



In accordance with Section 31-70, Article V of the City Code, the decision of the Abandonment Hearing Officer regarding the abandonment of public rights-of way may be appealed. Any decision of the Abandonment Hearing Officer shall be considered final unless a person aggrieved thereby, files a written Notice of Abandonment Appeal with the Planning & Development Department within fifteen calendar days after the decision is made. The completed abandonment appeal form and filing fee\* must be submitted to the Planning & Development Department, Check-In/Information Counter, located at 200 West Washington Street, 2nd floor, Phoenix, Arizona 85003.

**\*All fees are pursuant to the current Fee Schedule contained in Appendix A.2. of the Phoenix City Code.**

Appellant's Name: Kate Melendres  
Address: 5507 E Calle Del Paisano City: Phoenix State: AZ Zip: 85018  
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Affiliation: \_\_\_\_\_

Appeal to City Council

Be specific as to what you are appealing. Include the rationale for your appeal. Attachments may be included.

Abandonment # **ABND** 250049 Date Heard: February 12, 2026

Located at approximately: City of Phoenix WebEx Virtual Hearing

Abandonment Hearing Officer:  Approved  Denied

Appealing Decision: Conditional Approval of Abandonment ABND 250049

Appealing Stipulation: Stipulation 1 - Utility relocation or retention of rights-of-way as public utility easement with 24-hour access.

Appealing Stipulation: Stipulation 4 - Requirement to retain a 16-foot easement for public utility, refuse collection, pedestrian, and emergency access.

Appealing Stipulation: Stipulation 5 - Sewer easement requirements and restrictions on structures, and all stipulations related to long-term enforceability and access.

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Received By: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Date: \_\_\_\_\_  
Reviewed By: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Date: \_\_\_\_\_

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 [Licensing Time Frames | City of Phoenix](#). 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.

April 2, 2026

To Whom It May Concern,

I hereby submit this written **Notice of Appeal** regarding the Conditional Approval of Abandonment ABND 250049, issued by the Abandonment Hearing Officer on March 11, 2026 on behalf of myself, as well as several neighboring property owners.

Pursuant to the applicable provisions of the Phoenix City Code, I am formally appealing the decision and request that this matter be reviewed by the appropriate authority.

This appeal is based on concerns related to the stipulated conditions of approval, including their adequacy, clarity, and long-term enforceability, as further outlined in the accompanying Statement of Basis for Appeal.

Please accept this Notice of Appeal along with the completed Abandonment Appeal Application and supporting materials, which are attached.

Thank you for your consideration.

Sincerely,

Kate Melendres  
5507 E. Calle Del Paisano  
Phoenix, AZ 85018

[kmelendresesq@gmail.com](mailto:kmelendresesq@gmail.com)

(608) 712-6310

April 2, 2026

**Statement of Basis of Appeal: ABND 250049**

To Whom It May Concern:

This appeal is submitted on behalf of multiple nearby property owners in response to the conditional approval of Abandonment ABND 250049 and is specifically based on concerns regarding the adequacy, clarity, and long-term enforceability of the stipulated conditions of approval.

As residents whose properties rely on the continued function of this alley for access, service, and connectivity, these concerns reflect the shared impacts experienced by multiple households in the immediate vicinity.

The approval relies heavily on multiple stipulations intended to preserve public access, utility function, and neighborhood connectivity within the proposed abandonment area, including the requirement to retain a sixteen (16) foot-wide easement for public utility, refuse collection, pedestrian access, and emergency vehicle access, as well as requirements to maintain unobstructed access and prohibit structures within the easement area.

While these stipulations are intended to mitigate impacts, several concerns remain:

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**1. Reliance on ongoing compliance and enforceability**

The effectiveness of the approval depends on continuous adherence to stipulations such as maintaining unobstructed access and restricting improvements within easement areas. Once the right-of-way is abandoned and conveyed to private ownership, enforcement of these conditions may become complaint-driven and difficult to ensure over time, creating risk for surrounding properties.

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**2. Functional dependence on retained easements**

The number and scope of required easements—including public utility, refuse collection, pedestrian, and emergency access—indicate that the alley continues to serve essential public and service functions. The need to preserve these functions through stipulations suggests that the underlying right-of-way may still be necessary in practice.

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### **3. Potential conflict with utility access requirements**

Comments from utility providers, including objections related to maintenance access and infrastructure constraints, raise questions about whether the stipulated easement configuration will adequately support long-term utility access without conflict or obstruction.

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### **4. Lack of clarity regarding permanence and enforcement mechanisms**

It is unclear whether all stipulations will be permanently recorded against the property and binding on future owners, and what specific enforcement mechanisms will be in place to ensure compliance over time.

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### **5. Request for verification of alley dimensions and configuration**

Given the importance of maintaining adequate access, circulation, and service functionality, the appellant requests a formal review and verification of the existing and proposed alley dimensions, including width, turning radii, and any impacts to adjacent segments. This is particularly important to ensure that the remaining alley configuration meets applicable City standards and does not create unintended constraints or safety concerns. It is unclear whether the photo and measurements contained in the approval letter are accurate as that segment of the alley may not measure the full width contained in the application.

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### **6. Segmentation of the abandonment request and precedent concerns**

The proposed abandonment isolates a portion of the alley. This segmented approach limits the number of abutting property owners required to consent, while still impacting broader neighborhood access, circulation, and functionality.

Allowing abandonment of isolated segments in this manner may establish a precedent for incremental or piecemeal reductions of public right-of-way, potentially undermining the integrity of the overall alley network and limiting future consideration of cumulative impacts.

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## **Conclusion**

Given these concerns, the current stipulations may not sufficiently protect long-term public access, utility functionality, and neighborhood connectivity.

The appellant respectfully requests that the decision be reconsidered or, in the alternative, that the stipulations be strengthened to ensure they are clearly defined, permanently recorded, and effectively enforceable for the protection of surrounding properties.

The intent of this appeal is to ensure that any approval fully protects long-term neighborhood access, safety, and infrastructure reliability.

Sincerely,

Kate Melendres

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