



**City of Phoenix**  
Planning and Development Department

**CONDITIONAL APPROVAL – ABND 200527**

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 **two years** from the date of your conditional approval (**your expiration date is July 9, 2022**), 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

July 9, 2020

Abandonment Staff Report: **ABND 200527**

Project# **18-3908**

Quarter Section: **52-37**

**Location:**

Northeast Corner of 42nd Street and Peak View Road

**Applicant:**

James A Brucci; Hunter Engineering

**Request to abandon:**

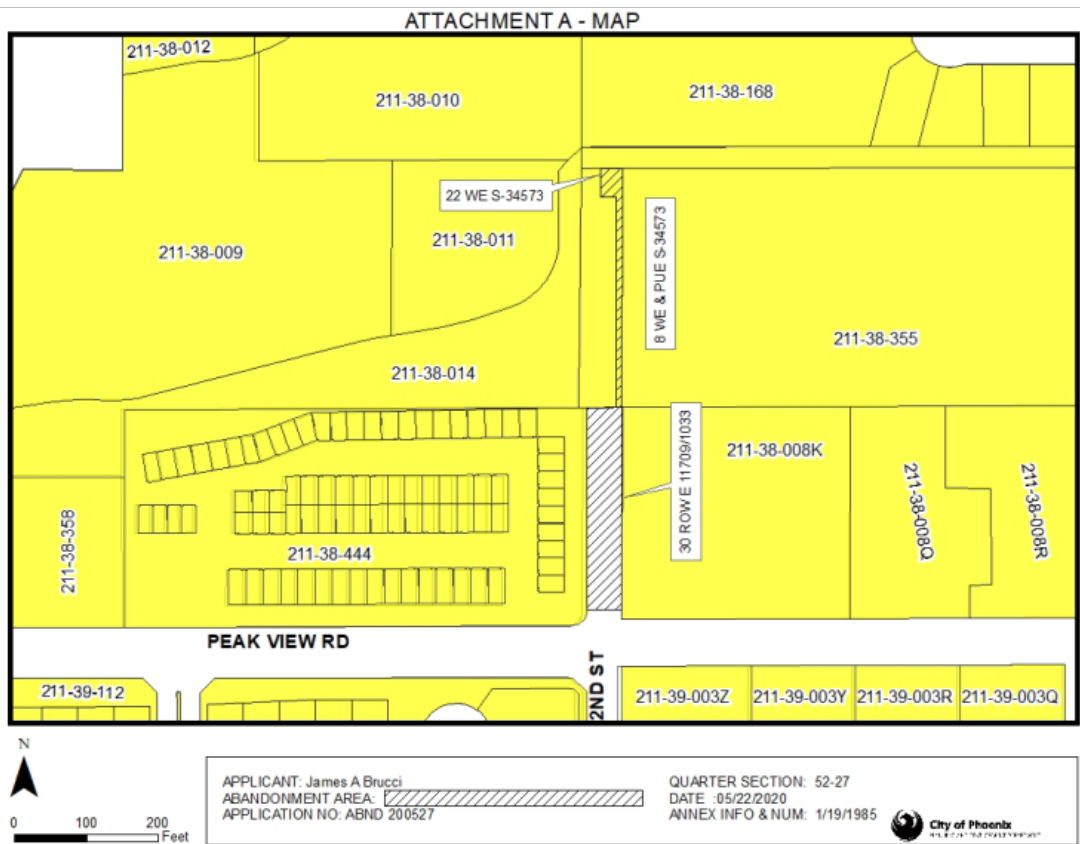
To abandon the 30-foot right-of-way easement for the east half of 42<sup>nd</sup> Street, recorded on Docket 11709, Page 1033, west of APN 211-38-008K; the 25-foot ROW dedicated for west half of 42<sup>nd</sup> Street per the plat "The Toy Barn on Cave Creek Road", Book 1018, Page 11, MCR; the 8-foot public utility easement and water easement; and the 20-foot water easement dedicated by S-34573, recording number 2007-1302105 MCR, on the west portion of APN 211-38-355.

**Purpose of request:**

The applicant states: To eliminate unnecessary right-of-way and easements for the replatting of the property for a residential subdivision development.

**Hearing date:**

**July 9, 2020**



## **Hearing Summary**

Mr. Christopher DePerro, the Abandonment Hearing Officer opened the hearing and provided instructions.

Ms. Wendy Turner, the Abandonment Coordinator, read the case into the record.

Mr. DePerro then opened the discussion by asking the applicant about the configuration of right-of-way on the exhibit that was submitted with the abandonment application

Mr. Grant Hirneise, the applicant responded with the intent of the abandonment being to abandon the full width of 42<sup>nd</sup> Street to Peakview Road to accommodate their proposed private roads in their development.

Mr. DePerro confirmed that the site was advertised correctly with the map showing the full requested abandonment area, and that the language on the cover page of the draft report was incorrect and would be fixed.

Mr. DePerro went on to discuss the drafted stipulations with Mr. Hirneise.

Mr. Hirneise stated he had a question regarding stipulation number 9, that reads "Existing Streetlight S709738 located 157' North of Peak View Road centerline is to be transferred from City

of Phoenix ownership to requestor. Transfer of Ownership is to occur prior to abandonment approval." Mr. Hirneise then stated since they were removing the streetlight his question was how the language would read.

Mr. DePerro replied with the ownership of the streetlight would need to be transferred to the owner of the property or removed per plans approved by the City of Phoenix, Street Transportation Department. Mr. DePerro then went on to modify stipulation number 10 from one year to two years. Mr. DePerro also modified stipulation number 7 regarding the driveway to read "The applicant shall close the street entrance on Peak View Road and provide a driveway per detail approved by the City of Phoenix, Planning and Development Department." Mr. DePerro then discussed the way ownership would happen after the abandonment. Mr. DePerro asked the applicant to obtain a recorded agreement that would state once the City has completed the abandonment the ownership of the property would automatically go to Kashi Homes.

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 40 feet of the Peak View Road monument line may be abandoned.
4. The applicant shall dedicate 40 feet of right-of-way for the north half of Peak View Road.
5. Parcels shall be replatted with legal access to a public street or private accessway and required public utility, drainage, and other required easements. This abandonment shall run concurrently with the new subdivision plat.

6. The applicant shall contact the Street Transportation Department (Michael Cano) at 602-495-7149 to coordinate the removal, salvage or purchase all existing City owned signs. No sign is to be removed until a copy of the abandonment resolution is provided to the Street Transportation Department.
7. The applicant shall close the street entrance on Peak View Road and provide a driveway per detail approved by the City of Phoenix Planning and Development Department.
8. 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.
9. Existing Streetlight S709738 located 157' North of Peakview Road centerline is to be transferred ownership to the owner of the property or removed per plans approved by the City of Phoenix Street Transportation Department.
10. 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: 10/29/2020

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative, James A Brucci; Hunter Engineering  
Christopher DePerro, Abandonment Hearing Officer