



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL-V190032A

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 Robert Martinez at (602) 495-0156** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations Robert Martinez 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 June 13, 2020)**, 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.

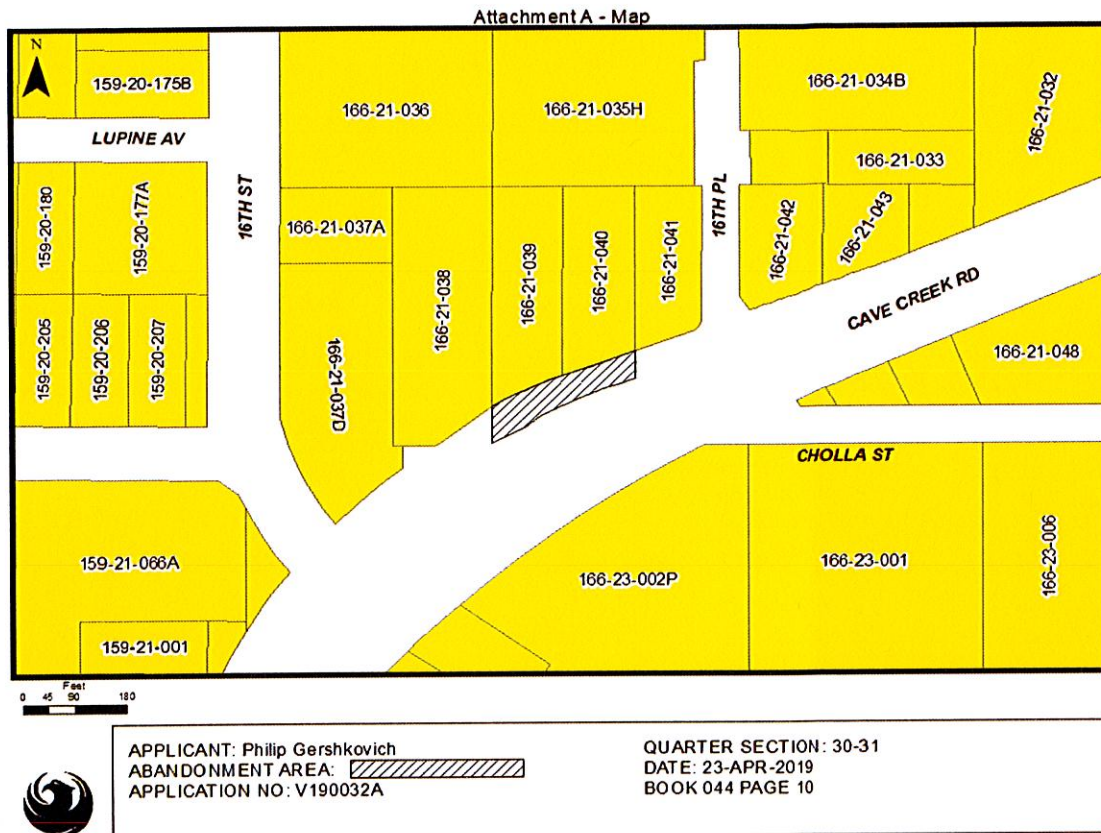


City of Phoenix

Planning and Development Department

June 13, 2019
Abandonment Staff Report: **V190032A**
Project# **02-2468**
Quarter Section: **30-31**

<u>Location:</u>	11402 North Cave Creek Road
<u>Applicant:</u>	Philip Gershkovich
<u>Request to abandon:</u>	To abandon excess right-of-way, beyond the 50' south of and adjacent to lots 38 (APN 166-21-039) and lot 39 (APN 166-21-040), per final plat "Abels Acres Amended; Book 044 Page 10.
<u>Purpose of request:</u>	The applicant states: That the centerline and right-of-way were redrawn. Current right-of-way goes into the adjacent property. Would like to abandon the excess right-of-way, beyond the 50' that is available for abandonment.
<u>Hearing date:</u>	June 13, 2019



Hearing Summary

The Hearing Officer, Mr. Christopher DePerro opened the case by turning over to the Abandonment Coordinator, Ms. Rocio Iniguez for staff research.

Ms. Iniguez, read the case into the record. Ms. Iniguez indicated that per her research, if abandoned, the right-of-way will revert in ownership to the adjacent Lots 38 and 39.

Mr. DePerro turned the discussion to Mr. Alan Hilty of the Street Transportation Department.

Mr. Hilty noted that there was a realignment of Cave Creek Road that smoothed out the curves and made it more drivable. However, when this happened we then had excess right-of-way. He also noted that due to the realignment the mapping system shows the official monument line and we have reference line, his recommendation is to abandon everything north of 50 feet from the reference line.

Mr. Philip Gershkovich of Cooper Aerial Surveys has just purchased both properties adjacent to the requested right-of-way. His concern is that the company is growing and does not have adequate parking for his employees which is why he is requesting the abandonment to possibly accommodate additional parking spaces within the abandoned area. Mr. Gershkovich mentioned concerns about the current slope of the property and the possibility of adding retaining walls. The Hearing Officer noted that there may be other requirements outside of the abandonment to allow the approval of the new parking within the abandonment area.

