

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 230067

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 Dru Maynus at 602-262-7403** 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 January 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.



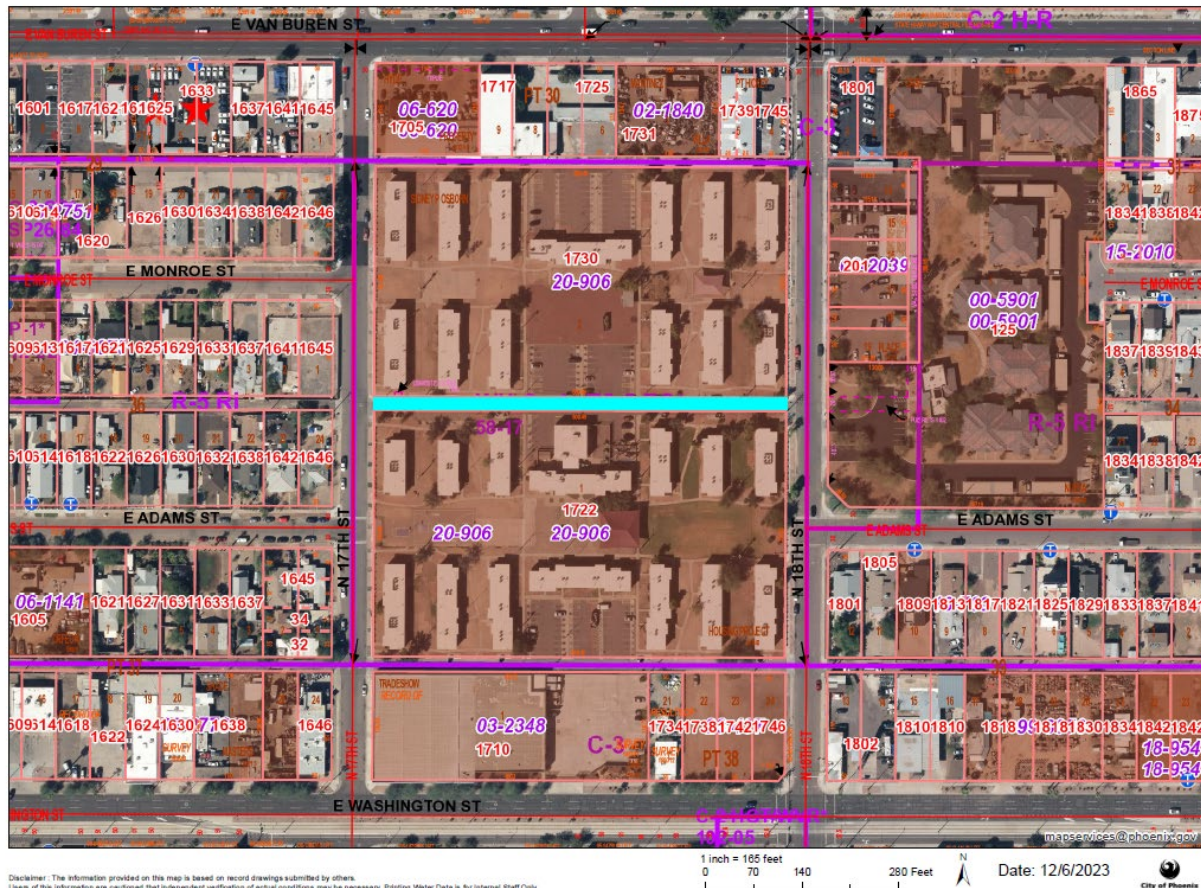
City of Phoenix

Planning and Development Department

January 18, 2024
Preliminary Abandonment Staff Report: **ABND 230067**
Project# **20-906**
Quarter Section: **10-31**
District#: **8**

<u>Location:</u>	Between 17th Street and 18th Street, south of Van Buren Street and north of Washington Street
<u>Applicant:</u>	City of Phoenix Housing Department with Gorman & Company
<u>Request:</u>	To abandon an alley that is located between 17 th Street and 18 th Street, south of Van Buren Street and north of Washington Street.
<u>Purpose of request:</u>	The applicant states the Sidney P. Osborn public housing development will be demolished and reconstructed by the City of Phoenix Housing Department. The design calls for the need of the abandonment of the alley.
<u>Hearing date:</u>	January 18, 2024

ABND 230067



Hearing Summary

Ms. Dru Maynus, Abandonment Coordinator read ABND 230067 into the record, stating the location, applicant, request, purpose of request and City Staff research.

Mr. DePerro requested for the applicants Brad Puffer and Dan Klocke to expand further on the project.

Mr. Klocke provided staff with the background of the project. He stated they submitted a pre-application package to the City, and they were directed by city staff that the alley would be looked at as a frontage street. He said his goal was to maintain it.

Mr. DePerro asked for the applicant to clarify which alley they were talking about.

