

ATTACHMENT B



**City of Phoenix**

Planning and Development Department

**CONDITIONAL APPROVAL – ABND 210041**

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 September 12, 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

September 23, 2021  
Abandonment Staff Report: **ABND 210041**  
Project# **99-817**  
Quarter Section: **19-22**  
Council District: **5**

**Location:** 28<sup>th</sup> Drive, between Colter Street and Georgia Avenue

**Applicant:** Baird Fullerton, Grand Canyon University

**Request to abandon:** The entirety of 28<sup>th</sup> Drive right-of-way, between Colter Street and Georgia Avenue

**Purpose of request:** The applicant states the abandonment will increase land available for redevelopment.

**Hearing date:** **September 23, 2021**

## Planning and Development



### Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:34 am on September 23, 2021.

Prior to the recording of the abandonment hearing, Mr. Matthew Roth introduced the abandonment case ABND 210039 by reading the abandonment case into the record by stating the applicant, location, abandonment request, and purpose of the request, as well as City staff research.

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

Mr. Baird Fullerton explained that this abandonment is related to another abandonment of PUE that was submitted just prior to this hearing. Mr. Fullerton and Mr. DePerro discussed a number of related prior abandonment areas that preceded this case as well as possible mapping errors that the City intends to research.

Regarding abandonment case ABND 210041, Mr. Fullerton explained that the intent is to remove the entirety of the water line located within 28<sup>th</sup> Drive.

Mr. DePerro asked Mr. Fullerton if he had any questions or concerns regarding the suggested stipulations of abandonment approval. Mr. Fullerton indicated that he wanted to discuss stipulation #4 which would require the applicant to dedicate and construct a 45-foot radius cul-de-sac on the remaining portion of Georgia Avenue. Mr. Fullerton mentioned that there is a similar stipulation in abandonment case ABND 200568, however the intention now is to abandon both 25<sup>th</sup> Drive and Georgia Avenue, and therefore the cul-de-sac would not be necessary. Mr. DePerro explained that the verbiage “or as otherwise approved by the Street Transportation Department” would allow the developer to not install the cul-de-sac with Street Transportation approval, with the understanding that both related abandonments would need to be successfully completed.

Mr. DePerro explained that there is a “construction centerline” within 19<sup>th</sup> Avenue, approximately 10’ to 15’ east of the monument line, and the City of Phoenix Street Transportation Department has stipulated that no right-of-way within 50’ of that line may be abandoned. Mr. DePerro explained that this would have a bigger impact on the southern portion of the site, and may result in more retention of right-of-way behind back of sidewalk than the customer may be anticipating. He explained that this would impact the site less as the centerline pulls away from the west property line as you travel further north. Mr. DePerro shared with the customer that this stipulation will ensure that all public improvements are retained in place and enough right-of-way is retained to ensure any future roadway improvements can be made. Ms. Brkovic further explained that the stipulation would need to remain in order to ensure a cul-de-sac is developed in the event that plans change and the abandonment of either Georgia Avenue or 28<sup>th</sup> Drive are not completed.

Mr. Fullerton also asked if the Water Department would be willing to allow the developer to abandon the waterline on the northern side of Colter Street and leave the water line on the Southern side of Colter Street in tact. Mr. DePerro suggested that Mr. Roth put Mr. Fullerton in touch with a contact in the Water Services Department after the abandonment hearing, as a representative from Water Services was not in attendance.

Mr. DePerro reviewed the recommended stipulations of approval.

The Hearing Officer granted a conditional approval subject to the stipulations in the staff report with the following revision: removal of stipulation #10 as it was a duplicate stipulation.

### **Stipulations of Conditional 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. 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 30 feet of the Colter Street monument line may be abandoned.
4. The applicant shall dedicate and construct a 45-foot radius cul-de-sac on the remaining portion of Georgia Avenue or as otherwise 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 close 28th Drive with new curb, gutter, sidewalk and incidentals the intersection of 28th Drive and Colter Street.
7. 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.
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 **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: 10/12/21

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Baird Fullerton, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer