

ATTACHMENT B



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 210055

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 February 24, 2024**), 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.



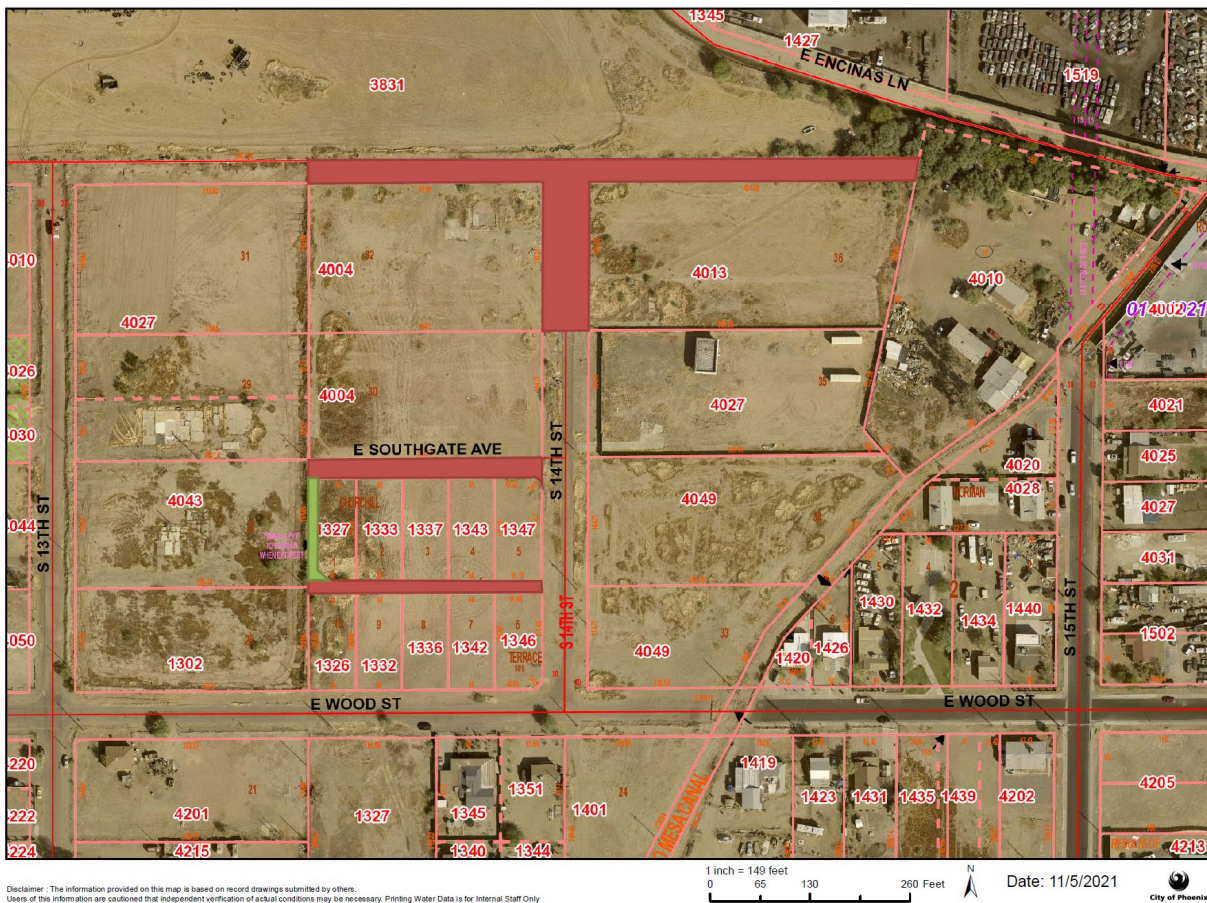
City of Phoenix

Planning and Development Department

February 24, 2022
Abandonment Staff Report: **ABND 210055**
Project# **21-3822**
Quarter Section: **5-30**
Council District: **8**

<u>Location:</u>	Between 13th Street and 14th Street, North of Wood Street
<u>Applicant:</u>	Benjamin Graff, Quarles & Brady, LLP
<u>Request to abandon:</u>	East Southgate Ave, South 14th Street, East Jones Avenue, alley and a temporary alley easement within in Churchill Terrace Plat.
<u>Purpose of request:</u>	The applicant states this abandonment is to allow for an affordable housing, multifamily development.
<u>Hearing date:</u>	February 24, 2022 (Continued from February 3, 2022, and January 13, 2022)

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:32 am on February 24, 2022. Mr. DePerro invited staff to introduce themselves.

Following staff introductions, Ms. Maggie Dellow, the Abandonment Coordinator introduced ABND 210055 by reading the 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 Mr. Benjamin Graff if he would like to provide any updates that have occurred since the last abandonment hearing date, when the case was granted continuance.

Mr. Graff introduced himself and the other members of his team in attendance. Mr. Graff explained that his team meet with Ms. Linda Lynaugh who originally expressed concerns regarding this abandonment request and how it would impact her adjacent site. He shared that an agreement had been reached for the applicant to purchase Ms. Lynaugh's property and include the development of this site in the current scope of work for additional multifamily units. Mr. Graff share that as a result of this decision, the site would now be able to support the development of 192 affordable housing units, up from 168. Mr. Graff further shared that the

abandonment request was unchanged and that Ms. Lynaugh did provide a signature on the petition of support for the abandonment request.

Mr. DePerro asked Linda if she had any additional comments. Ms. Lynaugh confirmed the agreement reached between the two parties as previously discussed by Mr. Graff, and shared that she did not oppose the abandonment request.

Mr. DePerro reviewed the recommended stipulations of conditional approval with the applicant. Mr. Graff asked if the language in stipulation #1, optional a. could be changed to allow the option of cost sharing between the applicant and the utility companies. Mr. DePerro indicated that he could not change the language as suggested, because to do so might be construed as the City stipulating the relocation of utilities are to occur at the utility providers' expense. Mr. DePerro explained that the City has no interest in who pays for the relocation of utilities, but cannot stipulate the cost be covered by anyone other than the applicant.

Mr. DePerro asked if any members of the applicant's team or Ms. Lynaugh had any final comments. No one did.

The Hearing Officer granted conditional approval to ABND 210055 subject to the stipulations stated in the staff report.

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.
 - 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 14th Street monument line may be abandoned.
4. A 50-foot radius cul-de-sac shall be dedicated for the northern terminus of 14th Street as approved by the Planning and Development Department.

5. 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.
6. All resulting landlocked parcels shall be replatted, legally combined, or otherwise be provided legal access/frontage on a public street as approved by the Planning and Development Department.
7. The applicant shall contact the Street Transportation Department Michael Vellotti at (602) 495- 5463 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. Remove or abandon water/sewer lines as approved by the Water/Sewer Department.
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: 4/28/2022

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Benjamin Graff, Quarles & Brady, LLP, Applicant
Christopher DePerro, Abandonment Hearing Officer