

## **RESOLUTION NO. 12401**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY IN THE 0-30 BLOCK OF SOUTH MORRIS STREET, LOCATED SOUTH OF MAIN STREET AND NORTH OF MAHONEY AVENUE, TO COMBINE WITH THE ABUTTING PROPERTY FOR FUTURE DEVELOPMENT.

Whereas, Arizona Revised Statutes (“A.R.S.”) § 28-7201, et seq. authorizes cities to dispose of a public roadway or a portion of a public roadway that is no longer necessary for public use.

Whereas, the City Council finds and determines that a portion of public roadway that was dedicated to the City of Mesa in Book 23 of Maps, Page 18, records of Maricopa County, Arizona, and is described and depicted in Exhibit A (the “Vacated Roadway”) is no longer necessary for public use.

Whereas, concurrently with this Resolution, the City Council will also consider a Resolution for a Development Agreement with OZ16 QOZB, LLC, the owner of the real property abutting the Vacated Roadway (the “Owner”), for the development of a mixed-use project.

Whereas, as more fully described in the Development Agreement, if the Vacated Roadway is vacated to combine with the abutting property, the Owner agrees, among other things, to (1) develop a central plaza area on the Vacated Roadway that will be open to the public and will include a pedestrian pathway, open space, seating, lighting, landscaping, and related improvements (the “Plaza”); (2) grant to the City, at no cost to the City or the public, a perpetual Public Access Easement on the Vacated Roadway providing to the City and the public free, open, and continuous access to and use of the Plaza, and requiring the Owner to maintain the Plaza in perpetuity; and (3) grant to the City, at no cost to the City or the public, Public Utilities Easements on the Vacated Roadway providing to the City continued use of and access to both existing and future utilities, including for installation, repair, and maintenance.

Now therefore, be it resolved by the City Council of the City of Mesa, Maricopa County, Arizona, as follows:

Section 1:     Roadway 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 portion of right-of-way, known herein as the “Vacated Roadway” is no longer necessary and is vacated:

SEE THE LEGAL DESCRIPTIONS AND DEPICTIONS  
OF THE VACATED ROADWAY ON EXHIBIT A  
ATTACHED HERETO AND MADE A PART HEREOF.

Section 2:     Consideration for Vacated Roadway. Pursuant to A.R.S. § 28-7208, the City Council:

A.     Finds and determines, after giving due consideration to the Vacated Roadway's degree of fragmentation and marketability and other public benefit received by the City of Mesa in return for the Vacated Roadway, the City of Mesa will receive consideration from the Owner of the abutting property commensurate with the value of the Vacated Roadway, including (1) the Owner's construction of the Plaza on the Vacated Roadway, which will create a public open space with amenities in downtown Mesa; (2) the Owner's dedication to the City of a perpetual Public Access Easement on the Vacated Roadway, which requires the Plaza to remain free and open to the public, and the Owner to maintain the Plaza, in perpetuity; (3) the Owner's dedication to the City of Public Utilities Easements on the Vacated Roadway for existing and future utilities; (4) the Owner's construction of a cul-de-sac where Morris Street will terminate south of the Vacated Roadway; and (5) other public benefits received through the Development Agreement including a new, vibrant residential and commercial area with a central open space at a prominent entrance to downtown Mesa and adjacent to the Country Club light rail station.

B.     Directs that title to the above-described Vacated Roadway vest with the Owner of the property that abuts the Vacated Roadway (the "Abutting Owner"), which property consists of Maricopa County Assessor Parcel Numbers 138-54-010, 138-54-008A, 138-54-009A, and 138-54-039, and depicted on Exhibit B and Exhibit C, but that the vesting of title is conditioned upon the Abutting Owner entering into the Development Agreement and granting to City the Public Utilities Easement related to existing utilities required by the Development Agreement.

Section 3:     Rights-of-Way Reservations. Pursuant to A.R.S. § 28-7205, upon receipt of the consideration and recording of this Resolution in the Maricopa County Recorder's records, title to the Vacated Roadway shall vest with the Abutting Owner of the property depicted on Exhibit B and Exhibit C, 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 8th day of July, 2025.

Approved:

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Mayor

Attest:

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City Clerk