



City of Phoenix
Planning and Development Department

CONDITIONAL APPROVAL – 170078A

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 Cathy Chapman at (602) 495-0156** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations Cathy Chapman will schedule your request for City Council action.

If the stipulations of abandonment are not completed within **one year** from the date of your conditional approval (**your expiration date is March 1, 2019**), 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

March 1, 2018

Preliminary Abandonment Staff Report: **V170078A**

Project# **17-3095**

Quarter Section: **23-25**

Location:

Myrtle Avenue west of 15th Avenue

Applicant:

The Beatitudes Campus Foundation and The Beatitudes Campus

Request to abandon:

The south 20-feet of Myrtle Avenue right-of-way from the west parcel line of 1523 W. Myrtle Avenue (APN 157-14-004F) to the northwest corner of the subdivision plat Myrtle Estates on Fifteenth recorded in Book 1274 Page 48, MCR.

Purpose of request:

The applicant states: Abandonment request in conjunction with design improvements and a final plat for the Beatitudes project, KIVA 17-3095, SDEV 1700622.

Hearing date:

February 13, 2018

TAKEN OUT FROM UNDER ADVISEMENT AND GRANTED CONDITIONAL APPROVAL, WITH STIPULATIONS, ON MARCH 1, 2018.

Hearing Summary

The above-named abandonment application was filed by The Beatitudes Campus Foundation and The Beatitudes Campus. The applicant states: Abandonment request in conjunction with design improvements and a final plat for the Beatitudes project, KIVA 17-3095, SDEV 1700622.

Bill Allison represented the Beatitudes Campus Foundation, he stated that the proposed right of way abandonment was needed to facilitate new development.

Cynthia Graber (7315 N 16th Ave) spoke in opposition with concerns about traffic out letting to the north, citing safety concerns for the children living near the proposed Beatitudes project. Tom Howard (7315 N 16th Ave) was also opposed, citing traffic and circulation concerns. Wendy Rosania (540 W Myrtle) was opposed. She requested that the Hearing Officer consider the characteristics of the neighborhood while making the decision. Gina Stone (7202 N 16th Ave) was in opposition, citing safety and traffic concerns.

Bill Allison responded to concerns, stating that there was excess right of way on West Myrtle and that was the purpose of the abandonment.

The Hearing Officer took the case under advisement, to discuss with the Legal Division.

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.

or,

- b. All right-of-way shall be retained as a public utilities easement by the affected utilities 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 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.

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.

3. No right-of-way within 30 feet of the Myrtle Avenue monument line may be abandoned.
4. The existing 1" water meter(s) shall be relocated onto the public right-of-way in accordance with plans submitted to and approved by the Planning and Development Department. All work is to be done by City forces at no expense to the City of Phoenix. OR, all water meters shall have a contiguous easement/clearance. Water meters: 3' ft. from all sides of the meter.
5. All stipulations must be completed within one year from the Abandonment Hearing Officer's decision.

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

Hearing Officer Signature: _____



Date: _____

3.1.18