



City Council Report

Date: August 23, 2021
To: City Council
Through: Marc Heirshberg, Deputy City Manager
From: Beth Huning, City Engineer
Rob Kidder, Assistant City Engineer
Subject: Extinguish a portion of a 20-Foot Sewer Line Easement located at 2046 West Riverview Auto Drive
Council District 1

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a portion of a 20-foot sewer line easement located at 2046 West Riverview Auto Drive.

Background

Arizona Revised Statutes Title 28 §§ 7201-7215 and Mesa City Code Title 9, Chapter 10, provide the City Council with authority to abandon, vacate or extinguish (collectively, hereafter, "abandon") unnecessary roadways, rights-of-way, or easements to which the City holds right or title to; the type of right or title the City owns (roadway, right-of-way, or easement) determines the law under which the City Council has its right to abandon. The term "abandon" is used in this Council Report to cover all three types of terminations of the City's rights or title. Additionally, the City generally maintains the right to release restrictive covenants it holds on real property.

Sewer line easements are granted to the City of Mesa to allow for the installation and maintenance of sewer line utilities and related facilities on private property. When an easement is no longer needed, or conflicts with new development, the City Council may extinguish the easement to provide owners with the ability to fully utilize their property. To remove an easement from a property's title, City Council may approve a resolution to extinguish (abandon) the easement in accordance with provisions in the Mesa City Code Title 9, Chapter 10.

Discussion

The sewer line easement was reserved in Mesa City Council Resolution no. 7895 and recorded in document no. 2002-0900698, on August 26, 2002, records of Maricopa County, Arizona. The owner is requesting the reserved portion of the 20-foot sewer line easement be extinguished to allow construction of a new office building and parking

structure for Union Mesa. The existing sewer line has been relocated and a new sewer line easement has been granted with the development. Staff has determined the portion of the sewer line easement is no longer needed by the City.

Alternatives

An alternative is to not extinguish the requested portion of sewer line easement. Choosing this alternative would result in the existing sewer line easement conflicting with the construction of the new office building and parking structure for Union Mesa.

Fiscal Impact

The fiscal impact of this request is the \$750.00 processing fee collected from the applicant.

Coordinated With

The Engineering, Water Resources, Planning and Development Services Departments concur with this request.