

RESOLUTION NO. 12075

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA,
MARICOPA COUNTY, ARIZONA, VACATING A PORTIONS OF
RIGHT-OF-WAY IN THE 3600 BLOCK OF EAST THOMAS ROAD**

WHEREAS A.R.S. § 28-7201, *et seq.* provides that a city may dispose of a public roadway or a portion of the roadway that is no longer necessary for public use.

WHEREAS, the City Council has determined that portions of the right-of-way dedicated in document number 2017-0800111, records of Maricopa County, Arizona, as hereafter described and depicted in Exhibit A ("Exhibit A Right-of-Way") are no longer needed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: Right-of-Way Vacated. Pursuant to the provisions of A.R.S. § 28-7205, and subject to the receipt of the consideration and reservations set forth in Section 2 and Section 3 below, the following portions of right of way, known herein collectively as the "Exhibit A Right-of-Way" are no longer necessary and are vacated.

PLEASE REFER TO THE LEGAL DESCRIPTIONS AND
DEPICTIONS ON **EXHIBIT A** ATTACHED HERETO
AND MADE A PART HEREOF FOR THE VACATED
RIGHT-OF-WAY

Section 2: Right-of Way Consideration. Pursuant to A.R.S. § 28-7208:

A. The City Council directs that title to the above-described Exhibit A Right-of-Way is to go to the property owner of Maricopa County Parcel Numbers APN's: 141-23-003G, 141-23-003N, and 141-23-003J whose property abuts the Exhibit A Right-of-Way ("Abutting Owner"), but that the transfer of title is conditioned upon the Abutting Owner's payment to the City of Mesa of consideration for the vacated right of way.

B. After giving due consideration to the Exhibit A Right-of-Way's degree of fragmentation and marketability, and other public benefit received by the City of Mesa in return for the abandoned roadway, the City Council finds that the amount of \$106,783.00 for the Exhibit A Right-of-Way, as determined by an independent appraisal, provides consideration commensurate with the value of the abandoned Exhibit A Right-of-Way.

Section 3: Rights-of-Way Reservations. Pursuant to A.R.S. § 28-7205, upon payment of the consideration and recording of this Resolution in the Maricopa County Recorder's records, title to the vacated Exhibit A Right-of-Way property shall vest in the Abutting Owner, subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land to which it accrues.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 10th day of July, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk