



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: February 2, 2021

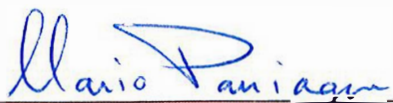
From: Alan Stephenson 
Planning and Development Director

Subject: ITEM 63 ON THE FEBRUARY 3, 2021 FORMAL AGENDA - PUBLIC HEARING/APPEAL OF HEARING OFFICER DECISION - ABANDONMENT OF RIGHT-OF-WAY - ABND 200534 – VARIOUS SEGMENTS GENERALLY LOCATED SOUTH OF JEFFERSON STREET AND NORTH OF HARRISON STREET (RAILROAD TRACKS) BETWEEN 7TH AND 13TH AVENUES

Item 63, is a request to hold a public hearing on an appeal of the Abandonment Hearing Officer's denial of a request to abandon right-of-way segments (ABND 200534) located south of Jefferson Street and north of Harrison Street (railroad tracks) between 7th and 13th Avenues. The Abandonment Hearing Officer denial was based on the finding that the right-of-way segments requested for abandonment were still necessary for use as public roadways. The Hearing Officer noted there are also legal concerns regarding the applicants stated purpose to trespass homeless persons. The Hearing Officer jurisdiction is also limited to an evaluation of excess right-of-way not larger area concerns about the impact of homeless individuals.

This memo provides additional information based on recent correspondence received from the Arizona Department of Administration (ADOA) regarding the request. The subject right-of-way segments fall within the boundaries of the Government Mall area as defined in Arizona Revised Statutes 41-1362. Section 34-225 of the Arizona Revised Statutes requires that the ADOA provide approval for all proposed development related actions on property within the Governmental Mall boundaries. The ADOA has submitted the attached letter stating that they do not intend to provide a letter approving the abandonment and its related stipulations. The City does not have the legal authority to abandon the rights-of-way in the Government Mall without the ADOA approval.

Approved:


Mario Paniagua, Deputy City Manager.

Attached: ADOA letter dated January 28, 2021.

Douglas A. Ducey
Governor



Andy Tobin
Director

ARIZONA DEPARTMENT OF ADMINISTRATION

OFFICE OF THE DIRECTOR
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PHOENIX, ARIZONA 85007
(602) 542-1500

January 28, 2021

Alan Stephenson
City of Phoenix
Planning and Development Director
200 West Washington Street
Phoenix, AZ 85003

Re: Right of Way Abandonment ABND Application 200534

Dear Mr. Stephenson:

Thank you for the discussion of the foregoing referenced Application this past Tuesday, January 27, 2021. The Arizona Department of Administration (ADOA) understands that the Application was previously denied by the City Planning and Development Abandonment Hearing Officer and that the Applicants have appealed the matter to the City Council, which is set to hear the appeal on February 3, 2021.

ADOA is briefed on the matter and understands that the Hearing Officer recommends the City Council deny the Abandonment Application; however, in the case of the City Council's approval of the Abandonment Application the Hearing Officer recommends six (6) stipulations assigned to this Application, including the stipulation that pursuant to Arizona Revised Statutes Section 41-1362, the ADOA shall provide a written approval of the abandonment and all related stipulations prior to completion of the abandonment.

The ADOA does not intend to provide a statement approving the abandonment and its related stipulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy M. Tobin".

Andy Tobin
Director

cc: Elizabeth Thorson, Deputy Director, ADOA
Nicole Sornsin, General Counsel, ADOA
Nola Barnes, Assistant Director, General Services Division, ADOA
John Hauptman, General Manager, Planning and Construction Services, ADOA
Jan Caldera, Capital Planner, ADOA