



City Council Report

Date: July 3, 2023
To: City Council
Through: Natalie Lewis, Deputy City Manager
From: Nana Appiah, Development Services Director
Mary Kopaskie-Brown, Planning Director
Subject: **ANX23-00215** - “Power Road Right-of-Way De-Annexation” – De-Annexation of a public right-of-way to Maricopa County, allowed pursuant to A.R.S. § 9-471.02 and § 9-471.03, consisting of ±0.2 acres located within the 3800 to 3900 blocks of South Power Road, subject to approval by the Maricopa County Board of Supervisors. *Council District 6*

Purpose

The purpose of this agenda item is for City Council to consider an ordinance for a proposed de-annexation of 0.2± acres of right-of-way depicted on Exhibit “A” (the “Right-of-Way”) and to deliver the Right-of-Way to Maricopa County.

This de-annexation is subject to approval by the Maricopa County Board of Supervisors as allowed pursuant to A.R.S. § 9-471.02 and § 9-471.03.

Per State law, the City is required to set forth, by ordinance, the legal description of the public right-of-way and to declare the de-annexation and return of the public right-of-way contingent on the fulfillment of the conditions of A.R.S. § 9-471.02 and § 9-471.03 (A.R.S. § 9-471.03(C)).

The subject de-annexation request was initiated by the Maricopa County Department of Transportation. Following approval by the City Council, the de-annexation ordinance will be filed with the Maricopa County Recorder’s Office. The Maricopa Board of Supervisors will conduct a public hearing, not less than thirty days nor more than sixty days after the date the ordinance is filed, consistent with the requirements of A.R.S. § 9-471.02 and § 9-471.03.

The City of Mesa Transportation Department and the Development Services Department recommend approval of the ordinance for the De-Annexation.

Background

In 1990, the City of Mesa City Council annexed 154± acres of land, located east of Power Road and south of Elliot Road into the City of Mesa (Case No. A98-004). The 1990 annexation, pursuant to A.R.S. § 9-471, included all property up to the Maricopa County right-of-way line, which at that time was 55 feet along Power Road.

Since 1990, Maricopa County has determined that it needs an additional 10 feet of right-of-way to meet their ultimate street cross-section for Power Road (65 feet).

In April 2023, the owner of the former private property that is now public right-of-way, dedicated the land in “Exhibit A” to the City. This is the land that needs to be de-annexed to Maricopa County. The dedication to the City was done via the Power 42 Subdivision Plat (April 20, 2023 - plat recording date).

The proposed De-Annexation will deliver the right-of-way to Maricopa County, as requested, and required, by Maricopa County, subject to approval by the Maricopa County Board of Supervisors.

Recommendation

The City of Mesa Department of Transportation and Maricopa County Department of Transportation have provided comments related to the roadway development of the Right-of-Way. Both have requested the De-Annexation of the Right-of-Way shown on “Exhibit A”.

The De-Annexation of the right-of-way is required to meet Maricopa County’s cross-section for Power Road and for the roadway and improvements associated with the Power 42 subdivision within Maricopa County.

Upon approval of the de-annexation (by both the City and the County according to the procedures in A.R.S. § 9-471(O)), Maricopa County will be responsible for the maintenance of the right-of-way.