




**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Lori Bays  
Assistant City Manager

**Date:** March 23, 2026

**From:** Joshua Bednarek   
Planning and Development Director

**Subject:** BACKUP TO ITEM 72 ON THE MARCH 25, 2026, FORMAL AGENDA – PUBLIC HEARING - ABANDONMENT APPEAL OF RIGHT-OF-WAY - ABND 250040 - ALLEY SOUTH OF LAFAYETTE BOULEVARD AND WEST OF NORTH 54TH COURT

Item 72 is a Public Hearing - Abandonment Appeal of Right-of-Way - ABND 250040 - Alley south of Lafayette Boulevard and west of North 54th Court. The appellant is the original applicant for the abandonment and is appealing the Hearing Officer's denial of the request to abandon the east 20 feet of the 45-foot right-of-way lying westerly of lot 19, APN 112-05-016A.

The Abandonment Hearing Officer heard this request on March 13, 2025, and took it under advisement. The Hearing Officer took the request out from under advisement on May 15, 2025, and rendered a decision of denial. During testimony given to the Hearing Officer, citizens stated that they used the alley and required access. The applicant filed an appeal of the Hearing Officer's decision on May 30, 2025.

Since the decision of the Hearing Officer was made, staff have learned that the applicant and the affected citizens have both stated that the access issue can be addressed by the applicant providing a private easement to the affected citizens, ensuring that their use would not be cut off.

Should the City Council choose to overturn the Hearing Officer's denial and approve a modified abandonment along South Lafayette Boulevard, the following conditions and stipulations should be applied:

All stipulations must be completed within two years from the City Council's decision.

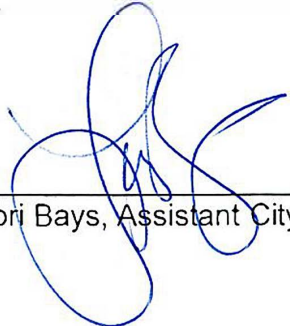
1. Either a or b shall be complied with:
  - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.
  - b. All rights-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. Applicant shall submit and obtain City approval of a legal description of the abandonment area prior to City Council approval of ABND 250040.
4. No right-of-way within 25-feet of the 54th Court monument line shall be abandoned.
5. The applicant shall close the alley entrances on 54th Court with new curb, gutter, sidewalk and incidentals. The entrance may remain if approved by the Street Transportation Department.
6. The applicant shall ensure that the 16-foot alleyway between lots #266-270 and lots 3,4,7,8, and between lots #1-3, shall be retained as a sewer easement or as may be modified by the affected utilities with 24hr maintenance access subject to the following standard stipulations:

No structure of any kind and/or block wall shall be constructed or placed within the easement except removable type fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix 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.

7. A cross-access easement over the abandonment area shall be retained for the properties abutting the abandonment area, as approved or modified by the Planning and Development Department.
8. All stipulations must be completed within two years from the City Council's decision.

Approved:

  
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Lori Bays, Assistant City Manager