Mr. Klocke says the alley they are requesting to abandon.

Mr. Klocke continues by stating that phase 1 of their project is in the northwest corner, phase 2 is in the south east corner, and phase 3 straddles phase 1 and 2. He goes on to say that during

their pre-application meeting they were told that their design was incorrect as it was fronting on a frontage street even though it was an alley; and in order to continue on they would need to abandon the alley so it wouldn't be looked at as a frontage street. He goes on to say that their plan was to keep it entirely intact it would be used as vehicular and pedestrian pass through between 17th Street and 18th Street. He went on to state that they plan on having all utilities undergrounded and to maintain existing sewer, water and gas lines that are already within the alley and place an easement on over it that will remain in perpetuity. He said he has been onsite multiple times with various different utility companies and have contracts with Lumen, and APS to underground the utilities.

Mr. DePerro said there are two things that he is concerned with. One, is the alley being considered as frontage. He does not agree with what the applicant was told. The other issue he has is there are issues with dedications of right-of-way and taking on a property from the public onto a city owned property since it isn't possible to do while the city owns the property to dedicate a public utility easement on a city owned property or right-of-way. You will have to do it at the conveyance time within the deed when it's conveyed to private ownership. He then states that he is unsure if the property can go back to city property. He further explained that it was the Real Estate division that gave him that information in the past, but he was unable to get in touch with the person in Real Estate to get an answer about it when it relates to this project.

Mr. Klocke then gives an example of a different project where they were instructed to put utilities and easements within a tract that was controlled by the City. He then asked the Hearing Officer if this would be the same scenario for this project.

Mr. DePerro said he remembers the project Mr. Klocke was speaking on, and that he was uncomfortable with how that transpired. He then states he doesn't have an issue with abandoning the alley. He then asked the applicant did they not want to abandon the alley until they were told it was a frontage street.

Mr. Klocke said yes and that they didn't know what they were going to be told within the pre-application phase so they designed the project with the alley area being opened because they knew there was a large gas and sewer line in the location. He then continued with saying they also design the project with the allowance of pedestrians and vehicular traffic going through the location.

Mr. DePerro says that they will continue with looking at the rest of the comments and that he doesn't see an issue with abandoning the alley, but he wanted to know if it was their preference was not to abandon the alley; and if so, then he could continue the case to the next hearing while he follows up with the two questions he has regarding the frontage and if the City has any issues with this being City property if it were to be abandoned. Because if they have no objection from any other reviewer he can just conditionally approve it and see what the outcome is later.

Mr. Klocke says that they would like to proceed with the abandonment since they cannot get preliminary site plan approval until the abandonment is completed.

Mr. DePerro says that he will still follow up on the questions he has after the hearing and will let the applicant know what he hears.

Mr. Klocke thanked Mr. DePerro.

Mr. DePerro then asked the applicant what do they plan on doing with the water lines and if they will be taken them out.

Mr. Klocke explained that lines that are of size they plan to keep in place and the lines that are existing for the existing buildings will come out.

Mr. DePerro says okay and he was just curious. He proceeds by asking the Abandonment Coordinator if there were any other major comments that needed to be discussed.

Ms. Maynus, said yes there are comments from a few utility companies. She says SWG objects the abandonment as there are gas lines in the abandonment area that need to be moved first. APS also objects the abandonment until the applicant removes their utilities out of the area. Lastly, she states that CenturyLink stated the same thing as the other providers.

Mr. DePerro says the typical comments either relocate or retain the PUE.

Ms. Maynus says correct.

Mr. DePerro asks the applicant if it is a surprise.

Mr. Klocke says nope and that they have met on site with the utility companies several times and that they are good to go.

Mr. DePerro then asked Ms. Maynus to scroll to the staff stipulations. He starts off by saying stipulation #1 is appropriate, but stipulation #2 is to be striked since it's a City property and we are not going to pay ourselves for the reason it is public. He then goes on to say stipulation #3 and #4 are to remain.

Mr. Klocke then asked what stipulation #5 means when it says all stipulations must be completed in two years and if it meant construction needed to be complete.

Mr. DePerro clarifies that they must comply with the stipulations and not to have construction complete.

Mr. Klocke said he understands.

The Abandonment Hearing Officer granted conditional approval for abandonment 230067 subject to stipulations in the staff report dated January 18, 2024 with modifications to remove stipulation #2 and to renumber 3 through 5.

Recommended Stipulations of Approval

The request of abandonment, if approved by the Abandonment Hearing Officer, will be subject to the following stipulations:

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. No right-of-way within 30-feet of the 17th Street monument line shall be abandoned.
3. No right-of-way within 30-feet of the 18th Street monument line shall be abandoned.
4. 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: 2.29.2024

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Applicant/Representative, Dan Klocke
Applicant, Brad Puffer
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.SEC., 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.