

## RESOLUTION NO. 12392

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, DIRECTING STAFF TO CONTINUE NEGOTIATIONS TO ACQUIRE CERTAIN PROPERTY INTERESTS NEEDED FOR CONSTRUCTION OF THE ELLIOT ROAD IMPROVEMENT PROJECT; AND, TO AVOID UNNECESSARY EXPENSE AND DELAY, AUTHORIZING AND DIRECTING THAT, 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 USE AND NECESSITY FOR THE ELLIOT ROAD IMPROVEMENT PROJECT.

Whereas, the City will be constructing certain improvements for the Elliot Road Improvement Project No. CP0982 along Elliot Road between approximately the East Maricopa Floodway and Ellsworth Road (the “Project”).

Whereas, before the improvements for the Project can be constructed, it is necessary that easements in certain real property be vested in the City as generally identified in the attached Exhibit A and Sections 1 and 2 of this Resolution.

Whereas, there are approximately twelve (12) properties (identified in Exhibit A) from which easements are needed for this Project that an independent appraiser retained by Real Estate Services began appraising in March of 2025.

Whereas, to ensure that the necessary property rights for the Project are acquired, to expedite the construction of the Project, and to avoid unnecessary expense and delay, City staff requests City Council authorization to acquire the property rights specified in this Resolution through eminent domain.

Whereas, the City Council has considered available alternatives, balanced the public good and the private injury resulting from the acquisition of the required property interest, and determined that locating the public improvements for the Project on the real property generally depicted on the attached Exhibit A results in the greatest public good and the least private injury.

Now, therefore, be it resolved by the City Council of the City of Mesa as follows:

Section 1. That it is deemed necessary and essential and in the public interest, in order to construct the improvements for the Project referenced in this Resolution, for the City of Mesa to acquire easements in the portions of the real property generally identified and depicted on the attached Exhibit A.

Section 2. That it is deemed necessary and essential, in order to construct the improvements for the Project referenced in this Resolution, for the City of Mesa to obtain public utilities and facilities easements, temporary construction easements, and temporary drainage easements that are necessary in, over, under, and across portions of the real property generally identified and

depicted on the attached Exhibit A for the completion of the Project, and to permit the City of Mesa or its contractors to enter the lands so work related to the Project, such as grading, landscaping, irrigation, fences, walls, utility relocations, or other improvements, can be completed.

Section 3. That the City Attorney of the City of Mesa or his designated legal counsel is hereby authorized and directed to: (i) acquire certain any necessary easements on and in portions of the property generally identified and depicted in Exhibit A in the name of the City of Mesa under the power of eminent domain; and (ii) perform all acts necessary to acquire title and interests in and to the necessary real property in the name of the City of Mesa for said public purposes.

Section 4. That City staff is directed to negotiate, even after the filing of an eminent domain action, to attempt to reach a negotiated value for the real property rights with the property owners of the properties described in this Resolution, with the goal of reaching a mutual agreement as to the just compensation for those real property rights necessary for the Project.

Passed and adopted by the City Council of the City of Mesa, Maricopa County, Arizona this 1st day of July 2025.

APPROVED:

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MAYOR

ATTEST:

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City Clerk