



# City Council Report

**Date:** September 26, 2016

**To:** City Council

**Through:** Kari Kent, Assistant City Manager

**From:** Beth Huning, City Engineer  
Rob Kidder, Assistant City Engineer

**Subject:** Vacate portions of dedicated right-of-way adjacent to 1955 West University Drive for a Circle K convenience store  
District 3

**Strategic  
Initiatives**



## Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to vacate small portions of dedicated right-of-way on West University Drive and North Dobson Road adjacent to 1955 West University Drive.

## Background

In order for right-of-way to be taken out of the City's street system and the land returned to private use, the City Council must authorize a Resolution that vacates the 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 vacated right-of-way. 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 right-of-way. 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 rights-of-way for West University Drive and North Dobson Road impacted by this request were dedicated by a Special Warranty Deed on February 25, 2016 as document 2016-0119250, records of Maricopa County, Arizona. The adjacent property is planned to be redeveloped as a Circle K convenience store and gas station. To satisfy minimum code requirements, additional right-of-way dedication was required along University Drive and Dobson Road. However, Circle K has requested that the City vacate very small portions of the right-of-way along West University Drive and North Dobson Road to accommodate the placement of their monument signs for better visibility. The area of the right-of-way to be vacated is only large enough for the monument signs. Circle K has agreed to dedicate a Public Utilities and Facilities Easement (PUFE) over the vacated right-of-way. An encroachment permit and sign agreement that stipulates removal of the signs upon the City's request in the event of any intersection or road widening project, at no additional cost to the City, will be executed prior to the issuance of a building permit for the signs.

### **Alternative**

The alternative is to not approve the request to vacate a portion of the rights-of-way of West University Drive and North Dobson Road. Choosing this alternative will not allow Circle K to place their monuments for better visibility.

### **Fiscal Impact**

The fiscal impact for this request is \$750.00 processing fee paid by the property owner.

### **Coordinated With**

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