



# City Council Report

**Date:** January 27, 2020  
**To:** City Council  
**Through:** Kari Kent, Assistant City Manager  
**From:** Beth Huning, City Engineer  
Rob Kidder, Assistant City Engineer  
**Subject:** Vacating and selling a portion of Road Right-of-Way located in the 1900 block of the alignment of Old South Mesa Drive between East Baseline Road and East Juanita Avenue.  
Council District 3

## Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to vacate a portion of unimproved road right-of-way (ROW) located in the 1900 block of Old South Mesa Drive and being adjacent to APN:139-49-027C and APN:139-12-054, and to sell the vacated ROW at the appraised value.

## Background

In Mesa City Code, Chapter 10, Section 9-10-1, Disposition of Roadways, the City Council may dispose of unnecessary public roadway, 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 street 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

The owner of APN:139-49-027C is requesting a portion of the 33-foot road ROW adjacent to their property be vacated. The owner of APN:139-12-054 has also requested a portion of the 33-foot road ROW adjacent their parcel be vacated. The property owner of APN:139-12-004R along the east side of Old South Mesa Drive is not in agreement with paying for the 33-foot road ROW adjacent to their parcel. Therefore, this portion of the 33-foot ROW is not included with this request. The Transportation Department is in agreement with not vacating this portion of the ROW at this time. Old

South Mesa Drive is unimproved and is not being used as a public roadway. A Public Utility Easement will be reserved for existing utilities in the ROW. Staff has determined that the existing ROW is no longer needed by the City.

The ROW has been appraised by an independent fee appraiser. The market value of the ROW adjacent to APN:139-49-027C is \$72,000.00. The market value of the ROW adjacent to APN:139-12-054 is \$22,000.00. Both owners have agreed to pay the market value for their portion of the vacated ROW.

### **Alternatives**

An alternative is to not vacate this portion of the road right-of-way. Choosing this alternative will result in the City having public ROW that will never be used for a future roadway.

### **Fiscal Impact**

The fiscal impact of this request is the \$750.00 processing fee collected from the applicant, plus the appraised value of the ROW in the amounts of \$72,000.00 and \$22,000.00.

### **Coordinated With**

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