



City Council Report

Date: May 2, 2022
To: City Council
Through: Marc Heirshberg, Deputy City Manager
From: Beth Huning, City Engineer
Marc Ahlstrom, Assistant City Engineer
Subject: Extinguish a portion of a 20-foot Public Utility Easement and Public Utilities and Facilities Easement, a Temporary Drainage Easement, and a portion of a 10-foot Drainage Easement located at 1458 South Signal Butte Road (District 5)

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a portion of a 20-foot Public Utility Easement (PUE) and Public Utilities and Facilities Easement (PUFE), a Temporary Drainage Easement and a portion of a 10-foot Drainage Easement (DE) located at 1458 South Signal Butte Road.

Background

Public utility easements and public utilities and facilities easements are dedicated to the City of Mesa to allow for the installation and maintenance of public utilities on private 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.

Drainage easements and temporary drainage easements are granted to the City of Mesa to allow for the conveyance or retention of storm water from public streets onto private 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 portion of Public Utility Easement (PUE) being requested for extinguishment was recorded in document no. 2007-1254167 and dedicated as a PUE on parcel "A" of the Replat of Mountain Vista Marketplace, recorded in Book 1555 of Maps, Page 33, records of Maricopa County, Arizona and shown on Lot 3 of the Final Plat of Mountain Vista Retail, recorded in Book 1620 of Maps, Page 41, records of Maricopa County, Arizona. The owner is requesting the PUE and PUE be extinguished to accommodate the construction of a new commercial development called Mountain Vista Market Place. There are no existing utilities in the easements. Therefore, staff has determined the PUE and PUE is no longer needed.

The Temporary Drainage Easement being requested for extinguishment was recorded in document no. 2007-1254169, records of Maricopa County, Arizona and recorded on parcel "A" of the Replat of Mountain Vista Marketplace, in Book 1555 of Maps, Page 33, records of Maricopa County, Arizona, and shown on Lots 1, 2, 3, and 4 of the Final Plat of Mountain Vista Retail recorded in Book 1620 of Maps, Page 41, records of Maricopa County, Arizona. This drainage easement was temporary, and a permanent drainage retention structure is being installed to accommodate the development. Therefore, staff has determined that the Temporary Drainage Easement is no longer needed.

A certain portion of a 10-foot Drainage Easement (DE) requested for extinguishment was recorded in document no. 2007-1258747, Maricopa County, Arizona, and recorded on parcel "A" of the Replat of Mountain Vista Marketplace, in Book 1555 of Maps, Page 33, records of Maricopa County, Arizona, and recorded on a portion of Lot 1 and 10 of the Final Plat of Mountain Vista Retail, in Book 1620 of Maps, Page 41, records of Maricopa County, Arizona. The owner is requesting the DE be extinguished to install private replacement drainage infrastructure to accommodate the development. Therefore, staff has determined that the DE is no longer needed.

Alternatives

An alternative is to not extinguish the portion of PUE and PUE, the Temporary Drainage Easement and a portion of the Drainage Easement. Choosing this alternative will result in the property owner not being able to construct the new commercial development called Mountain Vista Market Place as planned.

Fiscal Impact

The fiscal impact of this request is the \$750.00 processing fee paid by the property owner.

Coordinated With

The Engineering and Development Services Departments, along with outside utility companies, concur with this request.