

RESOLUTION NO. 12519

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, DIRECTING STAFF TO CONTINUE NEGOTIATIONS TO ACQUIRE CERTAIN REAL PROPERTY RIGHTS NEEDED FOR CONSTRUCTION OF THE PECOS RELIEF SEWER PROJECT; AND, TO AVOID UNNECESSARY EXPENSE AND DELAY, AUTHORIZING AND DIRECTING THAT EASEMENTS OR OTHER INTERESTS IN AND POSSESSION OF CERTAIN REAL AND PERSONAL PROPERTY BE ACQUIRED BY THE CITY OF MESA THROUGH EMINENT DOMAIN AS A MATTER OF PUBLIC USE AND NECESSITY FOR THE PECOS RELIEF SEWER PROJECT.

Whereas, the City of Mesa will be constructing certain improvements for the Pecos Relief Sewer Project, CP1185NS03, located on East Pecos Road between Power Road and the Roosevelt Water Conservation District canal (the “Project”).

Whereas, before the improvements for the Project can be constructed, it is necessary for the City to acquire certain real property rights, including a sewer line easement in, over, under, and across the real property legally described and depicted on the attached Exhibit A (the “Easement”).

Whereas, an independent appraiser retained by Real Estate Services appraised the necessary Easement in April 2026.

Whereas, to ensure that the necessary real property rights and Easement for the Project are acquired, to expedite the construction of the Project, and to avoid unnecessary expense and delay, City staff seeks City Council authorization to acquire the necessary real property rights and Easement through eminent domain.

Whereas, the City Council has considered available alternatives, balanced the public good and the private injury resulting from the acquisition of the real property rights and Easement, and determined that locating the public improvements for the Project on the real property legally described and depicted on the attached Exhibit A results in the greatest public good and the least private injury.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA:

Section 1: That it is deemed necessary and essential and in the public interest, in order to construct the improvements for and complete the Project, for the City of Mesa to obtain the Easement in, over, under, and across the real property legally described and depicted on the attached Exhibit A, and to permit the City of Mesa or its contractors to enter upon said real property so work related to the Project, such as grading, walls, and other improvements can be completed.

Section 2: That the City Attorney of the City of Mesa or his designated legal counsel is hereby authorized and directed to: (i) acquire certain necessary real property rights and the Easement in, over, under, and across the real property legally described and depicted on Exhibit A in the name of the City of Mesa under the power of eminent domain; and (ii) perform all acts necessary to

acquire interests in and to the necessary real property and the Easement in the name of the City of Mesa for the public purposes identified in this Resolution.

Section 3: That City staff is directed to negotiate, even after the filing of an eminent domain action, to attempt to reach a negotiated value for the real property rights and the Easement with the property owners of the real property legally described and depicted on Exhibit A, with the goal of reaching a mutual agreement as to the just compensation for those real property rights and Easement necessary for the Project.

Passed and adopted by the City Council of the City of Mesa on May 18, 2026.

Mark Freeman, Mayor

Attest:

Holly

EXHIBIT A
Legal Description
Sewer Easement

A portion of Lot E as shown on the Re-plat of "Lots 1 thru 11 of the Depot at Power Ranch", recorded in Book 1556, Page 23, Maricopa County Records, lying within the northeast quarter of Section 1, Township 2 South, Range 6 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northeast corner of said Section 1, a brass cap in handhole, from which the east quarter corner of said Section 1, a brass cap in handhole, bears South 00°45'13" East, a distance of 2628.48 feet;

Thence along the east line of the northeast quarter of said Section 1, South 00°45'13" East, a distance of 1434.27 feet;

Thence leaving said east line, South 89°14'47" West, a distance of 360.05 feet, to the easterly most corner of said Lot E;

Thence along the northerly line of said Lot E, North 53°31'14" West, a distance of 26.42 feet, to the **Point of Beginning**;

Thence leaving said northerly line, South 37°14'24" West, a distance of 12.41 feet, to the northerly line of that certain Public Utility Easement as shown on the Map of Dedication for Pecos Road, recorded in Book 740, Page 30, MCR;

Thence along said northerly line, South 85°37'40" West, a distance of 26.75 feet;

Thence leaving said northerly line, North 37°14'24" East, a distance of 29.91 feet, to the northerly line of said Lot E;

Thence along said northerly line, South 53°31'14" East, a distance of 20.00 feet, to the **Point of Beginning**.

Containing 423 Square Feet or 0.009 Acres more or less.



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September 18, 2025
AWLS #24-017



