



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – 180066A

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 **two years** from the date of your conditional approval (**your expiration date is December 26, 2020**), 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.



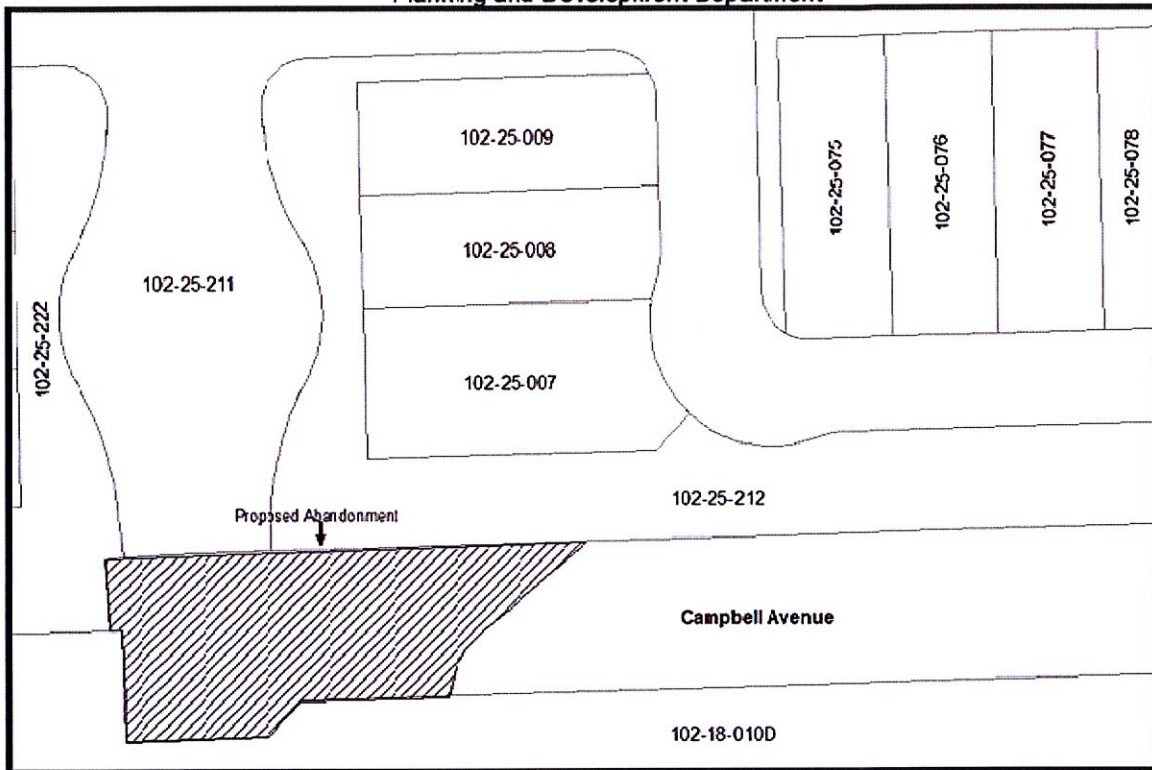
City of Phoenix

Planning and Development Department

December 11, 2018
Abandonment Staff Report: **V180066A**
Project# **18-645**
Quarter Section: **18-6**

<u>Location:</u>	93rd Avenue & Campbell Avenue
<u>Applicant:</u>	Chris Clonts, Lennar Arizona, Inc.
<u>Request to abandon:</u>	To abandon right-of-way, west 222.25 feet of Campbell Avenue, west of 91st Avenue.
<u>Purpose of request:</u>	The applicant states: converting the western 222.25 feet of Campbell Avenue to private accessway to facilitate a gated access for the combined communities of Western Enclave Phases: Phase 1 (KIVA #15-1329) and Phase 2 (KIVA #18-645).
<u>Hearing date:</u>	December 11, 2018 TAKEN OUT FROM UNDER ADVISEMENT AND GRATED CONDITIONAL APPROVAL ON December 26, 2018.

Planning and Development Department



APPLICANT: Lennar Arizona, Inc.
ABANDONMENT AREA:
APPLICATION NO: V180166A

QUARTER SECTION: 18 - 6
DATE: 11/02/2018
BOOK and PAGE: 1295 - 497

Hearing Summary

Mr. Christopher DePerro, the Hearing Officer, opened up the discussion by asking the applicant to explain the abandonment request.

Mr. Chris Clonts, with Lennar Arizona, Inc., applicant, began explaining that the plan is to combine the two communities to one HOA, moving the gate in order to give unobstructed access to all the amenities. A traffic circle would be put in and the gate would be relocated west of the traffic circle. Mr. DePerro then asked Mr. Alan Hilty of the Streets Transportation Department if the proposed layout for gates needed revisions. Mr. Hilty responded with there are some issues, one being that with the Americans with Disabilities Act there would need to be a connection between the north and south sidewalks in front of the gate. Mr. Hilty also stated with this abandonment there is no connection between the north and south, in which the gate interferes with the sidewalk. And the exact abandonment is unclear as to where it is located in the area.

Mr. DePerro discussed a few stipulations he would be adding himself to the abandonment with the applicant.

Mr. Clonts then had a few questions about the stipulations that were in the staff report. Those were discussed amongst Mr. Clonts and Mr. DePerro.

Mr. DePerro struck stipulations 3 and 4 from the staff report and stated that he would take the case under advisement to modify the stipulations to make sure all of the correct dedications for a private

accessway, and the required improvements to the new entry turnaround, were stated correctly.

The Hearing Officer took the case under advisement.

Stipulations of Conditional Approval

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

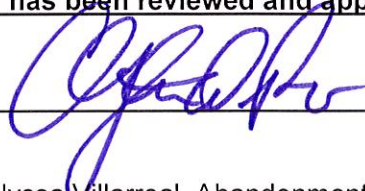
1. This abandonment must be approved concurrent with the subdivision plat proposed for the property abutting the southern boundary of the area included in the abandonment request.
2. A turnaround for the new termination of the remaining public portion of West Campbell Avenue must be constructed, including sidewalks on both sides, per specifications approved by the Planning and Development Department (PDD) in consultation with the Street Transportation Department:
 - a. Retain and/or dedicate right-of-way as needed to construct the turnaround fully within public ROW.
 - b. Dedicate sidewalk easements as necessary where required sidewalks are provided adjacent to the public street, if the sidewalks cannot be accommodated within the ROW.
 - c. Dedicate pedestrian access easements as necessary where required sidewalks are provided adjacent to the private accessway, if the sidewalks cannot be accommodated within the private accessway tract.
 - d. Any gates proposed shall comply with PDD policies for gated entries and be located outside of public ROW.
3. Retain the following easements over the ROW to be abandoned: public water, public sewer, drainage, refuse collection, and emergency and service vehicle access. In addition, indicate on the associated plat that the abandoned area will be a private accessway to be owned and maintained by the HOA.
4. 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.
5. All stipulations must be completed within two years from the Abandonment Hearing Officer's decision.

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.

This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.

Hearing Officer Signature: _____

Date: _____



12.26.18

REPORT SUBMITTED BY: Alyssa Villarreal, Abandonment Secretary

cc: Applicant/Representative, **Chris Clonts, Lennar Arizona, Inc.**
Christopher DePerro, Abandonment Hearing Officer