



# City Council Report

**Date:** August 18, 2014

**To:** City Council

**Through:** Karolyn Kent, Deputy City Manager

**From:** Beth Huning, City Engineer  
Kelly Jensen, Assistant City Engineer

**Subject:** Vacate a portion of right-of-way as shown on the Final Plat of "Fiesta Tech. Business Centre," on the south side of South Vineyard Avenue and West Kiowa Avenue, adjacent to 2318 South Country Club Drive Council District #3

## Strategic Initiatives



## Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to vacate a portion of right-of-way at South Vineyard Avenue and West Kiowa Avenue adjacent to 2318 South Country Club Drive.

## Background

In order for public street right-of-way to be removed from the City's street system and the land returned to private use, the City Council must authorize a Resolution that "vacates" the excess right-of-way. The term "vacate" is used in our Council Reports in order to match the wording used in the Arizona Revised Statute section 28-7205.

A.R.S. Section 28-7208 requires, in certain circumstances, that the City be compensated for property vacated by the City. When setting the value of the vacated property, state law requires the City to consider the size and usability of the property, the marketability of the property and any other public benefit received by the governing body in return for the vacated roadway. State law also allows the City to determine that a public roadway has no public use and no market value. The law gives no specific criteria for the council to consider when making this determination.

## **Discussion**

The property is located on the south side of West Kiowa Avenue and South Vineyard Avenue intersection. The owner has submitted their proposed development plans and is requesting the City vacate 2,214 square feet of right-of-way that was dedicated on the Final Plat of "Fiesta Tech. Business Centre," recorded on May 15, 1985 in Book 282 of Maps, Page 28, records of Maricopa County, Arizona. This is to accommodate their proposed development of the adjacent parcel and be in compliance with applicable City Codes.

The City will retain a Public Utilities and Facilities Easement over the portion of the right-of-way to be vacated for a future sidewalk, utility and drainage improvements that will remain in the area. The developer will be responsible for relocating any existing drainage or utility improvements as may be applicable.

To determine the value of the right-of-way to be vacated, a market analysis was completed of comparable property sales, including the recent sale of the adjacent parcel. Should the council decide to vacate this right-of-way, City staff has calculated the fair market value of the land to be \$5,535.

This request has been discussed with Development and Sustainability, Energy Resources, Transportation, Solid Waste and Engineering Departments along with the respective utility companies. All are in support of this request with retaining a Public Utilities and Facilities Easement for existing and future utilities.

The Resolution vacating this right-of-way and retaining a Public Utilities and Facilities Easement will be recorded only after payment of the approved value of the vacate area has been received.

## **Alternative**

The alternative is not to approve the vacate request. This would result in the applicant not being able to develop the property as planned.

## **Fiscal Impact**

The fiscal impact for this request is the \$750 processing fee paid by the property owner and the fair market value of \$5,535 for the vacated right-of-way.

## **Coordinated With**

The Development and Sustainability, Energy Resources, Engineering, Transportation and Solid Waste Departments, along with the respective utility companies, concur with this request.