

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 200568**

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 Maggie Dellow at (602) 262-7399** 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 **five years** from the date of your conditional approval (**your expiration date is February 18, 2026**), 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 18, 2021  
Abandonment Staff Report: **ABND 200568**  
Project# **99-817**  
Quarter Section: **19-22**

**Location:**

Georgia Avenue, between 28<sup>th</sup> Drive and 27<sup>th</sup> Avenue

**Applicant:**

Grand Canyon University

**Request to abandon:**

To abandon the Georgia Avenue right-of-way between 28<sup>th</sup> Drive and 27<sup>th</sup> Avenue.

**Purpose of request:**

The applicant states parcel consolidation and redevelopment. The developer intends to record a public access easement to preclude cul-de-sac requirement on 28th Drive and intends to remove public utilities between 28th Drive and 27th Avenue.

**Hearing date:**

**February 18, 2021**

Mr. Christopher DePerro, the Hearing Officer called the hearing to order at 9:32 AM on February 18, 2021. ABND 200568 was the second case heard during this hearing.

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

Mr. Taylor Earl, the representative for the applicant provided additional information about the abandonment request. Mr. Earl illustrated that Georgia Avenue was never a fully dedicated right-of-way and its function has been minimal. He continued to explain that most properties currently accessing Georgia Avenue have been purchased by Grand Canyon University and those which have not would be better and more safely served using Colter Street for access where the intersection is served by a traffic light.

Mr. Earl expressed some concern at the prospect of closing Georgia Avenue at 27<sup>th</sup> Avenue, stating that the closer wasn't needed for redevelopment plans. He explained that the abandonment was being sought because staff review comments indicated that the adjacent Georgia Avenue would need to be improved in conjunction with development plans, however, the long-term development plan for this area does not include the retention of Georgia Avenue as public right-of-way.

Mr. DePerro indicated that the conditional approval of this abandonment may be able to preclude the improvement of Georgia Avenue right-of-way, as long as a lot combination is completed to remove any frontages from Georgia Avenue. Mr. DePerro also suggested that the stipulation requiring the closure of Georgia Avenue at 27<sup>th</sup> Avenue be revised to read, "The applicant shall close the street entrance on 27<sup>th</sup> venue with new curb, gutter, sidewalk and incidentals, unless otherwise approved by the Street Transportation Department", allowing greater flexibility in keeping the entrance open, should the Street Transportation Department approve.

Mr. DePerro then asked the applicant what they are proposing where 28<sup>th</sup> Drive terminates at Georgia Avenue.

Mr. Earl indicated that the current plan is to keep 28<sup>th</sup> Drive open to Georgia Avenue and operate as normal without any type of turnaround. He indicated that this condition could be attained through private access easements.

Ms. Maja Brkovic with the Street Transportation Department indicated that the City could not approve leaving 28<sup>th</sup> Dr as it currently is. The ordinance would require that 29<sup>th</sup> Drive terminate in a typical cul-de-sac or a dog leg cul-de-sac.

Mr. DePerro proposed adding a stipulation to the conditional abandonment that would require the construction of a turnaround at the terminus of 28<sup>th</sup> Drive, if Georgia Avenue is successfully abandoned.

Mr. Earl inquired as to why a turnaround would be necessary and private access easement not be dedicated over Georgia Avenue for homeowners and services accessing properties on 28<sup>th</sup> Drive.

Mr. DePerro indicated that it is not desirable to allow a public street to exit on to private property, even with the necessary private access easement.

Mr. Earl asked for Ms. Brkovic to confirm if conditional approval of this abandonment would be adequate for obtaining Certificate of Occupancy for the adjacent apartment complex that would not be accessing Georgia but would otherwise necessitate Street improvements. Ms. Brkovic confirmed.

Mr. Baird Fullerton, representative for the applicant indicated that he had no additional comments regarding this abandonment.

The Hearing Officer then reviewed the draft stipulations with the applicant, revising stipulations by modifying the formerly numbered stipulation number 6 regarding closing the Georgia Avenue entrance at 27<sup>th</sup> Avenue, the addition of a new stipulation regarding the terminus of 28<sup>th</sup> Drive, and modifying the formerly numbered stipulation number 9 regarding the permitted completion period for this abandonment.

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.
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 50 feet of the 27th Avenue monument line may be abandoned.
4. For the portion of 28<sup>th</sup> Drive between Colter Street and Georgia Avenue, if 28<sup>th</sup> Drive is still a dedicated right-of-way at the time of the completion of the abandonment, the applicant shall construct a turnaround within the existing right-of-way, or dedicate right-of-way if needed, as approved by the Street Transportation Department.
5. All landlocked parcels shall be replatted, legally combined, or have an alternate legal access provided (private ingress/egress easement) to a public street.
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 close the street entrance on 27th Avenue with new curb, gutter, sidewalk and incidentals, or as otherwise approved by the Street Transportation Department.
8. 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.
9. 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.

10. All stipulations must be completed within **five 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: 4/12/21

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative, Grand Canyon University  
Christopher DePerro, Abandonment Hearing Officer