

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 220008**

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 the Abandonment Coordinator 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 April 14, 2024**), 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

April 14, 2022

Abandonment Staff Report: **ABND 220008**

Project# **93-0000762**

Quarter Section: **8-22**

Council District: **7**

**Location:** 2924 West Yuma Street

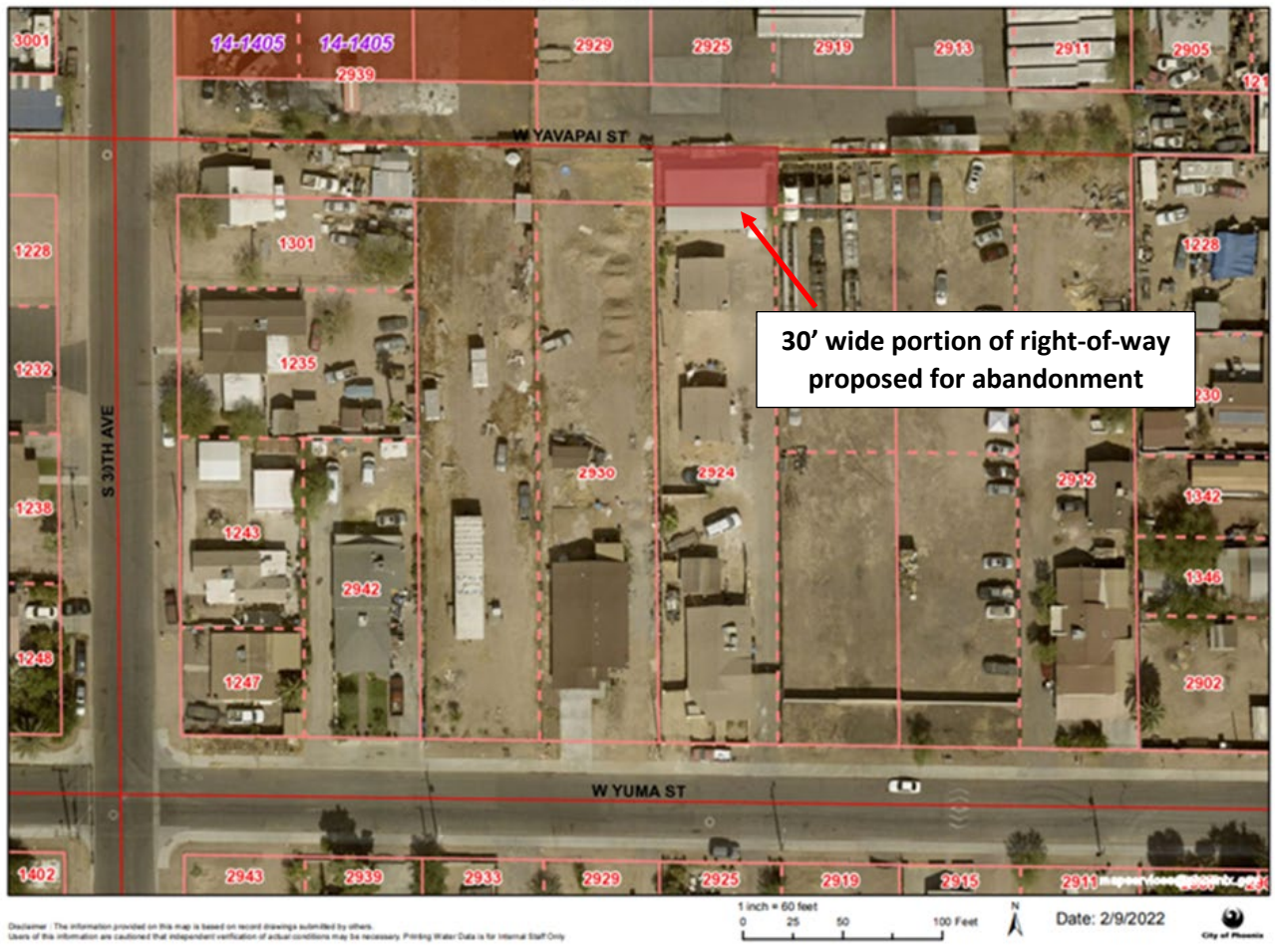
**Applicant:** Jorge Ramirez

**Request to abandon:** The 30-foot wide Yavapai Street right-of-way immediately adjacent to the parcel identified by APN 105-10-015A.

**Purpose of request:** The applicant states they are requesting the abandonment to permit their shade structure that is currently located within the right-of-way.

**Hearing date:** **April 14, 2022**

## Planning and Development



### **Hearing Summary**

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:32 am on April 14, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the abandonment case ABND 220008 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.

Mr. Jorge Ramirez, the applicant, asked if he was the first of the abutting properties to apply for abandonment. The Abandonment Coordinator explained that there are some portions of Yavapai Street that had previously been abandoned, but that this is the only current abandonment application underway.

Mr. Ramirez explained that Yavapai Street was unimproved and hadn't been used in many years.

Mr. DePerro asked if Ms. Grace Bernal had comment for this abandonment case. There was no response from Ms. Bernal.

Ms. Dellow reviewed the city staff and utility provider comments received during the review period. Ms. Dellow then reviewed the staff recommended stipulations of approval.

Mr. Ramirez asked how the appraisal fee was paid. Ms. Dellow explained that the applicant will choose an approved third-party appraiser to complete the appraisal and pay the associated appraisal fee.

Mr. Ramirez asked how long it would be before the property line would be moved. Ms. Dellow explained that the timeline is applicant driven at this point, while the appraisal is being performed. Ms. Dellow explained that once the appraisal was complete, the consideration fee calculated, and fee paid, there would be an approximate one month lead time before final City Council approval.

Mr. Ramirez asked how the conditional approval of the abandonment would affect site planning approval for permitting a structure that is currently built in the right-of-way. Mr. DePerro explained that the abandonment needed final City Council approval before the site plan could be approved.

The Hearing Officer granted a conditional approval subject to stipulations in the staff report.

### **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. 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: 6/6/2023

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Jorge Ramirez, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer