SUBJECT 7.2 Right-of-Way Abandonment	**City of Tempe** **ENGINEERING** **POLICY**
POLICY NUMBER 7.2	
EFFECTIVE DATE March 26, 1987	
REVISED DATE February 25, 2014	**APPROVED BY** Andy Goh, Deputy PW Director – City Engineer

A property owner, developer, or agent may request abandonment of public rights-of-way (street, alley, or public utility easement) through the Land Services Section. The Council policy and State law requirements are to sell surplus property, including rights-of-way for fair market value.

A. The request for abandonment shall include:

1. One non-refundable processing fee per each abutting property owner and the reason for the proposed abandonment (see Appendix A – Fee Schedule; scroll to Streets and Sidewalks - Code Section 29-19 and the fee amount is listed under Encroachments, Abandonments, and Other Activities in the Public Right-of-Way at http://www.tempe.gov/Modules/ShowDocument.aspx?documentid=8764)

2. The street or location address of the proposed abandonment.

3. The legal description of the proposed abandonment.

4. A scale drawing of the right-of-way, street, alley, and/or easement to be abandoned. Individual legal descriptions and maps prepared for each abutting property by a Registered Land Surveyor will be required prior to placement on the Council agenda.

5. The assessor parcel number.

6. An agreement in writing to relocate, construct, or reconstruct fences, sidewalk, water lines, sewer lines, curb and gutter, and such other improvements as required in compliance with the City sidewalk, curb and gutter standards.

B. Processing procedure of a written request for abandonment by the Public Works Department shall include:

1. The written request for abandonment shall be checked for compliance of required data.

2. Land Services staff will prepare a location map of the area proposed to be abandoned showing abutting properties and a vicinity map, if necessary.

3. Land Services staff will prepare a memo, on an established form, stating the reasons for the requested abandonment and attach it to the aforementioned map. The memo shall then be forwarded to all public utilities, City departments, and agencies serving the proposed abandonment area to request their review and comments.

C. Posting of the proposed abandonment request:

1. When the notice of proposed abandonment has been sent to the forenamed agencies and City departments, a notice of the said proposed abandonment should be posted at the subject location prior to the public hearing.

D. Preparation of the proposed abandonment for Council action:

1. When the memos sent to public agencies and City departments have been returned and evaluated along with any comments received from posted or other public notice, a recommendation will be formulated.

2. In the event that the recommendation is to proceed with the abandonment, the abutting property owners shall select an appraiser from the City's approved list to establish the fair market value.

3. Once a cashier's check in the amount of the fair market value has been presented to the Land Services Manager, a brief Staff Summary Report with the City staff recommendation is then prepared for the signature of the Public Works Director and then attached to the ordinance for placement on an upcoming City Council agenda.

4. The party requesting the abandonment shall be notified in writing of the date, time, and place that said request will be heard by the City Council.

E. City Council

1. The City Council may or may not, at its sole right and option, elect to sell or abandon rights-of-way for a sum equal to the present fair market value.

2. If the ordinance is adopted by Council, it shall be recorded in the Office of the Maricopa County Recorder.

3. Upon receipt of the recorded ordinance, the said ordinance will be copied with one copy retained in the Land Services file and the original ordinance forwarded to the City Clerk's office for record retention.

F. Mapping Updates

1. Land Services staff will make the appropriate updates to the Tempe Geographic Information System (TGIS).