



City Council Report

Date: December 8, 2020
To: City Council
Through: Marc Heirshberg, Acting Deputy City Manager
From: Beth Huning, City Engineer
Rob Kidder, Assistant City Engineer
Subject: Extinguish a portion of a Drainage Easement on Lot 8, The Final Plat for Rock Canyon at Las Sendas, located at 3461 North Ladera Circle Council District 5

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a portion of a drainage easement on Lot 8, The Final Plat for Rock Canyon at Las Sendas, located at 3461 North Ladera Circle.

Background

Drainage easements are granted to the City of Mesa to allow for the conveyance or retention of storm water from public streets 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 the easements in accordance with provisions in the Mesa City Code Title 9, Chapter 10.

Discussion

The drainage easement being requested for extinguishment was dedicated on Lot 8, The Final Plat for Rock Canyon at Las Sendas, recorded in Book 617, Page 44, records of Maricopa County, Arizona. The owner is requesting that the City extinguish a portion of an existing drainage easement to accommodate the development of a backyard swimming pool. In 2020, there was an Amended Conservation Easement Deed with Desert Uplands Land Trust, LLC, an Arizona limited liability company and the current lot owner, recorded on June 12, 2020 in document no. 2020-0513083, removing a portion of the drainage easement and adding an additional area on the lot for drainage purposes. In addition, the property owner has received a permit for approval for the swimming pool from the Department of the Army Corps of Engineers. Staff has

determined that the portion of the drainage easement to be extinguished and the additional drainage easement granted in the Amended Conservation Easement Deed will meet the Nationwide 18 Permit for the 404. The portion of the additional drainage area that was granted in the Amended Conservation Easement Deed has been conveyed by the owner to the City of Mesa as a drainage easement.

Alternatives

An alternative would be to not extinguish the requested portion of the drainage easement. Choosing this alternative would result in the existing drainage easement conflicting with the owner's proposed development of a swimming pool.

Fiscal Impact

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

Coordinated With

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