



Abandonment – Complete Packet

Documents Include:

1. TRT 00078A Abandonment Application
2. TRT 00078B Abandonment Fees and Extensions Guideline
3. TRT 00078C Abandonment / Closure Process Flowchart
4. TRT 00078D Abandonment Sketch Sample
5. TRT 00078E Abandonment, Right-of-Way Petition



This application must be submitted to start the process to abandon any public rights-of-way and/or easements controlled by the city of Phoenix. A completed application must be submitted, together with a sketch of the area to be abandoned and the appropriate fee to the Planning & Development Department, 200 West Washington Street (2nd floor), Phoenix, Arizona 85003. For additional information, call (602) 256-3487.

Applicant: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Contact (If other than Applicant): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

APN# of Parcel(s) Adjacent to Requested Abandonment: _____

Name of Street(s) to be abandoned: _____

Location/Description of Alley(s) or Easement(s) to be Abandoned (please be specific):

Quarter Section #: _____ Zoning District: _____ Village: _____

Reason to Abandon (additional pages may be attached): _____

----- Staff Use Only -----

Abandonment #: _____ Folder #: _____ Total Abandonment Application Fee: \$ _____

Submittal Date: _____ Informal Abandonment (w/o hearing): \$ _____

Reviewed By: _____ Abandonment, Non-Single Family: \$ _____

Annexation Date: _____ Abandonment, Single Family: _____

City Council District #: _____ Complexity Fee \$ _____

Site Plan # (if applicable): _____ Appraisal Section Notified: Yes No N/A

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7811 or visit our website at <http://phoenix.gov/pdd/licensetimes.html>. This publication can be made available in alternate formats (Braille, large print, or digital media) upon request. Contact Planning & Development at (602) 262-7811 voice or (602) 534-5500 TTY.



Purpose

These guidelines establish the fees for the abandonment of public rights-of-way and/or easements including multiple rights-of-way and/or easements being considered in one application. They also establish the process and fees for extending an abandonment approval if not finalized within the stipulated time period. These guidelines are based on the Phoenix City Code, Chapter 31, Article V – Abandonment of Public Rights-of-Way and Appendix A.2, Part 11 – Civil Engineering Abandonment Fees.

Abandonment Fees

The abandonment process involves either a formal or an informal method for considering the feasibility of removing the public rights-of-way and/or easements from city of Phoenix jurisdiction. Fees charged for all abandonment applications are based on the method used. Additional fees will be charged based on the complexity of multiple abandonment requests being considered in one application.

A. One Abandonment Request on an Application

Formal Requires a public hearing to vacate previously purchased or dedicated right-of-way, either in full or part, subject to relocating utilities or retaining utility easements.

Any street or alley	\$1,930
Individual single family residential parcel	\$1,075

Informal Abandonment of previously dedicated easement. No public hearing required to vacate all or part of the easement. \$875

Abandonment Consideration Fee

Non-single family zoned ROW	the greater of \$500 or Fair Market Value (FMV) ¹ of abandoned right-of-way
Single family residential zoned ROW	\$1per sq. ft. for 1 st 500 s.f., \$0.10 per s.f. thereafter; or FMV of abandoned right-of-way, as determined by City ²

- Notes:** ¹ If the area to be abandoned is within or adjacent to an established redevelopment area, consideration may be given in determining the FMV.
² For the area to be abandoned, consideration may be given to the transfer of ongoing property maintenance responsibilities in determining the Abandonment Consideration Fee.

B. Complex and Multiple Abandonment Requests on the Same Application

A “complexity fee” shall be charged at the time of application for the abandonment of each additional right-of-way or easement considered for multiple abandonments submitted for the same site. The complexity fee shall be charged in addition to the formal or informal application fee that is due.

A complexity fee may also be added for extensive title and research as determined by the city of Phoenix Finance Department (Real Estate).

Multiple abandonment complexity fee	\$150 for each additional abandonment
Title and research complexity fee	\$150 per hour, minimum \$150 (1 hour), as determined by city Real Estate staff

If easements and/or rights-of-way are not connected, even on the same parcel, then separate application submittal fees will be assessed.

C. Appeal of Abandonment or Waiver to City Council \$1,050

Extension of Time on Abandonment Approval Process

The process followed for extending the time stipulated to complete an abandonment depends on whether a formal or informal approval process was used.

Formal

- The time stipulated in the public hearing to complete the stipulations of the abandonment application shall be met. If the time stipulation cannot be met by the applicant, then an extension of time may be requested.

- A request for an extension of time established in a public hearing shall be submitted to the Planning and Development Department in writing. The Planning and Development Department shall notify the public by posting the site and stating the request for an extension. All parties involved in the public hearing of the abandonment request shall be notified of the extension request by e-mail and requested to respond within 30 days.

