

# Attachment B - Approval Report



**City of Phoenix**  
Planning and Development Department

## **CONDITIONAL APPROVAL – ABND 200514**

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 **one year** from the date of your conditional approval (**your expiration date is May 7, 2021**), 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

May 7, 2020

Abandonment Staff Report: **ABND 200514**

Project# **14-834**

Quarter Section: **19-2 & 20-2**

**Location:**

Southeast Corner of Bethany Home Road  
and West of 107<sup>th</sup> Avenue

**Applicant:**

Joe Petrucci; EPS Group, Inc.

**Request to abandon:**

To abandon a portion of right-of-way, public  
utility easement and multi-use trail  
easement

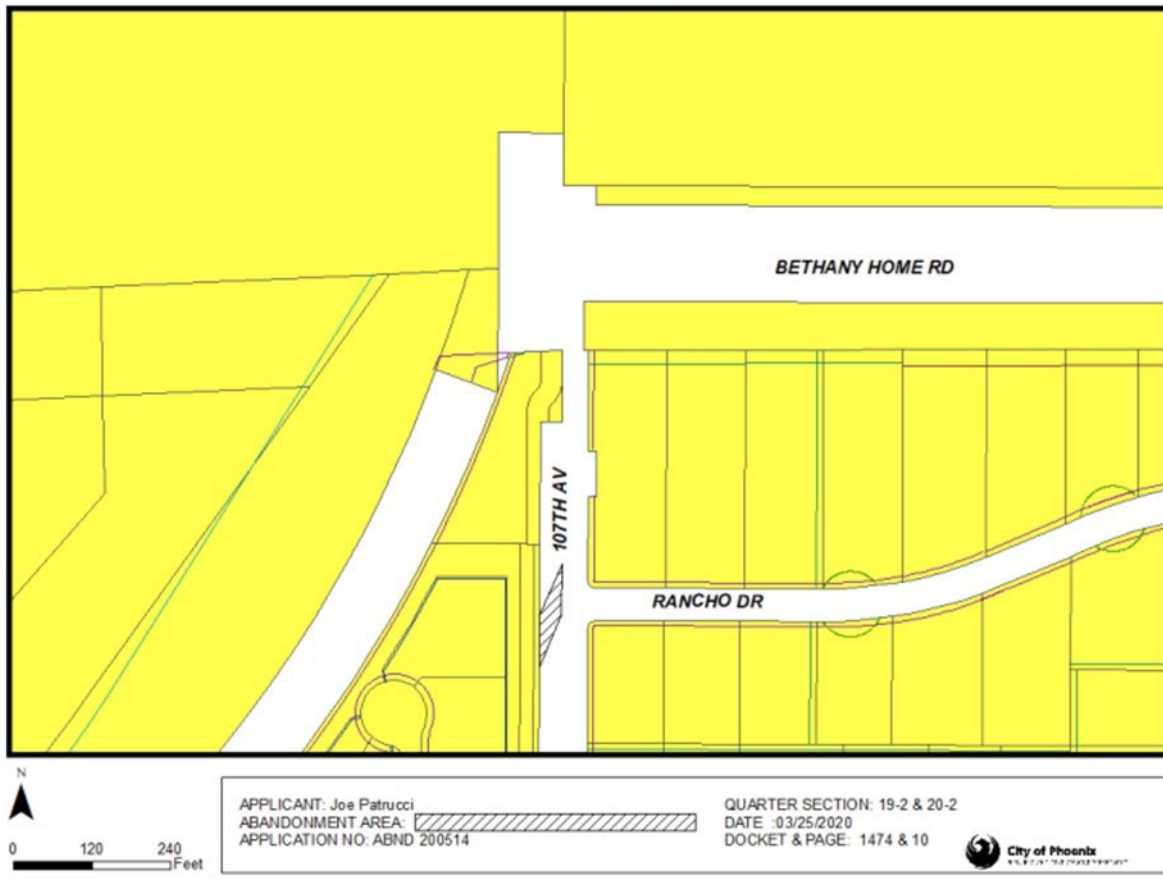
**Purpose of request:**

The applicant states: to be able to relocate  
the Salt River Project irrigation line.

**Hearing date:**

**May 7, 2020**

#### ATTACHMENT A - MAP



#### 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 asked the applicant if he would like to expand on the request.

Mr. Joe Petrucci, the applicant responded with the abandonment request was exactly what Ms. Turner read into the record. Mr. Petrucci stated that they had originally recorded this without an angle, and it does not work with the design. Mr. Petrucci also stated it is just unfortunate that they recorded the Plat the way they did.

Mr. DePerro then asked Ms. Pam Hicks with Salt River Projects to explain the intent of the relocation of the SRP ditch and how this would work.

Ms. Hicks explained that the USA will receive fee title and grant the City of Phoenix a license for roadway, which is the best land right they can give. Ms. Hicks went on to state how this will allow the public utilities to cross with a construction license. And that once the abandonment is complete, they can proceed with the land exchange.

Mr. DePerro opened the hearing to the neighbors that called in with concerns of how the abandonment request would impact the area.

Ms. Bonnie Pool, resident at 10682 West Rancho Drive, Glendale, AZ, voiced her concerns on how this would change the design, specifically regarding the horse trail.

Mr. DePerro addressed Ms. Pool's concern and reassured her that the abandonment request does not include the horse trail and it would not be affected. Mr. DePerro then asked Mr. Petrucci to confirm how this would not affect the horse trail or design.

Mr. Petrucci confirmed that the design would stay the same and there would be no changes to the design, the horse trail and access points.

Ms. Gayle Govoni, resident at 10683 West Rancho Drive, Glendale, AZ, voiced her concerns regarding the line relocation and if it would be underground. Ms. Govoni also wanted to know how this would affect their irrigation and if it could be timed to be in the Winter months when they do not use the irrigation.

Mr. Petrucci replied to Ms. Govoni's concerns by stating how the ditch would be underground and then asked Ms. Hicks to speak to the irrigation part of Ms. Govoni's concerns.

Ms. Hicks spoke to Ms. Govoni's concerns by reassuring her that Salt River Project's priority is their customers and that Salt River Project works with the developers on situation likes these to make sure their customer's services are not affected.

The Hearing Officer discussed the stipulations with the applicant.

The Hearing Officer granted a Conditional Approval with stipulations.

### **Stipulations of Conditional Approval**

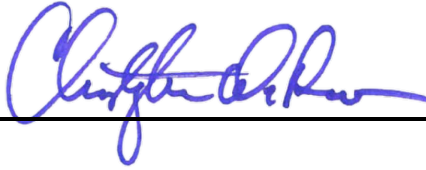
The request of abandonment is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

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. 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: 11/20/2020

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary.

cc: Applicant/Representative, Joe Petrucci; EPS Group, Inc.  
Christopher DePerro, Abandonment Hearing Officer