



Right-of-Way Abandonment

PROCESS GUIDE & APPLICATION

City of Buckeye
Development Services Department
530 East Monroe Avenue
Buckeye, Arizona 85326

Phone: 623.349.6211

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www.buckeyeaz.gov

**APPLICATION PROCEDURES
ABANDONMENT****Important Information:**

- **The City of Buckeye now accepts all submittals/resubmittals and payments electronically. Please follow process on the Planning and Zoning Webpage. Resubmittals can be directed to your assigned planner rather than to the general submittal contact.**
- The Right-of-Way Abandonment process is derived from A.R.S 28-7205 as well as City of Buckeye Municipal Code Chapters 7 (1.6.2, 8.8.2.D) and 20 (20-1, 20-16-2, 20-16-3).
- The Right-of-Way Abandonment fee is \$1,100 and was approved by City Council in the Development User Fee Schedule Effective July 1, 2018.
- Right-of-Way means land, whether or not improved or accepted for maintenance, which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for the public and occupied or intended to be occupied by a street, highway, alley, public utility, pedestrian walkway, bikeway, drainage, curb, gutter, driveway, railroad, electric transmission line, oil or gas pipeline, water lines and facilities, sanitary or storm sewer lines and facilities, effluent lines and facilities, or for another public use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and are not included within the dimensions or areas of such lots or parcels.
- Right-of-Way Abandonment is the process by which the City of Buckeye gives up its public interest in public roadways. These roadways may have been obtained through subdivision plats, deeds, easements, and reservations and may be called streets, alleys, rights-of-way, roadway easements, and roadway reservations. All of these forms of roadways are typically recorded in Maricopa County Records' Office as a matter of public record. The common element of these roadways is that they all contain roadway rights in favor of the City of Buckeye (general public). Abandonment releases the publically held interest in a roadway including but not limited to the right to access, build roads, bridges, sidewalk, curbs, and gutters, drainage facilities and utilities. Abandonments typically occur when a property owner wishes to eliminate the public interest in a public roadway, alley or easement affecting, or adjacent to their property. Once abandoned, the roadway becomes part of the adjacent property from the centerline to each abutting property with the property's respective zoning district.

ABANDONMENT

April 2020

The following information is provided to assist in the preparation and submittal of an application for a Right-of-Way Abandonment within the City of Buckeye.

1. *Application Filing* – For an application to be accepted, the applicant must provide all of the required information described on the submittal checklist at the time of formal submittal. It shall be the responsibility of the applicant to ensure the accuracy and completeness of the request. Applications received after 4:00 p.m. will be processed the next business day. Incomplete applications will NOT be accepted.
2. *Staff Review* – Once a complete application is received and processed, the submitted information will be assigned to a Planner and routed to appropriate City Departments including Public Works, Engineering, Community Services, Water, Police, and Fire and agencies for review/comment. After the 1st review (approx. 16 business days), the assigned Planner collects and consolidates the comments, which are then returned to the applicant. Any technical questions should be addressed with the assigned Planner who will facilitate any needed communications or meetings with the appropriate City Departments. The applicant is then responsible for addressing the comments and submitting revisions as needed. Upon resubmittal, the staff review process will begin again albeit at an expedited pace (approx. 8 business days). In some cases, it is necessary to have several resubmittals before moving the request forward in the process.
3. *Notification* – After the first review, the applicant as advised by the assigned Planner shall notify all abutting property owners and all applicable utilities, HOAs, etc. with a copy of the application materials and obtain their written support for the abandonment. The support letters and an Affidavit of Notification shall also be submitted to the Assigned Planner.
4. *City Council Review* – Once all staff comments have been addressed and the required notification has been satisfied, the assigned Planner will schedule the request for a City Council meeting and prepare a report and resolution describing and evaluating the proposal and making a recommendation for action. Council at a public meeting, taking into consideration staff recommendation, will approve, approve with conditions, or deny the request. If approved, the legal documents and City Council Resolution will then be recorded by the City and the official zoning map will be revised.
5. *Inactive Cases* – All applications need to be actively pursued to a decision. If the City has completed any and all appropriate reviews and no activity has occurred for the continued processing of the application for at least for one hundred eighty (180) days, the application will be considered inactive, deemed to be withdrawn, and the file will be closed.

SUBMITTAL CONTENT REQUIREMENTS

1. **Application** (completed and signed)
2. **Fee Worksheet with appropriate fee**
3. **Legal Description and Exhibit for the Abandonment** – A recordable legal description and exhibit shall be prepared by an Arizona Registered Land Surveyor.
4. **Current Title Report**

Abandonment – 1st Submittal Checklist

(Please provide original list with formal submittal)

	Applicant Checklist	Staff Verification
<u>REQUIRED MATERIALS</u>		
Application	<input type="checkbox"/>	<input type="checkbox"/>
Completed Fee Worksheet with Appropriate Fee	<input type="checkbox"/>	<input type="checkbox"/>
Exhibit with legal description	<input type="checkbox"/>	<input type="checkbox"/>
Current Title Report	<input type="checkbox"/>	<input type="checkbox"/>

Subsequent Submittals:

- Submit Affidavit of Notification and written letter of support/s to the Assigned Planner

DOCUMENT RECORDATION REQUIREMENT CHECKLIST

All items listed below must be adhered to or our request to record the document will be rejected by the Maricopa County Recorder's office:

- All customer signatures and dates are required
- All notaries must be stamped, signed and dated
- NO mylars, velums or other transparent style media will be accepted
- Submit for recording on bond paper only
- All documents are to be an **original print** (not a copy) with the original signatures
- All large format prints are to be machine cut at 24 inches by 36 inches
- Documents cannot be folded. If it is a large format, they are to be rolled-no staples.
- All seals must be signed
- All stamps added after the printing of the document must not conflict with any text
- NO signatures shall cause text to be illegible

Submittals that do not meet the requirements listed above, will not be accepted by the City. Applicant will be required to bring their submittal into conformance with the requirements listed above and then resubmit.



City of Buckeye
Planning and Zoning
Project Application

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY

Date: _____ Planner: _____ Case No: _____

PROPERTY INFORMATION:

Name of Street/s to be Abandoned Name: _____

Location of the Street/s: _____

Assessor Parcel Numbers APNs Abutting Requested: _____

Reason/s to Abandon: _____

CASE TYPE:

Right of Way Abandonment

Type: _____

IMPORTANT NOTE ABOUT PROJECT CONTACT:

The property owner may designate an agent as the coordinator for the project. This person (the applicant) will receive any technical comments and decision letters and will communicate all case information to other parties as required. **All contact for this project will be made through the applicant listed below.**

APPLICANT INFORMATION:

Applicant: _____ Company: _____

E-mail: _____ Phone: _____ Fax: _____

Address: _____ City: _____ State: _____ Zip: _____

Applicant Signature

Owner Signature

Date

Development Services Department

530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6211 Fax 623.349.6222

Affidavit of Mailing Notice

Case Number: _____

Street Name: _____

**Applicant
Name:** _____

Location: _____

I confirm that I secured the names and addresses of all property owners as well as affected utilities and HOAs abutting or within the subject abandonment either through a title company or the Maricopa County Assessor's web site and did send the notice of application to each said owner.

See attached copies of all sent letters and address lists.

Applicant's / Representative's signature: _____

SUBSCRIBED AND SWORN before me this _____ day of _____, 20____, by:

Notary Public

My Commission Expires:
