



Easement Abandonment Policy

A property owner, developer, or agent may request the abandonment of a public utility easement through the Community Development Department, Special Projects Division.

The request for abandonment shall include:

1. A non-refundable processing fee for each easement to be abandoned and the reason for the proposed abandonment (see Appendix A – Fee Schedule, scroll to Streets and Sidewalks – Code Section 29-19, the fee amount is listed under Community Development, Development Services, Fees, and Engineering Fees. The link to the fee schedule can be found at <http://www.tempe.gov/city-hall/community-development/development-services/fees>)
2. The street or location address of the proposed abandonment.
3. The legal description of the proposed abandonment.
4. A scale drawing of the subject property/area containing the easement to be abandoned. Legal descriptions and exhibits prepared 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.

The procedure for processing a written request for abandonment by the Community Development Department shall include:

1. The written request for abandonment shall be checked for compliance of required data.
2. Community Development staff will prepare a location map of the area proposed to be abandoned showing abutting properties and a vicinity map, if necessary.
3. Community Development 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. This process can take up to four weeks.

Preparation of the proposed abandonment for Council Action:

1. When the responses from public agencies and City departments have been returned and evaluated along with any comments received, a recommendation will be formulated.
2. In the event that the recommendation is to proceed with the abandonment, a Request for Council Action is prepared for the signature of the Community Development Director and attached to the Ordinance to set public hearings for an upcoming City Council meeting (two hearings required, minimum of two weeks apart).
3. The party requesting the abandonment shall be notified in writing of the date, time, and place that the item will be heard by the City Council.

Post-City Council Meetings:

1. If the ordinance is adopted by Council, pursuant to the Tempe City Chapter, Section 2.12, ordinances are effective thirty (30) days after adoption or at any later date specified therein. Once the “cure” period has been met, the document will be recorded in the Office of the Maricopa County Recorder.
2. Upon receipt of the recorded Ordinance, the recorded information will be provided to the applicant. The original Ordinance will be held in the City Clerk’s office for record retention.