



## **Right-of-Way Abandonment**

### PROCESS GUIDE & APPLICATION

**City of Buckeye**  
**Development Services Department**  
945 N 215th Ave  
Suite 137  
Buckeye, Arizona 85326

Phone: 623.349.6200  
[www.buckeyeaz.gov](http://www.buckeyeaz.gov)

**APPLICATION PROCEDURES  
ABANDONMENT**

PLEASE READ: In most cases, the City's preference is to process abandonments of right-of-way on a project's Final Plat (or other type of subdivision), negating the need for a separate abandonment application. In certain instances, however, abandonment via the process outlined below can be supported. Prior to submittal of any abandonment application, please confirm with Development Services Department staff which process will best be utilized.

**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 the submittal contact found on the Planning and Zoning Webpage.**

- The Right-of-Way Abandonment process is derived from A.R.S 28-7201 et seq. 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 fees for Abandonment are listed on the Use Fee Worksheet found on the Planning and Zoning Website at <https://www.buckeyeaz.gov/business/development-services/planning-zoning> under the 'Updated Process Guides, Applications and Documents' drop-down under the 'Fee Worksheet' section. Additionally, the City may be entitled to fair market value for any rights-of-way being abandoned to an adjoining property owner.

**What is right-of-way abandonment?**

Right-of-Way Abandonment is the process by which the City of Buckeye gives up its public interest in public roadways following determination by the City that the right-of-way is not necessary for public use. The City may support abandonment of a particular right-of-way when it is no longer needed for public access, lacks connectivity or utility, or when doing so supports redevelopment or private use that better serves the community. Street rights-of-way may also be candidates for abandonment if they are no longer identified in the City's Transportation Master Plan, indicating they are not part of the envisioned long-term circulation network. Upon approval and recordation of the abandonment, the right-of-way (from street centerline to property line) becomes part of the adjacent property potentially increasing total tax liability of the parcel to which the former right-of-way is added. For the purposes of zoning, the abandoned right-of-way is assigned the same zoning as the parcel to which it is added.

Rights-of-way may have been initially obtained by the City through subdivision plats, deeds, easements, and reservations and may also 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

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these roadways is that they all contain roadway rights in favor of the City of Buckeye.

### **Procedural Steps:**

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 Development Services, Public Works, Engineering, Transportation, Community Services, Water Resources, Police, and Fire and agencies for review/comment. After the 1st review (approx. 20 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 along with sufficient information to contact staff with any concerns about the proposal. A minimum of 30-day comment period shall be provided following notification of those entities to allow sufficient time for responses. Note: If there are existing utilities within a right-of-way being abandoned, an easement for the utility must be created with the abandonment document; if the existing utility is to be relocated, a utility easement will not be required.
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, upon owner's remittance to the City of any financial consideration deemed commensurate with the value of the abandoned right-of-way, the legal documents and City Council Resolution will then be recorded by the City and the official zoning map will be revised. Rights of way or easements for sewer, gas, water or similar pipelines and appurtenances, canals, laterals or

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ditches and appurtenances, electric, telephone and similar lines and appurtenances continue as they existed before the disposal or abandonment of the rights-of-way or easements.

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 (PDF FORMAT)**

- 1. Application** (8.5" x 11" PDF, completed and signed). If the applicant is not the property owner, the applicant must provide authorization from the property owner that the application is being filed with their permission.
- 2. Fee Worksheet** (8.5" x 11" PDF, completed and signed)
- 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 (No more than 6 months old at time of submittal)**
- 5. Fair Market Value (FMV) Appraisal for Abandonment Property**
- 6. Property Owner and Utility Notification Materials** – To include a map showing all properties directly abutting the right-of-way to be abandoned and a list of addresses for owners of those properties. The affidavit of mailing notice will be submitted later, after staff has reviewed the request and authorized the applicant to proceed with notification.
- 7. Affidavit of Access Maintenance** – Notarized affidavit certifying that the proposed abandonment will not result in loss of legal access to any property.

**Abandonment – 1<sup>st</sup> Submittal Checklist (PDF Format)**

(Please provide original list with formal submittal)

	<b>Applicant Checklist</b>	<b>Staff Verification</b>
<b><u>REQUIRED MATERIALS (IN PDF FORMAT)</u></b>		
<b>Application</b> (8.5" x 11" PDF, completed and signed)		
<b>Fee Worksheet</b> (8.5" x 11" PDF, completed and signed)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Exhibit with legal description</b> (PDF format)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Current Title Report</b> (PDF format)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Fair Market Value (FMV) Appraisal</b> (PDF format)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Property Owner and Utility Notification Materials</b> (PDF format)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Affidavit of Access Maintenance</b> (PDF format)		

**Subsequent Submittals:**

- Submit Affidavit of Notification at 2<sup>nd</sup> submittal upon direction of planner.

## **DOCUMENT RECORDATION REQUIREMENT CHECKLIST**

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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.

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City of Buckeye  
Planning and Zoning  
Abandonment 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 CONTACT(S):**

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/Owner Authorized Agent Contact:**  
Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Business Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_ Address Type:  Physical  Mailing  
Preferred Contact Method:  Email  Phone  Address

**SECONDARY CONTACT INFORMATION:**

**Secondary Contact/Applicant/Owner Authorized Agent Contact:**  
Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Business Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip: \_\_\_\_\_ Address Type:  Physical  Mailing  
Preferred Contact Method:  Email  Phone  Address

**OWNER INFORMATION:**

**Company:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_ **Business Phone:** \_\_\_\_\_  
**Home Phone:** \_\_\_\_\_ **Mobile Phone:** \_\_\_\_\_ **Other Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Address Type:**  Physical  Mailing **Preferred Contact Method:**  Email  Business Ph.  Home Ph.  Mobile Ph.  Other Ph.  Address

**PROPERTY OWNER AUTHORIZATION**

I (property owner) \_\_\_\_\_ authorize (owner's Agent) \_\_\_\_\_  
To file this application on matters related to this request with the City of Buckeye. By signing this form as the property owner, I hereby agree to abide by any and all stipulations that may be assigned by the City of Buckeye as part of any approval of this request.

\_\_\_\_\_  
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 directly 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:  
\_\_\_\_\_

## Affidavit of Access Maintenance

**Case Number:** \_\_\_\_\_

**Street Name:** \_\_\_\_\_

**Applicant  
Name:** \_\_\_\_\_

**Location:** \_\_\_\_\_

I certify, under penalty of perjury, that no loss of currently existing legal and actual access to any property will occur if the City grants the right-of-way abandonment requested in this application.

Applicant's / Representative's signature: \_\_\_\_\_

SUBSCRIBED AND SWORN before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

\_\_\_\_\_  
Notary Public

My Commission Expires: