

Attachment B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – 180065A

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 December 11, 2019**), 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.

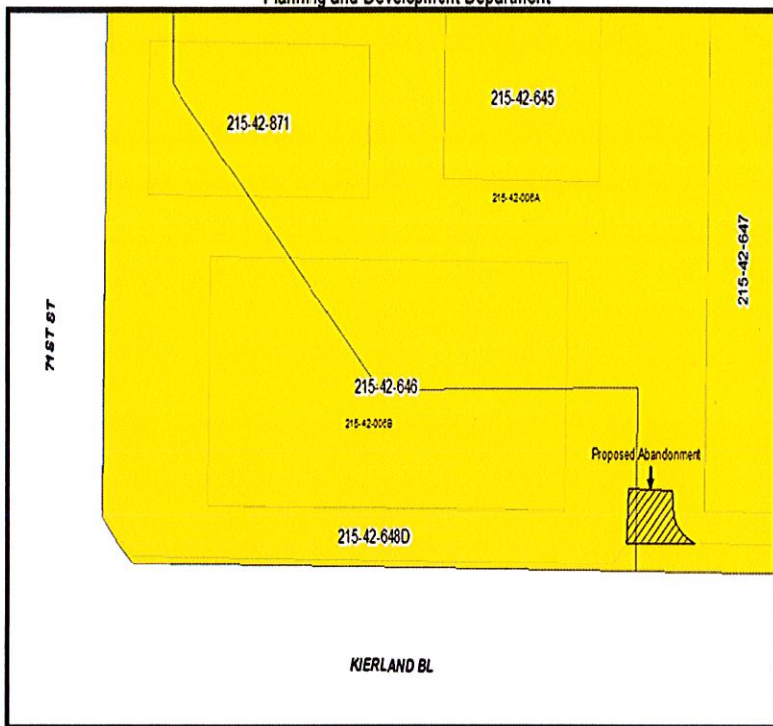


City of Phoenix

Planning and Development Department

December 11, 2018
Abandonment Staff Report: **V180065A**
Project# **14-1284**
Quarter Section: **35-44**

<u>Location:</u>	Northwest Corner of Kierland Boulevard and Scottsdale
<u>Applicant:</u>	Optima Kierland Center Condominium Association
<u>Request to abandon:</u>	To abandon a portion of right-of-way on Kierland Blvd adjacent to parcel APN: 215-42-648D per ordinance S-42250.
<u>Purpose of request:</u>	The applicant states: As a result of the over-dedication, the right-of-way currently extends over and into the projects underground parking garage—which neither Optima nor the City of Phoenix intended—and thus is unnecessary for public roadway purposes.
<u>Hearing date:</u>	December 11, 2018



APPLICANT: Optima Kierland Center Condominium Ass. ABANDONMENT AREA: APPLICATION NO. V180015A	QUARTER SECTION: 35-44 DATE: 11/01/2018 BOOK and PAGE: 1249 - 05
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Hearing Summary

Mr. Christopher DePerro opened up the discussion by asking the applicant to explain their abandonment request.

Mr. Chris Cloyer, with Snell and Wilmer started by explaining the abandonment request is a result of a mistake from a dedication done in 2016 for the Optima Kierland Project. This dedication was along Kierland Boulevard and 71st Street, resulting in an over dedication. Mr. Cloyer's team was not involved until phase two of the project, which then the over dedication was then detected. Mr. Cloyer stated that his team did agree with the stipulations in the staff report, but would like to ask that stipulation number two be struck from the stipulations due to the fact that this was a mistake and would be a possible exchange since there was an over dedication.

Mr. DePerro addressed the request of stipulation number two being struck from the stipulations. Stating the consideration fee stipulation is reciting ordinance. Mr. DePerro did explain the process to Mr. Cloyer for the request of a possible exchange and the channels it would need to go through.

The Hearing Officer granted the abandonment with 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 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 60 feet of the Kierland Boulevard monument line may be abandoned.
4. 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: 12.14.18

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, Optima Kierland Center Condominium Association.
 Christopher DePerro, Abandonment Hearing Officer

¹ 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.