



# City Council Report

**Date:** June 1, 2020  
**To:** City Council  
**Through:** Kari Kent, Assistant City Manager  
**From:** Beth Huning, City Engineer  
Rob Kidder, Assistant City Engineer  
**Subject:** Vacating and selling a portion of road Right-of-Way for Old Lehi Road  
between North Gilbert Road and East McDowell Road  
located at 2126 East Lehi Road  
Council District No. 1

## Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to vacate a portion of road right-of-way (ROW) located at 2126 East Lehi Road, being adjacent to APN: 141-06-253 and 141-03-038, and to sell the vacated ROW.

## 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 road 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.

## Discussion

The ROW for Old Lehi Road was conveyed to the City of Mesa by Resolution of Abandonment from Arizona Department of Transportation (ADOT) in document no. 2006-0561321. The owner of APN: 141-06-253 and 141-03-038 is requesting a portion of the ROW adjacent to their parcels be vacated. Old Lehi Road provides limited access to the owner's parcels. A portion of Old Lehi Road will remain dedicated as ROW. A waterline easement will be dedicated by the owner for the existing 24-inch waterline that

is within the ROW. Staff has determined that the existing ROW is no longer needed by the City for roadway purposes.

The methodology for determining the value of the ROW to be vacated is using the square foot value of the assessor parcel that the ROW will be assembled to.

In July 2018, the owner purchased APN: 141-06-253 (2.78 acres) from ADOT and paid \$1.24 per square foot. Real Estate consulted with an appraiser for recent comparable sales of the adjacent APN: 141-06-253. There were no recent comparable sales found that would support a higher per square foot value than \$1.24 per square foot. Therefore, the market value of the ROW adjacent to APN: 141-06-253 and 141-03-038 is \$14,078.96. (11,354 s.f. ROW x \$1.24 per s.f.) The market value of the waterline easement is \$8,447.25. (13,625 s.f. WLE x \$1.24 x 50% of fee value) The owner has agreed to pay \$22,550 (rounded) as the market value for both the ROW and waterline easement.

### **Alternatives**

An alternative is to not vacate the ROW. 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 market value of the ROW and waterline easement in the amount of \$22,550.00.

### **Coordinated With**

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