



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – 180035A

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 Martinez at (602) 495-0806** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations Robert 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 June 18, 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.



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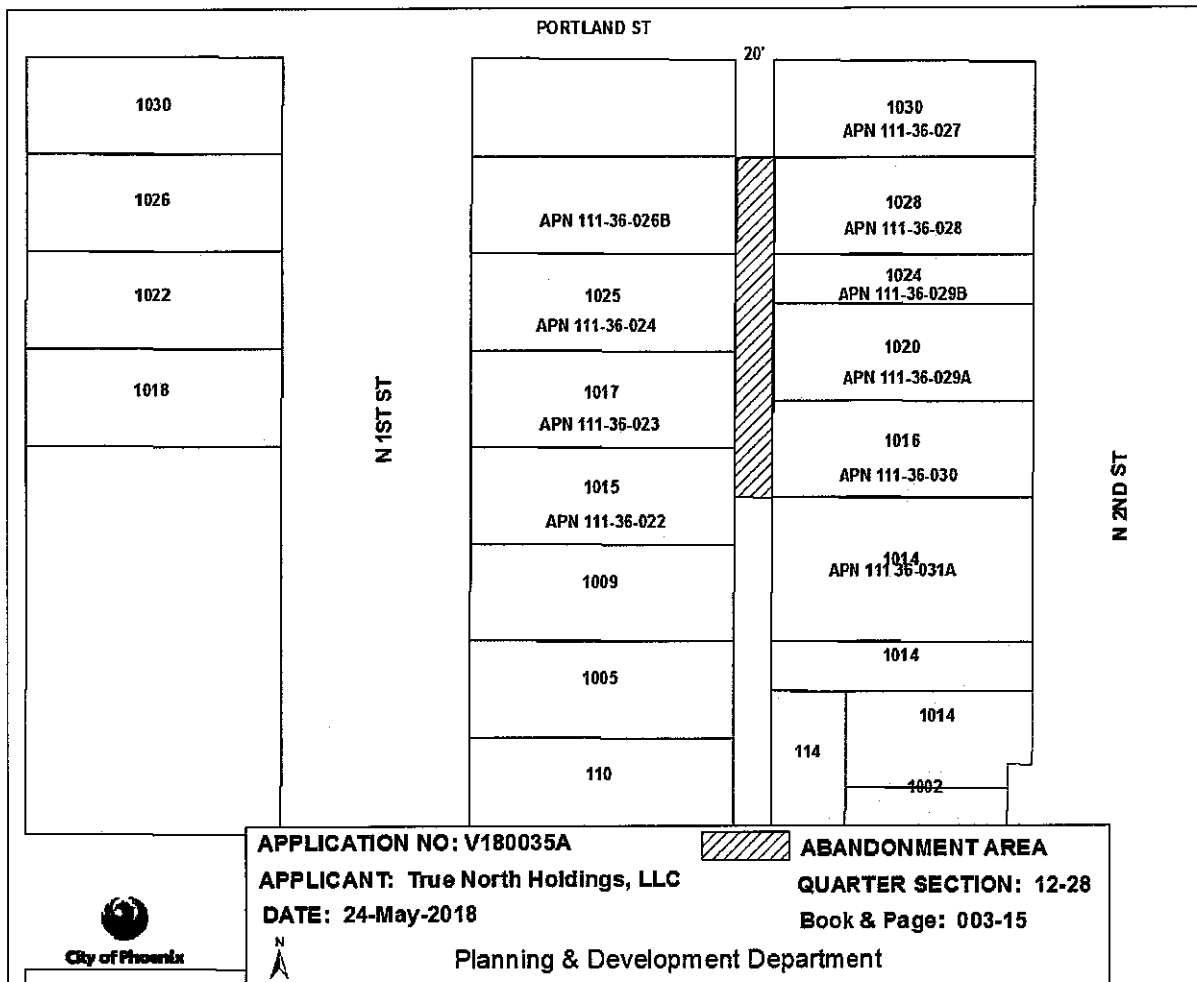
June 18, 2018

Abandonment Staff Report: **V180035A**

Project# **18- 1603**

Quarter Section: **12-28**

<u>Location:</u>	SEC of Portland Street and 1st Street
<u>Applicant:</u>	True North Holdings, LLC
<u>Request to abandon:</u>	To abandon the 20 – ft. Alleyway located between APN's 111-36-029A, 111-36-029B, 111-36-030, 111-36-022, 111-36-023, 111-36-024, 111-36-026B and 111-36-028.
<u>Purpose of request:</u>	The applicant states: To comply with approved project associated with a City issued RFP, the development project must build over the alleyway. To do so, required abandonment of said alleyway, to allow for development above it. The developer will attain the alleyway as a passable alleyway so that other users (those parcels to the south and north) will not be impacted by this request.
<u>Hearing date:</u>	June 18, 2018



Hearing Summary

Nick Woods, with Snell and Wilmer, represented the applicant, True North Holdings, LLC. Mr. Woods stated that the alley abandonment is needed to build below and above where the alley is located. Several discussions have taken place and the intent is to have the alley remain open to the public. The site will consist of a parking garage and a mixed-use office space. This project is the result of the "Knipe House RFP" issued by the City of Phoenix. Mr. Woods stated that his clients have acquired several parcels adjacent to the alley and are in the final stages of an acquisition agreement for the remaining parcels.

