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January 24, 2024

Phoenix City Council
200 West Jefferson Street
Phoenix, Arizona 85003

Formal Appeal of Stipulation Three in Abandonment #230055

Dear Phoenix City Council,

On behalf of 9th and Jackson Real Estate Holding LLC, Greenman Law submits this Abandonment Stipulation Appeal for stipulation three of ABND 230055. The stipulation reads as follows: "This abandonment request shall not be completed and conveyed in fee title until such time that the additional ROW for Harrison Street between 7th Avenue and 9th Avenue is also abandoned through a separate abandonment case. Both cases, upon receiving conditional approval, must be finalized by Council concurrently."

The right of way in question, as per ABND 230055, is immediately south of parcels addressed at 317 South Ninth Avenue (APN: 112-05-026B) and 314 South Seventh Avenue (APN: 112-05-128). The requested abandonment area is approximately 60 feet deep and 590 feet wide, as depicted in Exhibit A. Stipulation three requests an additional 25 feet of right of way (Harrison Street) south of the original request to be abandoned through a separate case for the approval of ABND 230055.

We appeal this stipulation due to the unique circumstances surrounding this right of way, particularly that the right of way is atypical and encumbered by railroad lines. The City's request in the third stipulation involves two railroad companies on the southern side of the right of way, who have used the land freely for over 100 years, to apply for the abandonment, repurchase the right of way from the City, and then continue usage. It is unlikely that they will comply. Furthermore, abandoning the requested 25 feet will not alter the functionality of the area.

Given the exceptional nature of the rights of way in this area and the challenges posed by the railroads, we request a reconsideration of the stipulation. We believe this case presents a unique set of circumstances warranting an exception to the standard procedure. This stipulation would be better suited for usable, traversable roadways, whereas the current rights of way are encumbered by railroad lines. We appreciate your attention to this matter and seek a fair and reasonable resolution considering the specific challenges faced in this abandonment request.

Thank you for your time and consideration. We look forward to discussing this request in more detail at our scheduled hearing date. Please refer to the attached exhibits, and feel free to contact me with any questions.

Sincerely,



Jordan Evan Greenman
Greenman Law



EXHIBITS ATTACHED BELOW:

- **EXHIBIT A – Original Abandonment Exhibit for 60 Feet**
- **EXHIBIT B – Stipulation Three Request**
- **EXHIBIT C – Current Aerial Photograph**

[illegible]

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EXHIBIT B – Stipulation Three Request

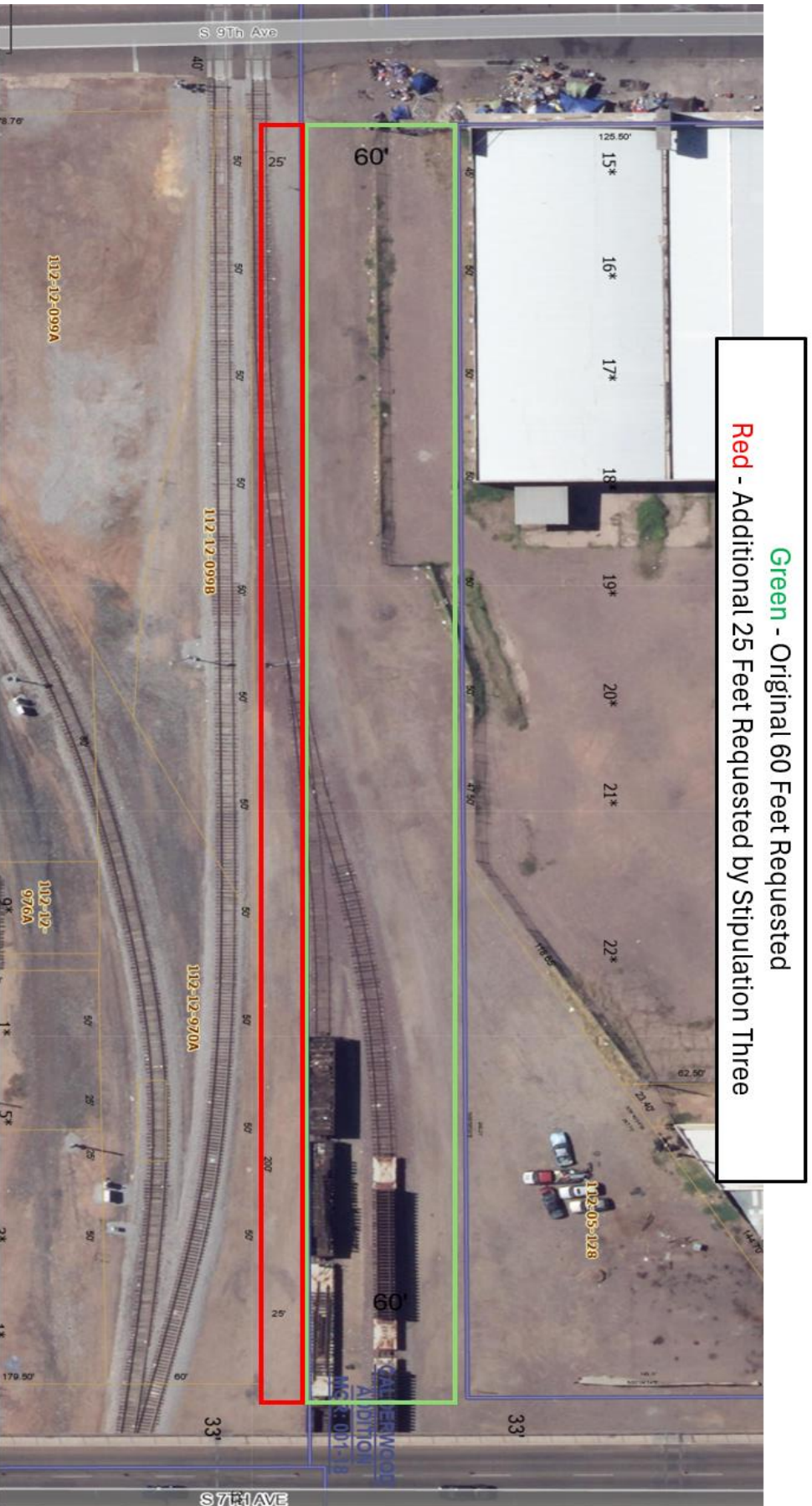


EXHIBIT C – Current Aerial Photograph

