



City Council Report

Date: July 1, 2025
To: City Council
Through: Marc Heirshberg, Assistant City Manager
From: Lance Web, City Engineer
Marc Ahlstrom, Assistant City Engineer
Subject: Authorizing acquisition by the City of real property rights for easements, including through eminent domain, for the Dobson Road Pedestrian Hybrid Beacon Project (CP1110), located at 600 South Dobson Road.
Council District 3

Purpose and Recommendation

The purpose of this report is to consider staff recommendations to authorize staff to acquire easements necessary for the Dobson Road Pedestrian Hybrid Beacon Project, located at 600 South Dobson Road, Project No. CP1110 (Project). Currently staff is continuing to meet and negotiate with the property owner. However, to avoid construction delays, staff is requesting authorization to acquire the necessary easements through eminent domain, if necessary. It is the City's intent to continue negotiating with the property owner with full expectations that a settlement will be reached.

Background

Transportation has identified the need for a signalized pedestrian crossing at the midblock location in the 600 block of South Dobson Road. It was identified by analyzing citywide crash data for incidents involving vulnerable road users, conducting observations/site assessments, and consideration surrounding demographics, land uses, and transit facilities. This project will support Mesa's current initiatives to mitigate serious injury and fatal crashes while enhancing pedestrian and bus stop facilities on Dobson Road. To install the proposed improvements, easements are needed on the property located at 600 South Dobson Road. Construction for the project is expected to begin in Summer of 2025.

Discussion

There is one parcel owned by the Hallcraft Villas Mesa Townhomes Association (the HOA) that a total of 665 square feet of Public Utilities and Facilities Easements (PUFE) are needed for the new pedestrian hybrid beacon, ADA sidewalk improvements, bus stop, and ADA ramps at the pedestrian crossing. There is a 460 square foot Temporary

Construction Easement necessary for the work areas behind the PUFÉ during construction. Easements have been minimized to reduce impacts to the property to the purchase and removal of 375 square feet of grass and the relocation of 34 linear feet of a 6-foot concrete masonry wall.

Real Estate began appraising the property in October 2023. A written offer to purchase right-of-way and easements was made to the owner in December 2023. The City has offered Fair Market Value for the easements needed as established by an appraisal.

The City is required by law to pay what is called “just compensation” for the land needed for this project. “Just compensation” includes the value of the land and any improvements being taken and damages equal to any diminishment in value of the remaining property resulting from the acquisition.

During the negotiations, the HOA determined the community's Covenants, Conditions, and Restrictions (CC&R's) required a 2/3rd vote of the community's unit ownerships, in order to approve granting of easements to the City. There are a total of 204 unit owners in this community, according to the HOA. A 2/3 vote would require 136-unit owners voting in favor to pass the measure. To help obtain the 136 votes the HOA determined were needed, City staff made the following efforts:

- Attended four HOA board and community meetings
- Created informational flyers and posters that were made available for viewing in the HOA common areas along with the Project plans
- Mailed, emailed, and hand delivered HOA ballots and Project information to unit owners
- Placed calls to unit owners informing them of the vote and answering questions about the Project

A vote was held on August 23rd, 2024. There were 136 votes counted. Of those votes 125 were in favor and 11 not in favor of granting the easements. The remaining 68-unit owners did not submit a vote, and the HOA considers these unit owners as being “against” the measure. Therefore, the vote to approve the HOA granting easements to the City of Mesa failed.

To avoid construction delays, staff seeks Council approval to start eminent domain court proceedings on the parcel where the City and property ownership have not been able to reach an agreement. Staff will continue to work with the HOA and attempt to reach an agreement on the remaining land right. Filing the court action will allow the City to seek an Order of Immediate Possession (OIP), so that the Project may proceed while the negotiations continue a parallel course. Obtaining an OIP is necessary to avoid costly construction delays.

Alternative

The Project cannot begin as scheduled if the use of eminent domain is not authorized when necessary to obtain immediate possession.

Fiscal Impact

The recommendation does not have a fiscal impact on the overall cost of the Project.

Concurrence

The Engineering and Transportation Departments concur with this recommendation.