

RESOLUTION NO. 12393

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, DIRECTING STAFF TO CONTINUE NEGOTIATIONS TO ACQUIRE CERTAIN PROPERTY RELATED TO THE CONSTRUCTION OF THE DOBSON ROAD PEDESTRIAN HYBRID BEACON 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 NECESSITY FOR THE PEDESTRIAN HYBRID BEACON PROJECT.

WHEREAS, the City will be constructing certain improvements for the Dobson Road Pedestrian Hybrid Beacon Project, CP1110 located at 600 South Dobson Road (the "Project").

WHEREAS, before the improvements for the Project can be constructed, it is necessary for the City of Mesa to acquire easements in, over, under and across portions of certain real property generally identified in the attached Exhibit A and in Section One of this Resolution.

WHEREAS, there is one (1) property (identified in Exhibit A) from which easements are needed for this Project that Real Estate Services began appraising in October 2023.

WHEREAS, to ensure that the necessary real, personal, and other property rights for the Project are acquired, to expedite the construction of the Project and to avoid unnecessary expense and delay, City staff seeks 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 real and personal property, 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, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That it is deemed necessary and essential that in order to construct the improvements for the Project referenced in this Resolution, that it is necessary for the City of Mesa to obtain public utilities and facilities easements and temporary construction easements that may be deemed 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 upon adjacent lands so work related to the Project (such as grading, landscaping, irrigation, walls, or other improvements) can be completed.

Section 2: That the City Attorney of the City of Mesa or his designated legal counsel is hereby authorized and directed to: (i) acquire certain title in fee simple, personal property rights, and any necessary easements to 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) do and perform all acts necessary to acquire title and interests in and to the necessary real and personal property in the name of the City of Mesa for said public purposes.

Section 3: 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 and personal property rights with the property owners of the property described in this Resolution, with the goal of reaching a mutual agreement as to the just compensation for those real and personal 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:

MAYOR

ATTEST:

City Clerk