Mr. Woods discussed the stipulations with the Hearing Officer, Christopher DePerro. He requested clarification of stipulation 2a and a modification. Currently, an easement agreement is being negotiated with the City of Phoenix that grants the ability the property the ability to police itself. This would grant them the ability to have cars towed when necessary or loiters removed from the property by security. They would like the ability to do that and will be reserving that as part of the easement.

Second, Mr. Woods requested that the minimum height in the stipulation be reduced from 20' to 14'. The plan is to remove the utilities and place them underground. However, Mr. Woods stated that he understood that permission would be needed from any affected utilities which might need to continue to use the alley for access for service vehicles. The height modification is requested due to the size of the parking garage. Additional parking is being built to accommodate the events that take place at Margaret

T. Hance Park a block away.

Mr. Woods requested that stipulation 3 be removed from the report and stipulation 4 be modified from 24' to 20'. Mr. Hilty agreed to two ten foot lanes, under the condition, that there be absolutely no encroachments into the lanes and it remain free and clear. Mr. Woods agreed that there would be no encroachments.

Three speaker cards were submitted. All were in favor of the project but did not wish to speak.

Mr. DePerro discussed with Mr. Woods stipulation 2a. Stipulation 2a will have an additional clause that reads as, may allow the private property owner to control the alley in terms of uses that are not specifically permitted by the easement. Such as parking, loitering, etc...

Mr. DePerro stated that 14' worked for Solid Waste because that is their new tree trimming plants, but would need to make sure that it was also applicable to structures and not just a tree branch. Mr. Nate Sonoskey, True North Holdings, stated that they have worked with their architects and the International Building Code stipulates a minimum of 14' access for garbage trucks and firetrucks. Additionally, the geometry of the parking garage is as such, the ramp into the garage and up to the second floor, gets high enough to achieve 14' clear of the alley, but anything higher would change the angle of the ramp and cause some hardship to the parking garage access. That is the main reason for that request. Mr. DePerro stated that he did not have a problem with the height, but wanted to make sure that it covered what everyone needed. Mr. DePerro agreed to change the height to 14', unless, any of the existing utility access requires additional height.

Mr. Woods asked if all the utilities were removed from the alley with proof, would that be sufficient. Mr. DePerro stated that it would with written confirmation.

Mr. DePerro asked Mr. Hilty if he was fine with removing stipulation three and modifying stipulation 4 from 24' to 20'. Mr. Hilty stated that he was fine with this.

The Hearing Officer approved the abandonment with a conditional approval and modified 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. Utilities:
 - a. All utility relocation work is to be done at no expense to the affected utility companies. 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. The existing sewer main must be relocated as approved by the Water Services Department. The extent of the portion to be relocated has not been determined at this time, but may include portions of this main located outside of the abandonment area, and other affected mains, as determined by WSD.
 - c. The existing Southwest Gas facilities must be relocated as approved by Southwest Gas. If Southwest Gas approves relocation of public lines within this development, a gas easement must be dedicated as determined by Southwest Gas.
 - d. The existing electrical lines and facilities must be relocated, as approved by APS. If APS

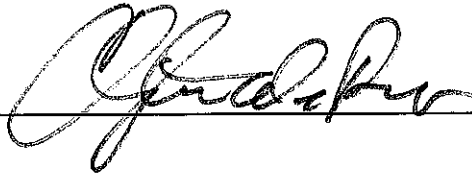
approves relocation of public lines within this development, an electrical easement must be dedicated as determined by APS.

- e. The existing communications lines and facilities must be relocated, as approved by CenturyLink and Cox Communications. If the affected utility approves relocation of public lines within this development, a communications easement must be dedicated as determined by the affected utility.
2. The following easements must be retained:
 - a. A public ingress/egress and service vehicle easement, with a minimum width of 20' (full alley width). This easement may be limited to the area from the surface of the alley pavement to a plane measured a minimum of 14' above the crown of the pavement. This easement may also be limited to through access; that is parking, loitering, and other similar uses which are not considered necessary to provide ingress and egress may be restricted and enforced by the future property owner. Otherwise, the ingress/easement access shall be provided at all times and no gates or other means of access restriction are permitted.
 - b. A drainage easement over all of the area to be abandoned. This easement may be limited to surface drainage only. This easement will not be required if a grading and drainage plan and/or report is submitted by the developer and approved by PDD showing that the abandonment area is not necessary to accommodate on site or off site stormwater.
 3. The developer shall pave the abandoned alley/easement area per City standards for local streets for the entire length of the project, including the portion of the alley connecting to Portland Street. The minimum pavement width that shall be provided is 20'. Parking and loading may not be provided within the 20' easement area.
 4. The development shall be designed so that all access and facilities for the following are located adjacent to Portland Street (designated Side Street), the abandoned alley, or remaining portions of the dedicated alley, as approved by the PDD:
 - a. Refuse collection
 - b. Utility facilities (i.e. transformers, services, or similar utility appurtenances).
 - c. Commercial deliveries/loading
 5. 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.
 6. 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: _____

6.18.18

REPORT SUBMITTED BY: Amanda Murrietta, Abandonment Secretary

cc: Applicant/Representative, True North Holdings, LLC

Christopher DePerro, Abandonment Hearing Officer