



## **City of Phoenix**

Planning and Development Department

### **CORRECTED REPORT OF CONDITIONAL APPROVAL – ABND 220056**

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 Alyssa Neitzel at 602-534-7321** 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 January 12, 2025**), 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

### **CORRECTED REPORT**

January 12, 2023

Preliminary Abandonment Staff Report: **ABND 220056**

Project# **16-1159**

Quarter Section: **16-36**

District#: **6**

**Location:**

Whitton Avenue and 39<sup>th</sup> Street

**Applicant:**

Harold E. Gries II

**Request:**

To abandon the 8-foot-wide alley south of Whitton Avenue between 38<sup>th</sup> Street and 39<sup>th</sup> Street.

**Purpose of request:**

The applicant states: The nature of a ½ alley creates a security risk for the owner/ residents adjacent to it (attracts the homeless/ illicit drug use). Owners would also like to increase the buildable area of their lots.

**Hearing date:**

**January 12, 2023**

**CORRECTED REPORT SIGNED 2/2/2023**



## **Hearing Summary**

Mr. Christopher DePerro, the Abandonment Hearing Officer calls the meeting to order on January 12, 2023.

Ms. Alyssa Neitzel, the Abandonment Coordinator introduced abandonment ABND 220056 and read the case into the record by stating the applicant, location, 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.

Mr. Harold Gries, applicant adds purpose of request and the impact it would have on his proposed project.

Mr. DePerro requests to hear comments from various departments and attendees.

Ms. Maja Brkovic, Streets Transportation Representative reads stipulations regarding the proposed abandonment.

Mr. DePerro details requirements from the Water Services Department for existing easement/s to remain.

Mr. Gries asks if he will need to dedicate another 8-feet from his property.

Mr. DePerro states no, that should have been completed originally for the lots south of the alley.

Ms. Brkovic adds comments regarding ROW on north-east side of alley/triangles to answer Mr. Greis' question.

Mr. DePerro adds an ALTA survey would be needed and that this scope of request is not usually considered with an alley abandonment. He goes on the state that an Informal hearing may be an option for the triangular section of ROW later.

Mr. Brandon Hunt, neighbor adds comments regarding overhead power lines and PUE concerns.

Dr. Dawn Marie Augusta, neighbor adds comments regarding implications of adding an additional 8-feet to her parcel.

Ms. Paulina Hernandez, Abandonment Secretary reads opposition email from Lauren Brogan who resides at 3830 East Crittenden Lane, Phoenix 85018 who states there are privacy issues and no evidence of loitering in the alley.

Ms. Neitzel adds that Ms. Brogan wanted her, or husband's signature redacted from support of this abandonment.

Mr. DePerro adds clause to stipulation #3 "unless otherwise approved in writing by the Water Services Department."

The Hearing Officer grants conditional approval for abandonment 220056 subject to stipulations in staff report with modifications.

POST HEARING: Water Services corrects comments to not require any additional dedications beyond the area to be abandoned. Stipulation is removed and corrected stipulations are below.

### **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. A public utility easement (PUE) must be retained over all the of the area to be abandoned.
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. 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: 2/2/2023

REPORT SUBMITTED BY: Paulina Hernandez, Abandonment Secretary

cc: Applicant/Representative, Harold Gries, II  
Christopher DePerro, Abandonment Hearing Officer