



City Council Report

Date: April 7, 2025
To: City Council
Through: Marc Heirshberg, Deputy City Manager
From: Beth Huning, City Engineer
Marc Ahlstrom, Assistant City Engineer
Subject: Request for delegation of authority to the City Manager to extinguish, abandon and grant certain easements and to dedicate rights-of-way and easements to the public from City-owned land; and amending Title 9 Chapter 10 regarding the extinguishment of easements.
All Council Districts

Purpose and Recommendation

The purpose of this report is to consider staff recommendations for delegation of authority to the City Manager to extinguish, abandon and grant certain easements and to dedicate rights-of-way and easements to the public from City-owned land; and amending Title 9 Chapter 10 regarding the extinguishment of easements.

Background

Mesa City Code Title 9, Chapter 10 requires City Council's authorization to extinguish easements that are no longer needed. The City Council makes the determination based on staff recommendations that include comments from internal City departments and external non-city utility agencies.

The typical timeline for the extinguishment process ranges from 8 to 12 weeks.

Discussion

Easements that need to be extinguished include public utilities and facilities easements, public utilities easements, water line easements, sewer line easements, gas line easements, drainage easements and other miscellaneous easements. Easements are granted to the City on a recorded subdivision plat or by separate instrument. When staff receives a request to extinguish an easement on a property, staff will distribute the request to the applicable internal City departments and external non-city utility agencies for their review and comments. After all comments are received in support of the extinguishment request, staff prepares a Council Report and Resolution for City Council approval. Staff does not recommend the extinguishment of an easement if there is an

objection to the request by an internal City department or external non-city utility agency.

Delegating authority to the City Manager for an extinguishment or abandonment of easements will reduce the typical timeline process from 8 to 12 weeks to 4 to 8 weeks, and staff will no longer need to prepare a council report and Resolution for Council approval.

Vacating of public right of way or extinguishment of right-of-way easements will continue to require City Council approval. The process for vacating right-of-way or extinguishment of a right-of-way easement will remain the same.

An additional proposed change to Mesa City Code Title 1, Chapter 20, Section 4 will delegate authority to the City Manager to dedicate rights-of-way and easements to other governmental entities. Examples of other governmental entities include Maricopa County, the Town of Gilbert and the Town of Queen Creek.

Alternative

The alternative would be to not delegate this authority to the City Manager. If this alternative is chosen, the current process will continue, and staff will seek the City Council's approval on each individual request from property owners and developers.

Fiscal Impact

The current cost established in the Engineering schedule of fees and charges is \$500 for residential properties and \$750 for non-residential properties. This fee will continue to be charged. There is no fiscal impact on this request.

Concurrence

The City Attorney and City Engineer concur with this recommendation.