



City Council Report

Date: June 6, 2016
To: City Council
Through: Kari Kent, Assistant City Manager
From: Beth Huning, City Engineer
Rob Kidder, Assistant City Engineer
Subject: Extinguish a portion of an 8-foot Public Utility Easement on a part of Lot 48 and Lot 50 of the Final Plat of "Kirk Estates"
Council District 1

Strategic Initiatives



Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish an 8-foot Public Utility Easement on a portion of Lot 48 and Lot 50 of the Final Plat of "Kirk Estates", located south of Brown Road and east of Stapley Drive at 1325 East Fairfield Street (refer to Exhibit A for location).

Background

Public Utility Easements (PUE) are dedicated to the City of Mesa to allow for the installation and maintenance of public utilities on private property. When an easement is no longer needed, or conflicts with new development, the City Council may extinguish the easement to provide owners with the ability to fully utilize their property. To remove an easement from a property's title, City Council may approve a Resolution to extinguish the easement in accordance with provisions in the Arizona Revised Statutes.

Discussion

The PUE was dedicated on the Final Plat of "Kirk Estates", recorded March 21, 1973 in Book 160 of Maps, Page 10 of the records of Maricopa County, Arizona.

Following the recording of the final plat, the original property owner negotiated with the developer to adjust the south lot line of Lot 50 (Exhibit B). As a result, a portion of Lot 48 was deeded to the owner of Lot 50. While the lot line between Lots 48 and 50 was altered, the 8' PUE on both sides of the original lot line remained in place on the newly

configured Lot 50. The PUE's had not posed any development issues to the original owner over the last 40 years. However, the property is now under new ownership and the PUE conflicts with the owner's future plans to construct a shed.

Staff has notified Engineering, Development Services, Energy Resources and Water Resources as well as Century Link, Cox Communications, SRP and AT&T of this extinguishment request and all have voiced no objection as there are no existing utilities in the easement.

Alternatives

The alternative is to not extinguish the Public Utility Easement. Choosing this alternative will result in the existing Public Utility Easement conflicting with proposed development.

Fiscal Impact

The fiscal impact of this request is the \$500.00 processing fee paid by the applicant.

Coordinated With

The Engineering, Development Services, Energy Resources and Water Resources Departments, along with the respective private utility companies, concur with this request.