

# ATTACHMENT B



## **City of Phoenix**

Planning and Development Department

June 13, 2024

Preliminary Abandonment Staff Report: **ABND 240023**

Project# **23-1343**

Quarter Section: **01-36**

District#: **8**

**Location:**

Located between 7833 South 36<sup>th</sup> Street and the parcel immediately west of APN 301-23-003C

**Applicant:**

Porchlight Homes

**Request:**

To abandon a 25-foot-wide right-of-way (ROW) that totals to 3,211 square feet.

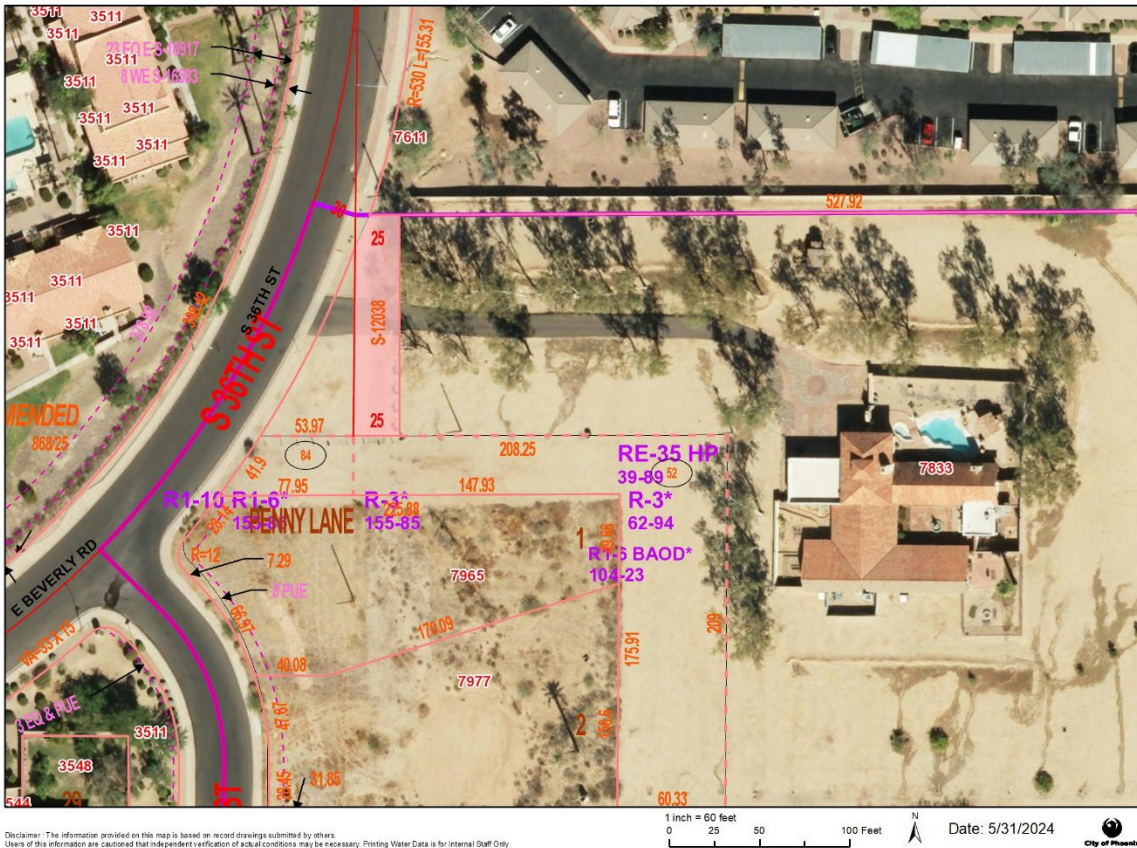
**Purpose of request:**

Applicant states the purpose is to remove ROW that is no longer warranted.

**Hearing date:**

**June 13, 2024**

# ABND 240023



Ms. Dru Maynus, Abandonment Coordinator read ABND 240023 into the record, stating the location, applicant, request, and the purpose of request.

The Abandonment Hearing Officer, Mr. Craig Messer, asked the applicant representative, Mr. Tom Weber, if what the Abandonment Coordinator presented was accurate.

The applicant stated yes it was fairly correct. He went on to explain that there has already been 30-feet dedicated on 36<sup>th</sup> Street.

Mr. Messer said okay, and asked the Abandonment Coordinator to continue on with the report.

Ms. Maynus read through City Staff research.

Mr. Messer asked for the Street Transportation Department staff representative, Mr. Joshua Rogers, to go over his comments.

Mr. Rogers said that there only stipulation was that no right-of-way shall be abandoned within the western 36-foot monument line. He explained that there are actually two monument lines so it was important for him to clarify that the western monument line.

Mr. Messer asked the Abandonment Coordinator to go over all other comments.

Ms. Maynus read over the remainder of the comments. .

Mr. Messer asked the applicant if he had any comment or questions on the remainder of comments that the Abandonment Coordinator read into the record.

Mr. Weber stated that the City had the current legal description of the abandonment area. Then asked how long it would take to review and approve the legal description.

Ms. Maynus said that the legal description goes to the property records division for their review and approval. She then asked Robert Martinez to clarify how long it generally took for that process.

Mr. Martinez said they had a seven-day review.

The Abandonment Hearing Officer said there were a few comments from utility companies stating they had facilities in the area; therefore, that he assumed the applicant is proposing to move the facilities out of the location and into a public utility easement that will be retained along 36<sup>th</sup> Street.

The applicant stated correct and that they reviewed the SWG maps, and they don't believe there is a service in the area and their line falls within existing right-of-way.

The Abandonment Hearing Officer said, great and to follow up with the Abandonment Coordinator once he has met each stipulation.

The applicant said okay.

Mr. Messer explained the remainders stipulations.

The applicant said he understood the remainder of the stipulations.

Mr. Messer asked if City staff had anything additional to add to the topic.

City staff said no.

The Abandonment Hearing Officer read into the record that he would be conditionally approving abandonment case ABND 240021 with the stipulations as written.

### **Recommended Stipulations of Approval**

The request of abandonment, if approved by the Abandonment Hearing Officer, will be subject to the following stipulations:

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. Any utilities which are to remain on private property shall be maintained in an appropriate public utility easement (PUE).
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. Applicant shall submit and obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 240023.
4. No right-of-way shall be abandoned within 30 feet of the western 36th Street monument line.
5. 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:**

A handwritten signature in black ink, appearing to be 'C. M.', written over a horizontal line.

**Date:** August 27, 2024

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Applicant/Representative, Porchlight Homes  
Craig Messer, Abandonment Hearing Officer

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.