Mr. DePerro discussed the stipulations with Mr. Gershkovich.

The Hearing Officer granted a conditional approval with stipulations.

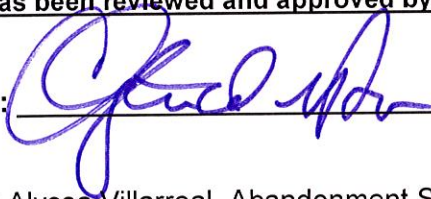
Stipulations of Conditional Approval

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.
 - 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 50 feet of the Cave Creek Road reference line may be abandoned. *(see attached exhibit)*
4. Retain entire right of way as a Water and Sewer Easement or as may be modified by the affected utilities with 24-hour maintenance access.
5. All stipulations must be completed within **one year** from the Abandonment Hearing Officer's decision.

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

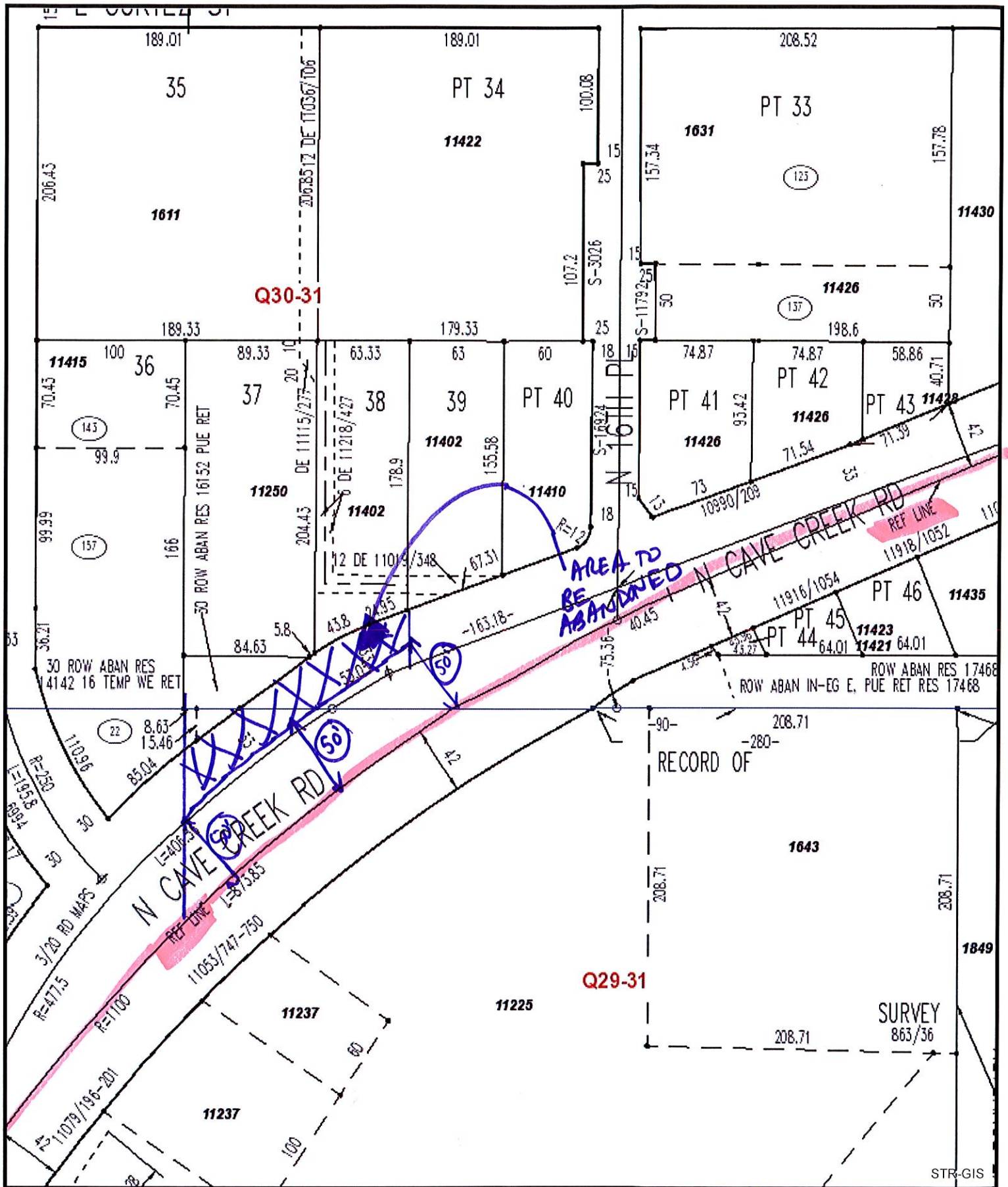
Hearing Officer Signature: _____



Date: 6.25.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Philip Gershkovich
Christopher DePerro, Abandonment Hearing Office



Landbase Viewer Map

NOTE: This map is to be used for references purposes only {do not scale}.
The City of Phoenix accepts no liability for information contained on this map

0 0.01 0.02 mi

Date: 6/25/2019

