



City Council Report

Date: October 17, 2022
To: City Council
Through: Natalie Lewis, Deputy City Manager
From: Nana Appiah, Development Services Director
Rachel Prelog, Assistant Planning Director
Subject: **ANX22-01047.** *Council District 5.* Ordinance de-annexing public right-of-way to Maricopa County, consisting of ± 0.7 acres located within the 200 block of North Signal Butte Road, within the 10800 block of East Mercury Drive, and within the 10800 block of East Boston Street, subject to approval by the Maricopa County Board of Supervisors. The de-annexation of public right-of-way is allowed pursuant to A.R.S. § 9-471.03.

Purpose

The purpose of this agenda item is for the City Council to consider an ordinance de-annexing $0.7\pm$ 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 and is allowed pursuant to A.R.S. § 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. §9-471.03 (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 and 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. § 9-471.03.

Background

In 2018, the City of Mesa City Council annexed 6± acres of land, located east of Signal Butte Road and north of Main Street into the City of Mesa (ANX18-00471). The 2018 annexation appropriately included, pursuant to A.R.S. § 9-471, all property up to the Maricopa County right-of-way line, which at that time was 40-feet along Signal Butte Road and 25-feet along Mercury Drive and Boston Street. Since 2018, Maricopa County has determined that it needs an additional 25 feet of right-of-way in the area to meet their ultimate street cross-section for Signal Butte Road (65 feet), Mercury Drive (50 feet), and Boston Street (50 feet). To facilitate the City de-annexing the Right-of-Way to Maricopa County to meet Maricopa County's standards, on October 3, 2022, the owner of what used to be private property (and is now the Right-of-Way) dedicated to the City the land in "Exhibit A" that needs to be de-annexed to Maricopa County. That dedication was done via the Montelucia Subdivision Plat (Maricopa County Recorder's No. 2022-0752530). In short, the land being de-annexed is now public Right-of-Way. The proposed Ordinance will de-annex the Right-of-Way and 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; and 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 Signal Butte Road, Mercury Drive, and Boston Street, and for the roadway and improvements associated with the Montelucia Subdivision to be permitted within Maricopa County and built to Maricopa County standards.

For these reasons, the City of Mesa Transportation Department and the Development Services Department recommend approval of the ordinance de-annexing the Right-of-Way.