

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 210023**

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) 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 June 10, 2023**), 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 10, 2021

Abandonment Staff Report: **ABND 210023**

Project# **94-0002714**

Quarter Section: **18-39, 17-39**

**Location:**

4932 East Calle Del Norte

**Applicant:**

Rina Rai

**Request to abandon:**

The alley located between Exeter Boulevard and Calle Del Norte, on the west side of Arcadia Drive.

**Purpose of request:**

The applicant states there are and have been safety concerns related to people occupying alley and also dumping materials. Some areas pose hazards where some property owners' walls are in the alley. Trash, including alcohol, toiletries and needles have been dumped.

**Hearing date:**

**June 10, 2021**

## Planning and Development



### Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer called the Abandonment Hearing to order at 9:33 am on June 10, 2021.

Mr. DePerro introduced abandonment case ABND 210023 as the second hearing of the day.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the case 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. Rina Rai, the applicant explained that there are existing walls that were built within the alleyway which have been in place since she moved into the neighborhood and there have been

no issues with utilities during that time. Ms. Rai shared that there have been instances of people entering the alley from the Arcadia Drive alleyway entrance and illegal dumping of garbage, furniture, and waste.

Ms. Rai shared that through this abandonment request, she hopes gain ownership of the alley and erect a gate at the entrance of the alleyway to prevent public entry into the area.

Mr. DePerro reviewed the utility companies that are located within the proposed abandonment area with the Abandonment Coordinator.

Mr. DePerro asked Ms. Rai to explain concerns that she presented regarding site walls. Ms. Rai explained that the comment from Water Services stipulates that no block walls will be built within the abandonment area, however this has already occurred.

Ms. Rai wanted to discuss whether or not this abandonment would trigger the requirement for homeowners to remove existing site walls.

Mr. DePerro explained that abandonment would not trigger the removal of site walls. He went on to explain that if utility companies ever needed to access area that was encumbered by a site wall, they may demo that wall regardless of whether or not the alley was abandoned because whether or not the alley is dedicated or retained as a Public Utility Easement, the utility companies are guaranteed access and are not obligated to make repairs if demolition is required for structures that are built over their required access.

Ms. Rai wanted to discuss stipulation #3 which required the removal of driveways along Arcadia Drive. Ms. Rai was concerned by the required to close all driveways entrances on Arcadia Drive as this is where she and her neighbor access their lots.

Ms. Maja Brkovic, with the Street Transportation Department, clarified that this stipulation only refers to the alley driveway entrance.

Mr. DePerro explained that this stipulation would be revised to clarify the location of the driveway. Ms. Rai explained that there is not curb or gutter on the street and questioned if the stipulation was necessary.

Mr. DePerro and Ms. Brkovic explained that they could revise the stipulation so that the provision of curb and gutter would be removed, however the stipulation would still need to require the physical closure of the alley so that no members of the public could continue using it.

The Hearing Officer and Abandonment Coordinator reviewed the remainder of the stipulations with the applicant.

Ms. Dellow explained that the stipulation requiring Consideration Fee was missing from the report and that the final conditional approval report should be revised to include the stipulation.

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 43 feet of the Arcadia Drive monument line may be abandoned.
4. The alley entrance along Arcadia Drive shall be closed unless otherwise approved by the Street Transportation Department.
5. 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.
6. 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:  \_\_\_\_\_ Date: 7/13/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Applicant/Representative, Rina Rai  
Christopher DePerro, Abandonment Hearing Officer