

ATTACHMENT B



City of Phoenix

Planning and Development Department

DENIAL – ABND 250004

Your abandonment request was **DENIED** by **Craig Messer, Abandonment Hearing Officer**.

A summary of the hearing, and the Hearing Officer's findings and rationale, are included in this letter.

You have the right to appeal this decision to City Council if an appeal application is received by the Planning and Development Department within 15 calendar days of this decision (latest appeal date: May 30 2025). Please contact the Abandonment Coordinator, Dru Maynus, at (602) 262-7403, or abandonments@phoenix.gov, for questions regarding appeals.



City of Phoenix

Planning and Development Department

May 15, 2025

Preliminary Abandonment Staff Report: **ABND 250004**

Project# **05-205**

Quarter Section: **10-26**

District#: **7**

Location:

The east 20 feet of right-of-way lying westerly of 817 West Madison Street

Applicant:

Greenman Law / Jordan Greenman

Request:

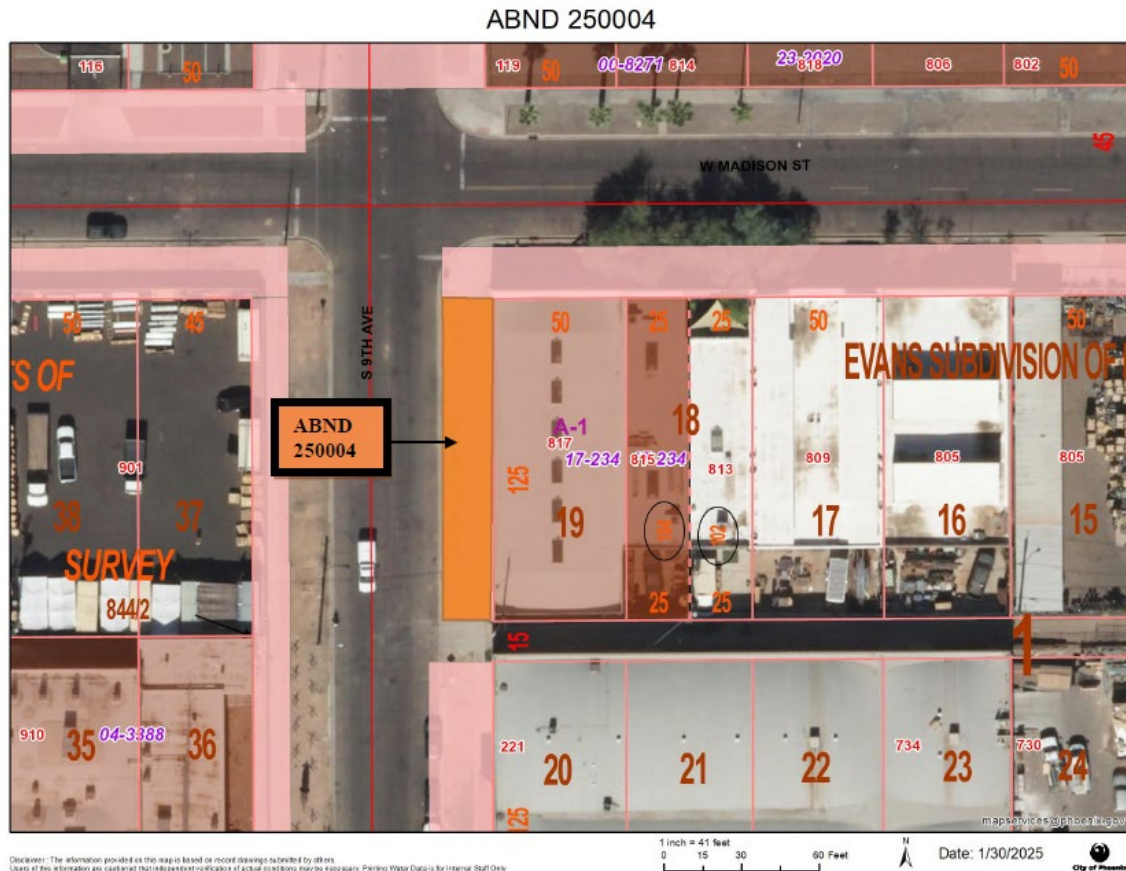
Request to the east 20-feet of the 45-foot right-of-way lying westerly of lot 19, Block 1, Neahr's Addition APN 112-05-016A.

Purpose of request:

Applicant states the right-of-way abandonment will allow for the redevelopment of the abutting parcel.

Hearing date:

**March 13, 2025
TAKEN OUT FROM UNDER
ADVISEMENT AND DENIED ON May 15,
2025**



City Staff Research

City Staff research shows that the 9th Avenue 90-foot right-of-way was dedicated on January 25, 1900 by the Evans Subdivision of Block 29 Nearh's Addition Subdivision Plat under Book 2, Page 77 of the Maricopa County Recorder. If abandoned, the 9th Avenue 20-foot-wide right-of-way would be conveyed back to the abutting property owner.

City Staff Comments

This request was routed to various City departments for their recommendations. Listed below are the responses from each department.

Street Transportation Department – Josh Rogers

The Street Transportation Department has reviewed the attached abandonment application and has the following:

Comments:

The Capitol Mall is a distinct area within the City of Phoenix. Under the planning oversight of the State of Arizona, the area serves multiple purposes including housing the State Capitol, governmental offices, industrial and commercial businesses, and historic residences. As is typical in urban settings, the open space within the Capitol Mall consists of both private and public properties. Enhanced streetscapes along the public street network play a vital role in the urban open space environment, improving its functionality and accessibility for the public.

Originally platted as one of Phoenix's first subdivisions during Arizona's territorial period, the Capitol Mall features rights-of-way's historically wider than typical city street cross-sections. Like other urban districts near downtown, local roadways are designed to accommodate a diversity of public and pedestrian uses, necessitating a broader streetscape than what is typical for local roads.

Furthermore, modifications to the streetscape within the Capitol Mall District must be part of a coordinated planning effort with the State of Arizona, City of Phoenix, and area stakeholders. As such, the City of Phoenix Street Transportation Department does not support standalone modifications.

Given the historic nature of the district's street cross-sections, their intended function within an urban area, and the absence of a unified streetscape modification plan, the Street Transportation Department **does not support** the proposed abandonment of the 9th Avenue right-of-way.

Should you have any questions regarding these comments, please contact me at Joshua.rogers@phoenix.gov.

Street Transportation Utility Coordination Department– Andrea Diaz

The Street Transportation Department Utility Coordination section has no comments

PDD Traffic Department – Derek Fancon

Recommend denial of the 20-foot right-of-way. 9th avenue is offset to the ease, so abandoning 20-feet will bring the right-of-way to the back of curb, leaving no room for the sidewalk. However, Traffic would recommend approval of the abandonment of 10-foot right-of-way so long as the sidewalk is relocated.

PDD Planning Department – Dru Maynus

Capitol Mall Overlay District - The abandonment request is located within the Capitol Mall Overlay District per Section 646 of the City of Phoenix Zoning Ordinance. The purpose of Capitol Mall is prevent a concentration of certain uses which can restrict businesses and residences from functioning normally and contributes to the deterioration of the business and living environment the downgrading of property values, and the diminishment of health, safety and general welfare conditions in the area. Further the intent of the district is to protect existing residential and non residential uses from negative impacts caused by a concentration of specified uses and to prohibit the addition of certain uses and restrict the addition of certain other uses which have negative impacts on the area. Please be sure that the intended use of your development is consistent with the permitted uses of Section 646.

Governmental Mall Notification Area - To add, the abandonment site is located within the Governmental Mall Notification Area, thus, meaning is part of the Arizona Government Mall Master Plan. The Master plan was adopted by the State Legislature; therefore, indicating that the site is governed by the State of Arizona. Because of this all-development activity within the area must first obtain approval from the Arizona Department of Administration (AZDOA). Please contact Ruben Duran with AZDOA to start this process. Ruben can be contacted at 602-397-1350 or ruben.duran@azdoa.gov.

Railroad - Please note that if you plan on obtaining any building permits a "Notice of Railroad

Proximity Disclosure” is required. This document will be provided during Site and Civil reviews or when building plans are logged in.

Federal/State Superfund - This property is located in a Federal Superfund or State Superfund site. The customer can obtain information by going to the Arizona Department of Environmental Quality (ADEQ) website located at https://www.azdeq.gov/NPL_Sites [azdeq.gov] for Federal Superfund sites or <https://www.azdeq.gov/WQARF> [azdeq.gov] for State Superfund sites. ADEQ can also be reached by phone at 602-771-4410 for Superfund or State Superfund sites. The City of Phoenix Office of Environmental Programs can be reached at 602-256-5669.

Future Light Rail - The abandonment area is located within a future light rail corridor. Please contact the office of Customer Advocacy (OCA) at 602-534-7344 for more information.

Since the abandonment request has not received approval from AZDOA, the Site Planning Division currently **does not recommend approval** of the abandonment request.

ADOA – General Services Division – Joel Carrasco

Prior to approval of ABND 250004 the applicant needs to contact Ruben Duran with AZDOA to obtain approval of the abandonment request.

Office of Customer Advocacy – Renee Blakley

Although the property is near future expansion, it is more than a block away. The requested area of ABND 250004 is not located on a street directly adjacent to a planned light rail extension and will not have a negative impact to future light rail expansion.

Streetlights – Jason Fernandez

Recommend approval with the following comment:

1. Page 2 of ABND narrative paragraph 1, line 2 thru 4, sentence 2, references "The proposed abandonment will enable the property owner to relocate existing sidewalks and re purpose the land to better serve the community." Future sidewalk relocate and re-purpose will require new streetlight / pedestrian lighting review and construction at owners expense.

Solid Waste – Megan Sheets

Approved.

Water Services – Don Reynolds

WSD has NO stipulations for this Abandonment.

PDD Village Planner – Samuel Rogers

1. Staff has concerns regarding the request.
2. The Capital District Development Guidelines state: "For the safety and comfort of pedestrians, sidewalks should be separated from traffic by an 8-foot width. This 8-foot buffer may include landscaping, a bicycle lane, and/or on-street parking." The proposed abandonment would eliminate this buffer, reducing walkability and compromising pedestrian safety.
3. The Government Mall Master Plan identifies Madison Street as a proposed secondary bike route. The proposed abandonment would negatively impact bicycle infrastructure and pedestrian accessibility in the area.
4. The Government Mall Master Plan includes the following goals:
 - a. "Preserve, revitalize, and enhance the iconic and historical character of the area

- through design guidance and enhanced public infrastructure; and"
- b. "Foster an implementable approach to the development of iconic, vibrant, day-and-night mixed-use activity centers serving residents and visitors to the area."

The proposed abandonment does not support these goals, as it would not enhance public infrastructure nor preserve the historic character of the area. Furthermore, reducing pedestrian and bicycle accessibility would create a less comfortable streetscape for residents and visitors

PDD Civil Department – Rachel LaMesa

Civil Division recommends approval without stipulations.

Public Transit Department – Skitch Kitchen

The Public Transit Department has no comment on this project.

Utility Comments

The request was also routed to outside utility companies for their input. Listed below are the responses from each utility.

Cox – Zach Lawson

I have reviewed the abandonment request at **ABND 250004 APN 112-05-016A 817 W MADISON ST**, in Phoenix, {Maricopa County}, AZ. Based upon the supplied drawings/exhibits that you've submitted it has been determined that COX has no facilities within the easement and therefore we approve your request to abandon.

Please note that although Cox Communications approves this abandonment, we do so with the understanding that we will not assume any construction, relocation and/or repairs costs associated or in result of this abandonment.

Southwest Gas – Susan R. Mulanax

After reviewing your request, it has been noted that we have a main gas line running in the area proposed. Please contact Conflict Review at (480) 730-3843 to discuss and review your request further.

Arizona Public Service – Darianna Arias

Not within APS's service territory.

CenturyLink – Bill Paul

Quest Corporation d/b/a CENTURYLINK CQ ("CenturyLink") has reviewed the request for the subject abandonment request and has determined that in order to protect its facilities, CenturyLink must deny the request at this time.

If you would like to discuss possible alternative resolutions to this abandonment request, please contact Bill Paul 727-449-3544 or bill.paul@lumen.com..

Salt River Project – Michael Laguna

Salt River Project has no objection to the abandonment of the east 20 feet Right-of-Way as shown in the abandonment package. This is in an Arizona Public Service serving area.

Hearing Officer Decision and Findings

I have concluded that the ROW requested for abandonment is still necessary for public use and therefore have DENIED this request.

Additional details are provided below.

1. Requirements for Disposition of Public Rights-of-Way (ROW). In considering this request, this Hearing Officer has had to examine whether the ROW requested for abandonment is, in fact, no longer necessary for public use as roadways. The following two definitions in Section 31-63 of the City Code are important to this analysis:

• **Abandon, abandoning, and abandonment:** Any one of the methods set forth in Section 31-64 whereby the City Council may dispose of roadways or portions of roadways ***no longer necessary for public use as roadways***.

• **Roadway:** All or ***part*** of any platted or designated public street, highway, alley, lane, parkway, avenue, road, ***sidewalk, public utility easement, or other public way***, whether or not it has been used as such. (italics added for emphasis)

Any interested party has the right to appeal this decision to City Council. An appeal application must be received by the Planning and Development Department within 15 calendar days of this decision (latest appeal date: May 30, 2025).

Please contact the Abandonment Coordinator, Dru Maynus, at (602) 262-7403, or abandonments@phoenix.gov, for questions regarding appeals.



Hearing Officer Signature: _____ **Date:** May 15, 2025

REPORT SUBMITTED BY: Dru Maynus, Abandonment Coordinator.

cc: Greenman Law, Jordan Greenman, Applicant
Craig Messer, Abandonment Hearing Officer

If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S. §36-1471 ET.SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.