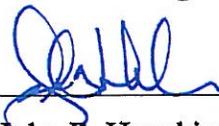




**MARICOPA COUNTY**  
*Department of Transportation*

**POLICY # T5201**

<b>Title:</b> Altering or Abandoning County Highways	<b>Effective Date:</b> June 6, 2012	<b>Division:</b> Public Works Real Estate Division
<b>Purpose:</b> To thoroughly and consistently assess petitions and applications for altering or abandoning existing local highways, dedicated public right-of-way, or streets in legal subdivisions.	<b>Authorized Signature:</b>  6-18-2012 <b>John B. Hauskins, P.E.</b> <b>Transportation Director</b> 	

**Policy Statement:**

The Maricopa County Board of Supervisors (BOS) is authorized to abandon, convey, exchange or vacate roadways and extinguish easements in the unincorporated areas of Maricopa County by the following Arizona Revised Statutes (A.R.S.): §§ 28-6701, 6709, 7202, 7204, 7205, 7210, 7214, and 7215. Roadways and easements that were established by Maricopa County, but since have been annexed, may be abandoned by the annexing jurisdiction under A.R.S. § 9-254.

**1. Background:**

The Real Estate Division receives petitions or applications to initiate a closing, altering, or abandoning of County roadway right-of-way. The staff follows the established abandonment procedure to ensure the petitioner's requests are thoroughly and consistently considered. The Real Estate Division coordinates the abandonment process for the Department of Transportation (MCDOT) by preparing a packet of documents, maps, and other pertinent information that is routed to MCDOT technical review staff, utilities, municipalities, affected neighboring property owners, and others. The review comments and recommendations are considered and a final recommendation is made. The detailed process is outlined in Procedure # P5201.

**2. Responsibilities:**

The Property Engineering Branch of the Real Estate Division processes the request for altering or abandoning roadways following the Arizona State Statutes cited above and the procedures established in Procedure # P5201. The Abandonment Coordinator places approved requests on the agenda for BOS consideration.

**3. Cross References (Policies, Procedures, Design Manual, etc.):**

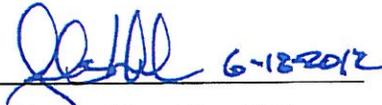
MCDOT Procedure # P5201: Altering or Abandoning County Highways

A.R.S §§ 28-6701, 6709, 7202, 7204, 7205, 7210, 7214, and 7215.



**MARICOPA COUNTY**  
*Department of Transportation*

**PROCEDURE # P5201**

<b>Title:</b> Altering or Abandoning County Highways	<b>Effective Date:</b> June 6, 2012	<b>Division:</b> Real Estate Division
<b>Purpose:</b> To thoroughly and consistently assess petitions and applications for altering or abandoning existing local highways, dedicated public right-of-way, or streets in legal subdivisions.	<b>Authorized Signature:</b>  6-18-2012 <b>John B. Hauskins, P.E.</b> <b>Transportation Director</b> 	

**1. Background:**

The Maricopa County Board of Supervisors (BOS) is authorized to abandon, convey, exchange or vacate roadways and extinguish easements in the unincorporated areas of Maricopa County by the following Arizona Revised Statutes (A.R.S.): §§ 28-6701, 6709, 7202, 7204, 7205, 7210, 7214, and 7215. Roadways and easements that were established by Maricopa County, but since have been annexed, may be abandoned by the annexing jurisdiction under A.R.S. § 9-254.

The Public Works Real Estate Division (Real Estate Division) receives petitions or applications to initiate a closing, altering, or abandoning of County roadway right-of-way. The staff follows the established abandonment procedure to ensure the petitioner's requests are thoroughly and consistently considered. The Real Estate Division coordinates the abandonment process for the Department of Transportation (MCDOT) by preparing a packet of documents, maps, and other pertinent information that is routed to MCDOT technical review staff, utilities, municipalities, affected neighboring property owners, and others. The review comments and recommendations are considered and a final recommendation is made. The detailed process is outlined in this Procedure.

