

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210043

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 October 7, 2023**), 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, **two-year** extension can be requested prior to the expiration date, with applicable extension fee due.



City of Phoenix

Planning and Development Department

October 7, 2021
Abandonment Staff Report: **ABND 210043**
Project# **21-4039**
Quarter Section: **22-32**
Council District: **6**

Location:

East Lincoln Drive and East Piestewa Peak Drive, just north of 2236 East Lincoln Drive

Applicant:

Andrew M. May

Request to abandon:

The alley located in the subdivision Indian Hills 2, between the north side of Lot 67 and the south sides of Lots 64, 65, and 66.

Purpose of request:

The applicant states by abandoning this section of the alley it will allow it to become private property, which then would eliminate it as an inviting route directly from Lincoln Drive for transients and roaming vehicles.

Hearing date:

October 7, 2021

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:33 am on October 7, 2021. He then invited City staff to introduce themselves.

Mr. DePerro then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Andrew May explained that he has previously found tagging along the block walls within the alley and that this alley has been the scene of a crime. Additionally, Mr. May indicated that he mut often pick up trash in the alleyway and that he has seen civilians who are not the adjacent home owners access the alley. As such, Mr. May is seeking abandonment of the alley in order

to close the alley entrance to prevent such issues in the future. Mr. My also shared that it is his intention to purchase the northern portion of the abandoned alley from the adjacent property owners and absorb that area into his backyard.

Mr. Roth reviewed the City staff and utility provider comments that the abandonment team received.

Mr. DePerro further explained that because the alley is partially within the floodplain, the Floodplain Management Department may have specific requirements for Mr. May when he applies for a fence permit.

Mr. DePerro invited neighbor Mr. Greg Sower to speak. Mr. Sower indicated that he was interested in this abandonment case because he lives nearby and shares similar concerns regarding litter found in the alley as well transient presence. He disclosed that he was sitting in on the abandonment hearing so he could better understand the process in preparation for a possible abandonment of his own alley.

Mr. Roth reviewed the recommended stipulations of approval.

Mr. DePerro discussed the consideration fee requirement with the applicant.

The Hearing Officer granted a conditional approval subject to the stipulations in the staff report dated October 7, 2021 as written.

Stipulations of Conditional Approval

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 65 feet of the Lincoln Drive monument line may be abandoned.
4. No right-of-way within the extension of the south and east leg of the existing alley may be abandoned.

5. 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.
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 contact the Street Transportation Department (Jason Fernandez) at (602) 256-4168 to coordinate the removal, relocation or transfer of ownership of all City owned streetlights within the subdivision. This shall be done at no cost to the City.
8. 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: 12/27/2021

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Andrew M. May, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer