



City Council Report

Date: January 24, 2022
To: City Council
Through: Marc Heirshberg, Deputy City Manager
From: Beth Huning, City Engineer
Marc Ahlstrom, Assistant City Engineer
Subject: Extinguish a 1-Foot Vehicular Non-Access Easement dedicated on Lots 96, 97 and 98 of The Final Plat of Eastmark Development Unit DU-7 Parcel 53, located in the 4700 Block of South Element Council District 6

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a 1-foot vehicular non-access easement (VNAE), dedicated on Lots 96, 97 and 98 of the Final Plat of Eastmark Development Unit DU-7 Parcel 53, located in the 4700 block of South Element.

Background

Arizona Revised Statutes Title 28 §§ 7201-7215 and Mesa City Code Title 9, Chapter 10, provide the City Council with authority to abandon, vacate or extinguish (collectively, hereafter, "abandon") unnecessary roadways, rights-of-way, or easements to which the City holds right or title to; the type of right or title the City owns (roadway, right-of-way, or easement) determines the law under which the City Council has its right to abandon. The term "abandon" is used in this Council Report to cover all three types of terminations of the City's rights or title. Additionally, the City generally maintains the right to release restrictive covenants it holds on real property.

Vehicular non-access easements (VNAE) are granted to the City of Mesa to restrict vehicular access across or on to a property. When an easement is no longer needed, or conflicts with new development, the City Council may extinguish the easement to provide owners with the ability to fully utilize their property. To remove an easement from a property's title, City Council may approve a resolution to extinguish (abandon) the easement in accordance with provisions in the Mesa City Code Title 9, Chapter 10.

Discussion

The VNAE was dedicated on Lots 96, 97, and 98 of the Final Plat of Eastmark Development Unit DU-7 Parcel 53, recorded in Book 1573 of Maps, Page 25, records of

Maricopa County, Arizona. The owner is requesting the VNAE be extinguished to accommodate the shift in rear lot lines of Lots 96, 97, and 98. The applicant has submitted the Replat of Eastmark Development Unit DU-7 Parcel 53 that will be rededicating the VNAE on the new lot configurations. Staff has determined the VNAE is no longer needed by the City.

Alternatives

An alternative is to not extinguish a portion of the VNAE. Choosing this alternative would result in the existing easement conflicting with the shift in the rear lot lines of Lots 96, 97, and 98.

Fiscal Impact

The fiscal impact of this request is the \$750.00 processing fee collected from the applicant.

Coordinated With

The Engineering, Planning and Development Services, and Transportation departments, concur with this request.