



City Council Report

Date: August 27, 2018
To: City Council
Through: Kari Kent, Assistant City Manager
From: Beth Huning, City Engineer
Rob Kidder, Assistant City Engineer
Subject: Vacating a portion of South Udall right-of-way, between Main Street and First Avenue and authorizing the City to enter into a Permanent Public Right-of-Way and Utility Easement and Underground Parking Structure Agreement
Council District 4

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to vacate a portion of South Udall right-of-way between Main Street and First Avenue ("South Udall ROW") and for the City to enter into an agreement accepting a permanent easement over the South Udall ROW for public roadway and utilities above an underground parking structure. Vacating the South Udall ROW and accepting the easement will facilitate the redevelopment of approximately 4.5 acres at the southeast corner of Mesa Drive and Main Street.

Background

Public rights-of-way are dedicated to the City of Mesa to allow for the construction of public streets. When a portion of right-of-way is no longer needed, or conflicts with new development, the City Council may vacate right-of-way to provide owners with the ability to fully utilize their property. To vacate right-of-way, City Council must approve a Resolution to vacate the right-of-way in accordance with provisions in the Arizona Revised Statutes. In some instances, it is appropriate for the City to obtain an easement for all or a portion of the vacated right-of-way.

Discussion

South Udall ROW was dedicated on the plat of Arizona Temple Addition to Mesa City, Arizona on June 2, 1922 in Book 11, of Maps, Page 8. The developer is proposing to build an underground parking structure underneath the north 306.96 feet of South Udall. The developer is requesting the north 306.96 feet of South Udall right-of-way be vacated. The owner of City Creek will convey to the City an easement over the South Udall ROW via a Permanent Public Right-of-Way and Utility Easement and Underground Parking Structure Agreement ("Agreement"). The easement will ensure unfettered public vehicular and pedestrian access is maintained along South Udall between Main Street and 1st Avenue and will allow installation of public utilities if necessary in the future. The Agreement will allow construction of the underground parking garage below the easement and covers a number of issues related to the maintenance and use of the easement property, as well as the parking structure. In the event repairs are needed to the roadway improvements due to the underground parking structure, the developer will be responsible for such costs.

Roadway improvements along the South Udall ROW will be reconstructed by the developer as part of the redevelopment project and remain at their current location. Roadway improvements will continue to be maintained by the City (curb-to-curb) and City Creek will maintain streetscape improvements (back-of-curb to building).

Alternatives

An alternative is to not vacate the ROW or approve the Agreement. Choosing this alternative will result in the property owner not being able to develop the property as planned.

Fiscal Impact

The fiscal impact of this request is the \$750.00 processing fee collected from the applicant.

Coordinated With

The Engineering, Development Services, Water and Energy Resources and Transportation Departments concur with this request.