



# City Council Report

**Date:** July 10, 2023  
**To:** City Council  
**Through:** Marc Heirshberg, Deputy City Manager  
**From:** Beth Huning, City Engineer  
Marc Ahlstrom, Assistant City Engineer  
**Subject:** Vacating portions of public Right-of-Way located in the 3600 block of East Thomas Road  
Council District 1

## **Purpose and Recommendation**

The purpose of this report is to consider staff's recommendation to vacate portions of public right-of-way (ROW) located in the 3600 block of East Thomas 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 2017, the Arizona Department of Transportation (ADOT) transferred the Thomas Road ROW east of Val Vista Drive to City of Mesa by Resolution of Abandonment recorded in document no. 2017-0800111, records of Maricopa County. The adjacent property owner has requested the City vacate portions of Thomas Road ROW to assemble with the proposed development of a single-family residential subdivision. There is an existing 20' USA Easement / SRP Irrigation ditch within a portion of the ROW requested to be vacated. This encumbrance was provided in an 1890 Patent recorded in Book 169, Page 544 in 1922. This easement will be retained within the vacated ROW. There are no other existing utilities or improvements within the portion of ROW to be vacated, therefore, staff has determined that the requested ROW is no longer needed.

The ROW to be vacated was appraised by an independent fee appraiser on June 19, 2023. The market value of the ROW is \$106,783.00. 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 \$750.00 processing fee plus the appraised value of the ROW in the amount of \$106,783.00, both paid by the developer.

**Coordinated With**

The Engineering, Planning and Development Services, and Transportation Department, as well as outside utilities companies, concur with this request.