



# City Council Report

**Date:** January 13, 2020  
**To:** City Council  
**Through:** Kari Kent, Assistant City Manager  
**From:** Beth Huning, City Engineer  
Rob Kidder, Assistant City Engineer  
**Subject:** Vacate a portion of Road Right-of-Way and Extinguish a 20-foot Public Utility and Facilities Easement located in the 2400 block of North 40<sup>th</sup> Street.  
Council District 5

## Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to vacate a portion of road right-of-way in the 2400 block of North 40<sup>th</sup> Street and, sell the vacated ROW at appraised value and extinguish a 20-foot public utility and facilities easement to accommodate a proposed new residential subdivision.

## Background

In Mesa City Code, Chapter 10, Section 9-10-1 Disposition of Roadways, the City Council may dispose of unnecessary public roadways, upon application being made to the Real Estate Services office and upon paying an application fee plus any value of the land.

For a public street 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 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 (A.R.S.) § 28-7205.

Public Utility and Facilities Easements (PUFE) are granted to the City of Mesa to allow for the installation and maintenance of 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 easements in accordance with provisions in the Mesa City Code Title 9, Chapter 10.

## **Discussion**

The developer for The Estates at Hermosa Vista subdivision requested a portion of the twenty-five foot ROW for North 40<sup>th</sup> Street be vacated to allow for the development of a new, twelve (12) lot, residential subdivision. The ROW was dedicated in document numbers 1987-0381023 and 1990-025149, records of Maricopa County, Arizona. The developer has also requested a twenty foot PUF, be extinguished for the new residential subdivision. The PUF was recorded in Document Number 2000-0323392, records of Maricopa County, Arizona. There are no existing utilities or improvements within the existing ROW and PUF, therefore, staff has determined that the existing ROW and PUF are no longer needed by the City. The ROW was appraised by an independent fee appraiser. The market value of the ROW is \$40,000.00 and the developer has agreed to pay this amount.

## **Alternatives**

An alternative is to not vacate the ROW and not extinguish the PUF. 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, plus the appraised value of the ROWs in the amount of \$40,000.00.

## **Coordinated With**

The Engineering, Water Resources, Planning and Development Services, along with outside utility companies, concur with this request.