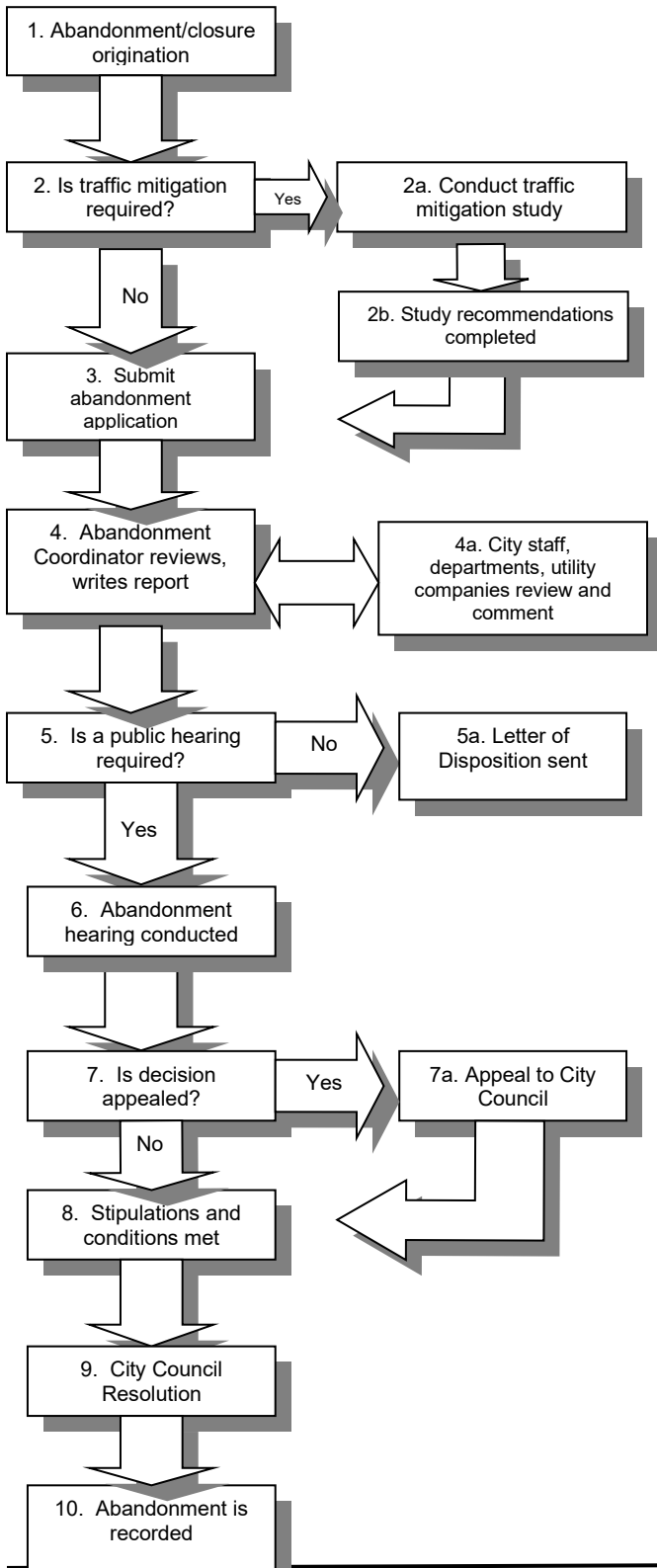
- The Abandonment Hearing Officer, upon review of the responses received regarding the requested time extension, shall approve or deny the request. If the request for an extension of time is approved, the time limit specified by the Abandonment Hearing Officer shall become final upon payment of the extension fee.

Informal

- A request for an extension of time for the abandonment of an easement(s) that is not reviewed in a public hearing shall be submitted to the Planning and Development Department in writing. The Planning and Development Department shall notify all parties involved in the abandonment case by e-mail and request that they respond with any comments within 30 days. If no comments are received, then a one year extension shall be granted upon payment of the extension fee.

