



City Council Report

Date: November 15, 2021
To: City Council
Through: Marc Heirshberg, Deputy City Manager
From: Beth Huning, City Engineer
Marc Ahlstrom, Assistant City Engineer
Subject: Vacating a portion of public Right-of-Way located at 2415 North Old Gilbert Road
Council District 1

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to vacate a portion of public right-of-way (ROW) located at 2415 North Old Gilbert Road, and sell the vacated ROW at appraised value.

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

In 1972, forty feet (40') of ROW was dedicated to the City in Docket 9858, Page 241, records of Maricopa County, Arizona. The property owner at 2415 North Old Gilbert Road has requested the City vacate a portion of the existing forty-foot (40') ROW on the east side of Old Gilbert Road to match the existing twenty-five-foot (25') right-of-way width of the adjacent subdivision to the north. The owner is planning a residential subdivision for The Final Plat of Los Nietos. The existing utilities within the portion of the ROW to be vacated are in approval, therefore, staff has determined that the requested ROW is no longer needed for this portion of North Old Gilbert Road by the City.

The ROW to be vacated contains 4,622 square feet. It was appraised by an independent fee appraiser on October 26, 2021. The market value of the ROW is \$16,600.00. The developer has agreed to pay this amount.

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 \$500.00 processing fee plus the appraised value of the ROW in the amount of \$16,600.00, both paid by the developer.

Coordinated With

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