**2. Procedure:**

**A. County Authority:**

Maricopa County may act upon requests to abandon right-of-way and/or easements (other than Patent Easements) that have been conveyed to the public but not accepted by the BOS. However, it is at the discretion of the County to do so. Neither MCDOT nor the Real Estate Division processes abandonment requests for easements that are established as part of a subdivision and are not part of the Maricopa County roadway system (such as drainage

easements and public utility easements). These requests are processed through the Maricopa County Planning and Development Department.

The Real Estate Division, on behalf of MCDOT, may administer abandonments for the following:

1. Alleys
2. Roadways within subdivisions established by plat
3. County Roadways abandoned to become private roadways
4. Non-vehicular easements
5. Rights-of-way and easements acquired by Maricopa County by purchase or condemnation
6. Rights-of-way and easements dedicated to the general public or to Maricopa County

B. County Initiated:

The County may initiate abandonment of roads and highways that are in the County roadway system. After MCDOT review and approval, the Transportation Director will petition the Board of Supervisors to abandon the roadway. The Abandonment Coordinator will process the abandonment documentation to the Board of Supervisors.

C. Public Initiated:

Road abandonment requests may be initiated by petition, signed by ten (10) taxpayers of the County, and submitted to the Clerk of the Board of Supervisors or by an individual who submits a formal application to MCDOT. The BOS may act upon the petition to abandon or it may choose to refer the matter to MCDOT for recommendation. The Property Engineering branch of the Real Estate Division coordinates the abandonment request for MCDOT and processes abandonments that have been recommended for approval to the BOS for statutory approval.

1. Application and Fee Collected and Jurisdiction Confirmed:

When the assigned Real Estate Division Abandonment Coordinator (Abandonment Coordinator) receives the abandonment application and a \$250 processing fee, he/she will verify the existence and jurisdiction of the right-of-way and/or easement and contact the Applicant for additional information as needed. If the Abandonment Coordinator determines that the area sought to be abandoned is not within county jurisdiction the application will be denied and the fee returned to the Applicant.

2. Fee Forwarded to Financial Services and Invoice Filed:

When the Abandonment Coordinator verifies that the right-of-way/easement is within the unincorporated portion of Maricopa County and exists by documentation of a grant to the public or Maricopa County, the Abandonment Coordinator will forward the \$250 processing fee of the abandonment application to MCDOT Financial Services. An invoice for the application fee will be provided by Financial Services and placed in the Applicant's file as proof of payment of the fee.

3. Preliminary Inquiry:

After initial review of the application, the Abandonment Coordinator may determine that special circumstances exist for the abandonment request and may conduct a

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preliminary inquiry with specific Technical Reviewers to identify if special considerations will need to be addressed as part of the formal technical review.

4. Technical Review Package:

The Abandonment Coordinator will then prepare a Technical Review Package and forward it to the technical areas within MCDOT, the utility companies that service that area (information provided by Blue Stake), the local city jurisdiction if within their planning area, and, when necessary, to the Maricopa County Department of Planning and Development. The Abandonment Coordinator will also post an abandonment notice in the area of the abandonment request to allow for comment by adjacent property owners who may be affected by the request.

5. Technical Review Comments:

Technical Reviewers will provide review comments within 14 days, but extensions may be given if there is a need for more information or clarification of an issue. The Abandonment Coordinator shall review these comments for their merit. If the technical comments contradict each other, the Abandonment Coordinator shall forward the conflicting reviews to the Reviewers and request that they meet to resolve the conflicting recommendations and make a final technical recommendation.

6. Compiling the Request and Obtaining a Recommendation:

The Abandonment Coordinator shall then compile the abandonment request, review comments, final technical recommendations, and any necessary back-up information such as maps and pictures. The Property Engineering Manager shall make a recommendation based on the technical reviews for acceptance, denial, or further study of the abandonment request.

7. County Fee Interest:

If the existing right-of-way is a fee simple interest, the Abandonment Coordinator shall then notify the Real Estate Manager and branch managers who will determine if the proposed abandonment should be handled as a sale of excess land, sale of a roadway, a roadway vacate, or a roadway exchange. This determination is based on the application of applicable statutes and County requirements.