Extension of Time on Abandonment Approval Fee

Extension of Time Fee \$300



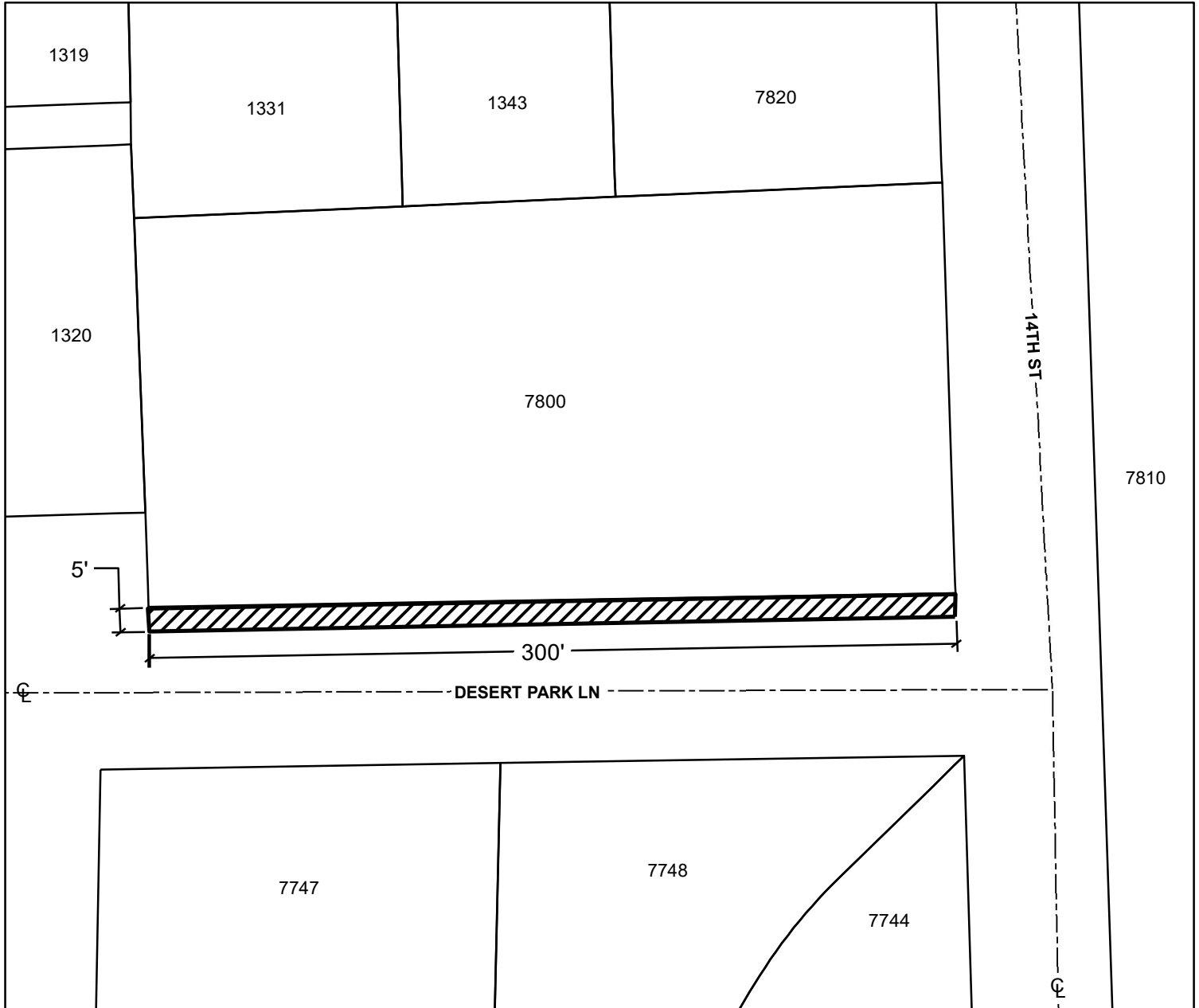
1. Abandonment or closure requests originate through a construction project, City department, neighborhood group, or an individual. Discussions begin with the Planning & Development Department.
2. Customer must meet with the Street Transportation Department. A traffic mitigation study will be conducted and recommendations made.

For a street closure, the customer must complete the recommendations made in the mitigation study. The abandonment or closure of a street or other dedicated right-of way requires the customer to file an application for a public hearing of the request.
3. Customer submits application at Payments & Submittal counter (2nd floor) Phoenix City Hall, 200 W. Washington.
4. The Abandonment Coordinator reviews the application for completeness. Copies are forwarded to appropriate city staff and utility companies for comments (must be returned within 30 calendar days). A consolidated staff report is created that includes a description and map of the request and the comments/recommendations received.
5. If no public hearing is required (easements that do not impact public access), a Letter of Disposition is sent to customer with decision and stipulations, if approved.
6. If a hearing is required, it is scheduled and conducted. Based upon information contained in consolidated staff report and testimony given at the hearing, a decision is rendered by a hearing officer. The request may be approved (often with stipulations), continued or denied.
7. The customer or aggrieved party may appeal the decision of the hearing officer to the City Council within fifteen (15) calendar days. If the appeal is not successful, the decision of the hearing officer stands.
8. The Abandonment Coordinator ensures that the stipulations and conditions of the approved abandonment or closure are met.
9. The abandonment or closure is adopted by the City Council at a public hearing.
10. The City Clerk Department forwards the abandonment or closure documents to Maricopa County for recording. Copies of the recorded documents and the City Council Resolution are retained by the City Clerk.

For more information or for a copy of this publication in an alternate format, contact Planning & Development at (602) 262-7811 voice / (602) 534-5500 TTY.



ABANDONMENT SKETCH (SAMPLE)



PROPOSED ABANDONMENT

	APPLICANT: _____	DATE SUBMITTED: _____
	ABANDONMENT TYPE: STREET <input type="checkbox"/> ALLEY <input type="checkbox"/> EASEMENT <input type="checkbox"/>	QUARTER SECTION: _____

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A signed right-of-way abandonment petition must be submitted when filing your abandonment application. Please read the entire form before signing. For additional information, contact the Planning and Development Department at (602) 256-3487.

We, as property owners, support the proposed abandonment for the following reasons:

- It will help to increase security,
- It will increase the buildable area of the lot(s),
- It will remove unnecessary right-of-way or easements to permit development of the property, or
- Other: _____

We, as property owners, understand that if there are public utilities located within the area to be abandoned, all right-of-way within the proposed abandonment area shall be retained as a public utilities easement (PUE) or as may be modified by the affected utility companies with 24-hour vehicle maintenance access. We further understand that no structure of any kind shall be constructed or placed within the easement except removable-type fencing and/or paving. Removable type fencing must not require the installation of footers within the PUE. No planting within the PUE unless approved by the City of Phoenix. **The affected utility company shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction.**

Or

We, as property owners, understand that we may choose to relocate all utilities affected by the abandonment. If we choose this alternative, we understand that we, as the property owners, would be responsible for the cost of relocating any affected utilities to locations approved by that utility company.

To ensure continued maintenance and repairs of the street, the public rights-of-way would be abandoned to the adjacent individual property owner(s) or a Homeowners Association where one exists. The Homeowners Association or adjacent individual property owners would assume all liability and maintenance cost of the abandoned public right-of-way and any improvements.

We, as the property owners, understand that if the abandonment of the public right-of-way is approved, the Homeowners Association (or individual property owners) shall purchase all streetlights from the City of Phoenix in the proposed abandonment area, or the Homeowners Association (or individual property owners) will be responsible for replacing them with private lighting. This will be done at no expense to the City of Phoenix. We also understand that the Homeowners Association (or individual property owners) will be responsible for and set up their own electric account with the proper electric company in order to assume the responsibility of payment of the electric costs.

We, as the property owners, understand that there may be additional costs incurred due to required improvements to provide code compliant entrances/gating, etc. Requirements may include, but are not limited to, gates, provisions for fire apparatus, dedicated right-of-way for required turnarounds, etc.

Any and all requirements and costs will be the responsibility of the Homeowners Association (or individual property owners). All required improvements within the proposed abandonment area, as required by the stipulations of the approved abandonment, will be completed at no expense to the City of Phoenix.

Per Phoenix City Code, Section 31-64 (e), **if** the request of abandonment is approved there will be a consideration fee due and payable after the Abandonment Hearing Officer's decision. Consideration fees are the costs associated with purchasing land within the abandoned right-of-way from the City of Phoenix and are calculated as follows:

Non-single family zoned right-of-way the greater of \$500 or Fair Market Value (FMV)¹ of abandoned right-of-way
 Single family residential zoned right-of-way \$1 per square foot for first 500 square feet, \$0.10 per square foot thereafter; or FMV of abandoned right-of-way, as determined by City²

Notes:

¹ If the area to be abandoned is within or adjacent to an established redevelopment area, consideration may be given in determining the FMV.

² For the area to be abandoned, consideration may be given to the transfer of ongoing property maintenance

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responsibilities in determining the Abandonment Consideration Fee.

Neighborhood Notification Petition Requirement (required prior to filing for abandonment)

One hundred percent of the property owners in and/or abutting the affected area, as determined by the Street Transportation Department, must be notified.

Street Abandonment Petition Requirement (signatures verified upon application for abandonment)

- One hundred percent of property owners abutting the proposed abandonment must sign the petition in support if four or fewer properties are immediately impacted.
- Two-thirds of the residential property owners or a majority of the commercial property owners abutting the proposed right-of-way abandonment must sign the petition in support if more than four properties are immediately impacted.

Compliance with the above petition requirement does not guarantee approval of the request. It only allows for the submittal of the Abandonment Application.

We, as the adjacent property owners, do hereby support the abandonment of: _____

as shown in the attached map dated _____

ADDRESS	LOT NO.	PRINT NAME	SIGNATURE

By abandoning the public right-of-way after all stipulations have been met, the City of Phoenix relinquishes its ownership and future obligations.