366.

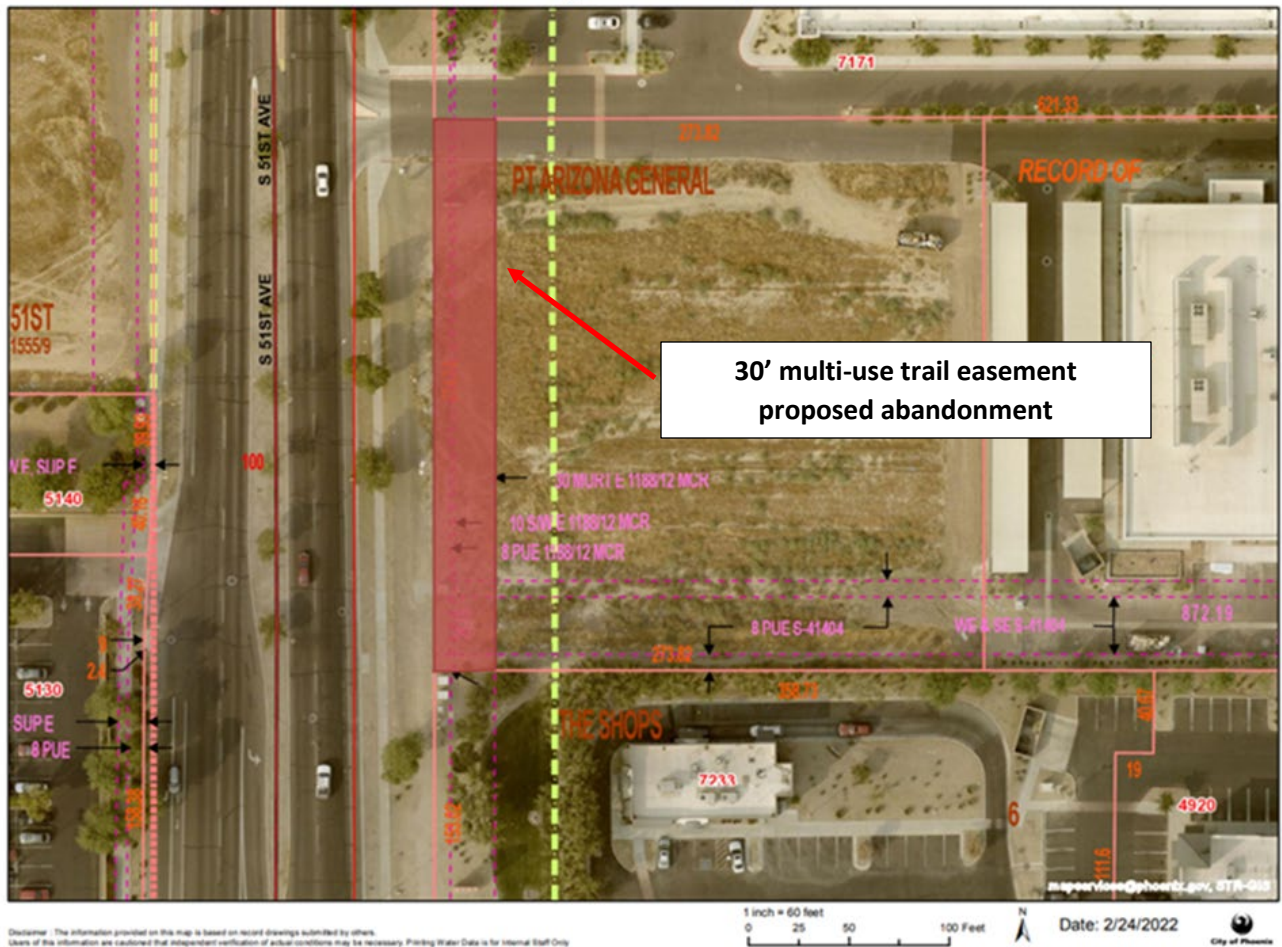
**Purpose of request:**

The applicant states the 30-foot multi-use trail easement (MUTE) has already been included within the 40-foot right-of-way and has already been developed with such multi-use trail easement (MUTE) requirements. We are asking to remove the additional 30-foot stipulation as it would allow for additional area for site development.

**Hearing date:**

**April 14, 2022**

## Planning and Development



## Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:32 am on April 14, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the abandonment case ABND 220012 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.

Ms. Rachel Novak, the applicant, shared that the required multi-use trail had already been constructed within the right-of-way and this was consistent with both properties to the north and south. Since the trail was constructed in the right-of-way, Ms. Novak shared they were seeking to remove the 30' encumbrance of multi-use trail easement from the property as it was no longer necessary for trail construction.

Ms. Dellow reviewed the city staff and utility provider comments received during the review period. Ms. Dellow then reviewed the staff recommended stipulations of approval.

Mr. DePerro shared that the trail was clearly constructed within the right-of-way and 51<sup>st</sup> Ave was provided and improved in its ultimate condition. Ms. Maja Brkovic with the Street Transportation Department confirmed.

The Hearing Officer granted a conditional approval subject to stipulations in the staff report.

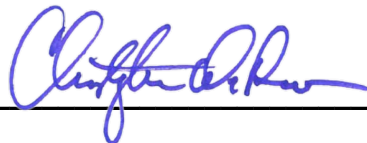
**Stipulations of Conditional Approval**

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

1. The abandonment 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: 8/1/2022

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Rachel Novak, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer