



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Mayor and City Council

**Date:** September 17, 2025

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

**Subject:** ITEM 80 ON THE SEPTEMBER 17, 2025, FORMAL AGENDA -PUBLIC HEARING - ABANDONMENT APPEAL OF HEARING OFFICER DECISION - ABND 250004 - 817 W. MADISON STREET

Item 80 is a Public Hearing - Abandonment Appeal of Hearing Officer Decision - ABND 250004 - 817 W. Madison Street. 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. The applicant filed an appeal to the Hearing Officer's decision on May 30, 2025. Councilwoman Anna Hernandez organized several meetings with representatives from the Planning and Development Department, Street Transportation Department, and the applicant. As a result of those discussions, the applicant has proposed to reduce the requested abandonment area along 9th Avenue from 20 feet in width and 125 feet in length to 14 feet in width and 125 feet in length. The remaining 6 feet of right-of-way would be retained by the City for a sidewalk. The applicant also expressed a willingness to install structured shade along the edge of their development to address the lack of space for landscaping between the curb and the sidewalk.

Should the City Council choose to overturn the Hearing Officer's denial and approve a modified 14-foot wide abandonment along 9th Avenue, the following conditions and stipulations should be applied:

Approval of a modified abandonment request that shall be limited to a 14-foot wide by 125-foot long portion of the subject right of way from the property line adjacent to the applicant's parcel. The remaining 6 feet of right of way shall be retained by the city for continued use and access. This modified abandonment is contingent upon the applicants satisfying the stipulations below:

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. The applicant shall be responsible for providing all necessary sealed legal descriptions and sealed legal description exhibits reflecting the revised abandonment area, subject to review and approval by the appropriate City Departments prior to City Council approval of ABND 250004.
4. The applicant will develop and receive the necessary approvals from the Street Transportation Department and the Planning and Development Department to provide a minimum of 75% shade for the sidewalk along 9th Avenue. Structural elements that cantilever over the sidewalk may be considered to meet the minimum shading requirements.  
  
For structural shade to be considered, it shall be attached to the building, designed in a way that is removable, and may not encroach more than 2 feet from the back of curb. Final site plan approval is contingent on the applicant obtaining a revocable permit from the Street Transportation Department for any proposed structural shade that encroaches within the right of way.
5. All stipulations must be completed within two years from the Abandonment Hearing Officer's decision.

Approved:

  
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Alan Stephenson  
Deputy City Manager

9/17/25