



# 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 1-Foot Vehicular Non-Access Easement located at 1425 North Orlando Council District 5

## Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a portion of a 1-foot vehicular non-access easement (VNAE), dedicated on Lot 15 of the Final Plat for Valencia Park Estates located at 1425 North Orlando.

## 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.

Vehicular non-access easements (VNAE) are granted to the City of Mesa to restrict vehicular access across or on to a 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 VNAE was dedicated on Lot 15 of the Final Plat of Valencia Park Estates, recorded in Book 342 of Maps, Page 16, records of Maricopa County, Arizona. The owner is requesting a portion of the VNAE be extinguished to allow for construction of a new driveway. The applicant proposes to construct a new 2-car garage and casita on

the south side of the property. Staff has determined the VNAE is no longer needed by the City.

### **Alternatives**

An alternative is to not extinguish a portion of the VNAE. Choosing this alternative would result in the existing easement conflicting with construction of a driveway which will provide access to a new 2-car garage and casita.

### **Fiscal Impact**

The fiscal impact of this request is the \$500.00 processing fee collected from the applicant.

### **Coordinated With**

The Engineering, Planning and Development Services, and Transportation departments, concur with this request.