



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – 190006A**

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 G. Martinez at (602) 495-0806** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations, Robert G. 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 April 25, 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.



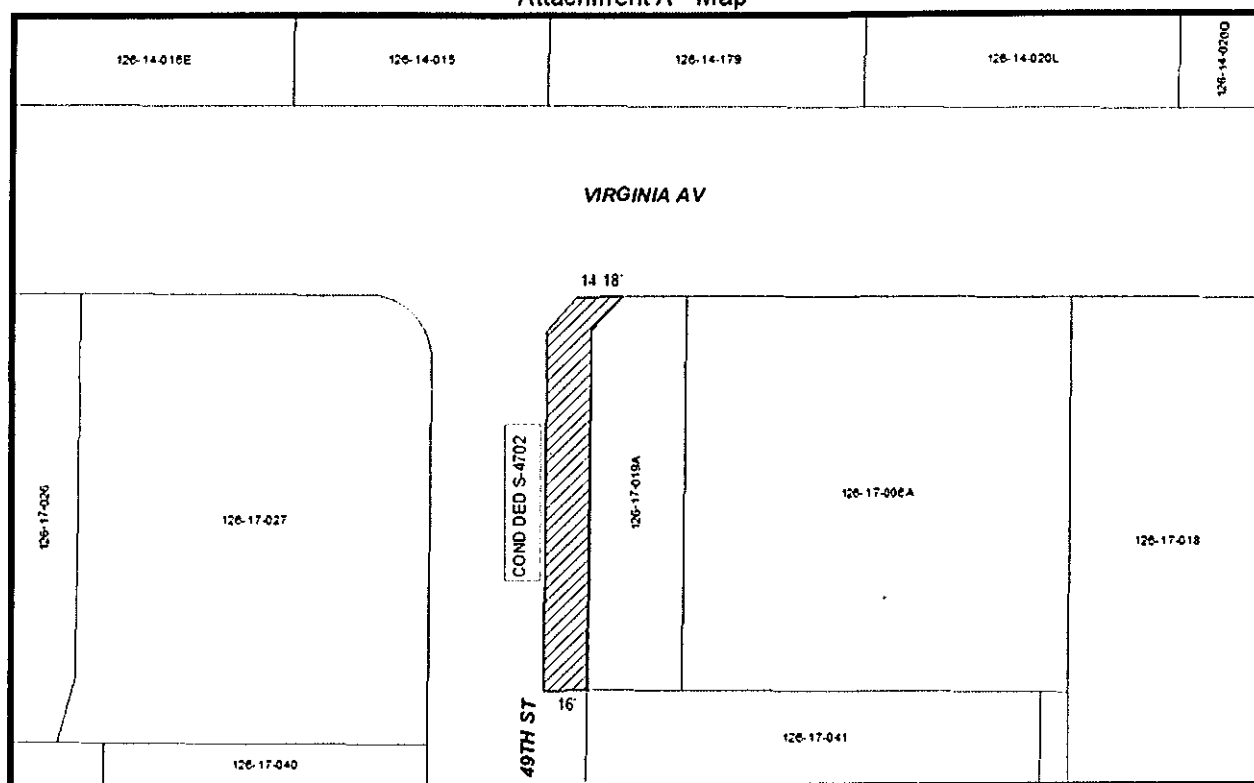
## **City of Phoenix**


Planning and Development Department

April 25, 2019  
Abandonment Staff Report: **V190006A**  
Project# **00-2501**  
Quarter Section: **14-39**

<b><u>Location:</u></b>	4901 East Virginia Avenue
<b><u>Applicant:</u></b>	Marian Matache, A Grade Builders, Inc.
<b><u>Request to abandon:</u></b>	To abandon 16-feet of right-of-way on 49 <sup>th</sup> Street, west of parcel addressed 4901 E Virginia Avenue, APN 126-17-019A.
<b><u>Purpose of request:</u></b>	The applicant states: The current property line runs through the existing structure. They are looking to demolish the addition, built in the right-of-way but keep the main residence intact and make an addition behind the residence. The abandonment is needed in order to meet the necessary set back requirements.
<b><u>Hearing date:</u></b>	<b>April 25, 2019 (Continued from April 11, 2019)</b>

## Attachment A - Map



APPLICANT A Grade Builders, Inc. Marian Matache  
 ABANDONMENT AREA   
 APPLICATION NO V190006A

QUARTER SECTION 14-39  
 DATE 29-JAN-2018  
 DOCKET & PAGE 001-35

### Hearing Summary

The above-named abandonment application was filed by Marian Matache. Mr. Matache was present at the abandonment hearing dated March 11, 2019 which was continued to April 11, 2019.

Continuance April 11, 2019

Mr. Christopher DePerro, the Hearing Officer opened the discussion by stating how this abandonment case had been continued from the hearing date April 11, 2019. Mr. DePerro also stated the reason for the continuation was due to further research regarding the legal non-conforming status of the structure.

Mr. Marian Matache, the applicant stated that further research was done by working with Ms. Rocio Iniguez, the Abandonment Coordinator on confirming if the property was legal non-conforming. Mr. Matache also demonstrated with a photo the projection of the property. He noted that there would be nothing constructed that would project into the right of way further than the existing legal non-conforming structure. Mr. Matache also stated that he is satisfied with the drafted stipulations in the Preliminary Abandonment Staff report.

Mr. DePerro reviewed the drafted stipulations with Mr. Matache.

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

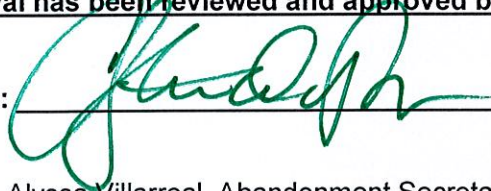
### **Stipulations of Conditional Approval**

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.
  - b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access. No structure of any kind and/or block wall shall be constructed or placed within the easement except removable type fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction
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 10 feet of the 49th Street monument line may be abandoned.
4. A 10-foot by 10-foot right-of-way triangle shall be retained at the southeast corner of 49th Street and Virginia Avenue.
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: \_\_\_\_\_

5.30.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Marian Matache, A Grade Builders, Inc.  
Christopher DePerro, Abandonment Hearing Officer