



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – 180076A

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 February 5, 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

February 5, 2019

Abandonment Staff Report: **V180076A**

Project# **17-3029**

Quarter Section: **13-37**

Location:

4358, 4350, 4352 E Coronado Road

Applicant:

Josh Robinson; Hilgart Wilson, LLC

Request to abandon:

To abandon 152.01 linear square feet of an 8-foot wide alley located 335.6' south of the monument line at the intersection of 44th Street and Palm Lane.

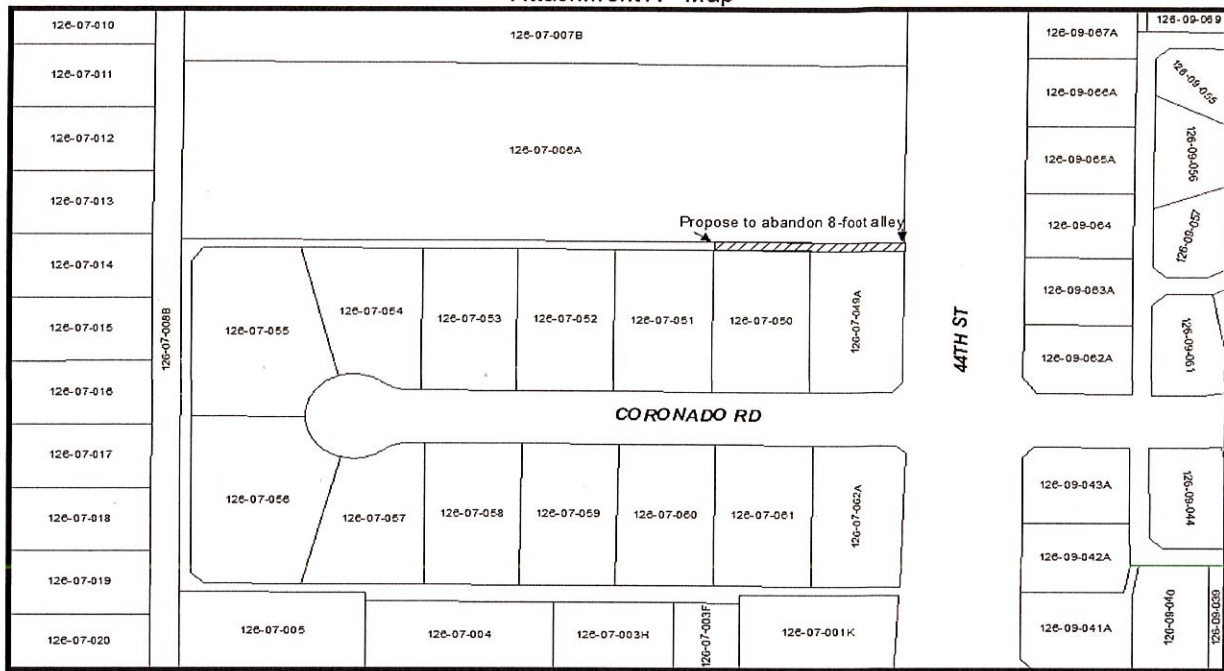
Purpose of request:

The applicant states: 152.01 linear feet of an 8-foot wide alley is subdividing our client's property. The 8-foot alley does have existing facilities in it, however, these will be removed at time of construction and do not serve any parcels upstream except for our client. A second form of access for our clients site is planned off Coronado Road with additional lots fronting it. For this to transpire, the 152.01 linear feet of alley need to be abandoned.

Hearing date:

February 5, 2019

Attachment A - Map



APPLICANT: Josh Robinson: HilgartWilson, LLC
 ABANDONMENT AREA: 
 APPLICATION NO: V180075A

QUARTER SECTION: 13-37
 DATE: 14-DEC-2018
 BOOK & PAGE: 056 - 25

Hearing Summary

Mr. Anthony Chattley, Abandonment Coordinator read the request to abandon, the purpose of the request and staff research into record.

Mr. Christopher DePerro, the Hearing Officer started the discussion by asking the applicant to elaborate on the abandonment request.

Mr. Josh Robinson, the applicant with Hilgart Wilson, LLC expanded on the abandonment request, stating there are existing utilities within the 8-foot alley, which they are looking to abandon. Mr. Robinson explained that in early communications with the City they initially thought of abandoning a portion of the alley, but to do so there would need to be some connectivity to public right-of-way. Mr. Robinson also stated that in this area it is a little challenging, mainly because there is a 40 x 40 City of Phoenix utility easement.

Mr. Robinson then stated that Mr. Nicholas Yourgules, Civil Engineer III, City of Phoenix Water Services Department suggested instead of abandoning a portion of the alley to abandon the entire alley and grant a Public Utility Easement. Through further discussion, the applicant and Mr. DePerro determined that the abandonment of the entire alley would benefit the development.

Mr. DePerro mentioned to Mr. Robinson that the entire alley would not be able to be abandoned in this hearing, due to how the abandonment request was advertised.

Mr. DePerro then asked Mr. Robinson if during their preliminary approval was a requirement set that the North half which would be 8 feet be dedicated as an alley since alleys are to be 16 feet. Upon discussion, it was noted that the report did not mention the dedication of the additional 8 feet thus, moving forward with the abandonment of the entire alley will be the best option.

The Hearing Officer granted a conditional approval with revised stipulations.

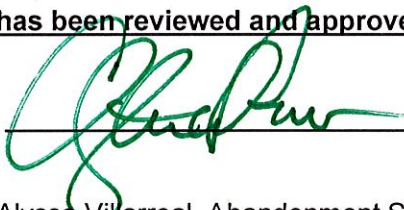
Stipulations of Conditional Approval

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. 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 Value¹ 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 50 feet of the 44th Street monument line may be abandoned.
4. Along the north side abutting lots 3 to 7 of Griffith Square an 8-foot Public Utility Easement and Ingress/Egress Easement shall be dedicated. An additional Ingress/Egress easement, minimum 16 feet wide shall be dedicated across the applicant's property to connect to a public right-of-way as approved by the Planning and Development Department.
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: 4.8.19

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Josh Robinson; Hilgart Wilson, LLC
Christopher DePerro, Abandonment Hearing Officer

If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S. §36-1471 ET.SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.