8. Abandonment to be Sold:

If the requested abandonment must be sold, the Property Engineering Manager will then contact the Applicant to determine if he/she wishes to proceed with the request or to rescind it. If the Applicant wishes to proceed, the application file will be transferred to the Property Management Branch after technical review has recommended that the abandonment request be approved.

9. Reviewing the Abandonment Request:

The Property Engineering Manager will schedule a meeting with the Real Estate Manager and branch managers to review the abandonment request recommendation made by the Technical Reviewers. The Real Estate Manager and branch managers may determine that the application needs to be elevated to a higher level (such as the Engineering Division Manager or, if necessary, MCDOT Division Managers).

10. Submitting Approved Applications to the Board of Supervisors:

When the abandonment application has been recommended for approval and approved by the Real Estate Manager and branch managers, the Real Estate Division Manager, authorized by the MCDOT Director, will sign the recommendation for the abandonment approval. The Abandonment Coordinator will then submit it to the Board of Supervisors for review and/or approval.

To do this, the Abandonment Coordinator will assign the application a road file number. The Coordinator will then prepare an agenda item recommending the abandonment of the right-of-way/easement. Next, the Coordinator will forward an Agenda Summary, a Resolution, a Legal Description (in WORD format), a Map Exhibit, and a Certified Copy of the affected existing right-of-way document(s) to MCDOT Contracts who will input the item into "SOLAR" for processing to the Board of Supervisors for its statutory approval.

11. BOS Approval of the Application:

The Board of Supervisors, upon approval, will issue a resolution abandoning the right-of-way/easement. The Clerk of the Board then records and notifies the Abandonment Coordinator. The recorded resolution is then placed in the Real Estate Division Database and, if appropriate, (on roads identified in the County Maintenance System) sent to the Database Manager within the Operations Division.

12. Notifying the Property Owners of Abandonment Adoption:

The Property Engineering Manager will then notify the property owner of the decision by the Board of Supervisors to adopt the abandonment resolution by issuing a formal letter and enclosing a copy of the recorded resolution.

13. Non-Approved Applications and Appeals Process:

If the Technical Reviewers do not recommend the Abandon application for approval, the Property Engineering Manager will notify the Applicant, in writing, of the recommendation not to approve the request. The Applicant may appeal the denial and request a meeting with a panel of the Technical Reviewers to discuss the reasons for the recommendation against abandonment. The appeal shall be in writing and directed to the Engineering Division Manager or appointed hearing officer. The Engineering Division Manager or appointee will set the time and place for the appeal meeting and notify the applicant and Technical Reviewers. After the first appeal, the Engineering Division Manager or appointed hearing officer shall rule to deny or approve the abandonment. If the initial denial is overturned, the Engineering Division Manager or appointed hearing officer will direct the Abandonment Coordinator to process the abandonment for Board approval.

14. Beyond the First Appeal:

If the Applicant requests further review and consideration of the request beyond the first appeal, or if the Engineering Division Manager independently decides that further review is prudent, the Engineering Division Manager or appointed hearing officer shall schedule the matter for the next available Transportation Advisory Board (TAB) for consideration and recommendation. If the first appeal denial is

overturned by the TAB, the Engineering Division Manager or appointed hearing officer will direct the Abandonment Coordinator to process the abandonment for Board approval. If the TAB upholds the abandonment denial, the ultimate decision for approval or denial of an abandonment request is with the Board of Supervisors. The Applicant may petition directly to the BOS requesting the abandonment or easement extinguishment. The petition must be signed by 10 taxpayers of Maricopa County and specifically state the request being made of the BOS.

**3. Cross References (Policies, Procedures, Design Manual, etc.):**

MCDOT Policy T5201: Altering or Abandoning County Highways

P5201 Abandonment Procedure Flowchart

A.R.S. §§ 28-6701, 6709, 7202, 7204, 7205, 7210, 7214, and 7215



# P5201 Abandonment Procedure

