

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, DIRECTING STAFF TO CONTINUE NEGOTIATIONS TO ACQUIRE CERTAIN PROPERTY, AND EXPEDITE THE CONSTRUCTION OF THE PROJECT AND TO AVOID UNNECESSARY EXPENSE, AUTHORIZING AND DIRECTING THAT FEE TITLE, EASEMENTS OR OTHER INTERESTS IN AND POSSESSION OF CERTAIN REAL AND PERSONAL PROPERTY BE ACQUIRED BY THE CITY OF MESA THROUGH EMINENT DOMAIN AS A MATTER OF PUBLIC NECESSITY FOR THE MESA DRIVE, 8TH AVENUE TO MAIN STREET AND BROADWAY ROAD FROM WILBUR TO LESUEUR PROJECT.

WHEREAS, the certain real property hereinafter described is necessary to construct improvements along both sides of Mesa Drive from 8TH Avenue to Main Street and Broadway Road from Wilbur to Lesueur (Project No. C01400); and

WHEREAS, before the improvements can be constructed, it is necessary that fee simple title to certain real property; and full ownership of certain personal property, be vested in the City of Mesa; and that the City of Mesa acquire easements in, over, under and across portions of certain real property generally identified in Section One herein;

WHEREAS, there are approximately 92 properties from which personal property, rights-of-way and easements are needed for this Project. Real Estate Services began appraising the properties in January of 2018; and

WHEREAS, to ensure that all of the remaining necessary personal property and land rights are acquired, to expedite the construction of the Project and to avoid unnecessary expense, Staff seeks City Council authorization to acquire the property rights specified in this resolution through eminent domain; and

WHEREAS, the City Council has considered alternatives available to it, has balanced the public good and the private injury resulting from the acquisition of the real and personal property, and has determined that locating the public improvements for the Project on the real property results in the greatest public good and the least private injury; and

WHEREAS, the City Council hereby directs Staff to continue negotiations with the property owners with the goal of reaching a mutual agreement as to the just compensation for those land rights and personal property; and

WHEREAS, the City Council hereby directs Staff to continue attempts to reach a negotiated value for the necessary land rights and personal property, even after filing an action in eminent domain.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That it is deemed necessary and essential that in order to construct the improvements for the Mesa Drive, 8th Avenue to Main Street and Broadway Road from Wilbur to Lesueur Project, it is necessary for the City of Mesa to acquire personal property and fee simple title to a portion of the real property generally depicted on attached Exhibit "A", and permit the City of Mesa or its contractors to enter upon adjacent lands so work related to the project such as grading, landscaping, irrigation, fences, walls, utility relocations or other improvements can be completed.

Section 2: That it is necessary for the City of Mesa to obtain Public Utilities Easements, Temporary Construction Easements, and other easements that may be deemed necessary in, over, under and across portions of the real property generally depicted on the attached Exhibit "A" for the completion of the Mesa Drive, 8th Avenue to Main Street and Broadway Road from Wilbur to Lesueur Project.

Section 3: That the City Attorney of the City of Mesa is hereby authorized and directed to acquire certain personal property and title in fee simple and any necessary easements to portions of the property generally depicted in Exhibit "A" in the name of the City of Mesa under the power of Eminent Domain, and the City Attorney is further authorized and directed to do and perform all acts necessary to acquire title and interests in and to said real and personal property in the name of the City of Mesa for said public purposes.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 19th day of November, 2018.

APPROVED:

MAYOR

ATTEST:

City Clerk