

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, DIRECTING STAFF TO CONTINUE NEGOTIATIONS TO ACQUIRE CERTAIN PROPERTY RELATED TO THE CONSTRUCTION OF THE VAL VISTA DRIVE IMPROVEMENT PROJECT; AND, TO AVOID UNNECESSARY EXPENSE AND DELAY, AUTHORIZING AND DIRECTING THAT FEE TITLE, EASEMENTS OR OTHER INTERESTS IN AND POSSESSION OF CERTAIN REAL AND PERSONAL PROPERTY BE ACQUIRED BY THE CITY OF MESA THROUGH EMINENT DOMAIN AS A MATTER OF PUBLIC NECESSITY FOR THE VAL VISTA DRIVE IMPROVEMENT PROJECT.

WHEREAS, the City will be constructing certain improvements for the Val Vista Drive Roadway Improvement Project No. CP0062 along Val Vista Drive between approximately US 60 and East Pueblo Avenue (the "Project").

WHEREAS, before the improvements for the Project can be constructed, it is necessary that fee simple title to certain real property, and full ownership of certain personal property, be vested in the City of Mesa for new-right-of-way as generally identified in the attached Exhibit A and Section One of this Resolution; and that it is necessary for the City of Mesa to acquire easements in, over, under and across portions of certain real property generally identified in the attached Exhibit A and in Section Two of this Resolution.

WHEREAS, there are approximately ten (10) properties (identified in Exhibit A) from which real property, personal property, rights-of-way and/or easements are needed for this Project that Real Estate Services began appraising in August 2022.

WHEREAS, to ensure that the necessary real, personal, and other property rights for the Project are acquired, to expedite the construction of the Project and to avoid unnecessary expense and delay, City staff seeks City Council authorization to acquire the property rights specified in this Resolution through eminent domain.

WHEREAS, the City Council has considered available alternatives, balanced the public good and the private injury resulting from the acquisition of the real and personal property, and determined that locating the public improvements for the Project on the real property generally depicted on the attached Exhibit A results in the greatest public good and the least private injury.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That it is deemed necessary and essential that in order to construct the improvements for the Project referenced in this Resolution, it is necessary for the City of Mesa to acquire personal property and fee simple title to the portions of the real property for new right-of-way generally identified and depicted on the attached Exhibit A.

Section 2: That it is deemed necessary and essential that in order to construct the improvements for the Project referenced in this Resolution, that it is necessary for the City of Mesa to obtain public utilities and facilities easements, public utility easements and temporary construction easements that may be deemed necessary in, over, under and across portions of the real property generally identified and depicted on the attached Exhibit A for the completion of the Project, and to permit the City of Mesa or its contractors to enter upon adjacent lands so work related to the Project (such as grading, landscaping, irrigation, fences, walls, utility relocations or other improvements) can be completed.

Section 3: That the City Attorney of the City of Mesa or his designated legal counsel is hereby authorized and directed to: (i) acquire certain title in fee simple, personal property rights, and any necessary easements to portions of the property generally identified and depicted in Exhibit A in the name of the City of Mesa under the power of eminent domain; and (ii) do and perform all acts necessary to acquire title and interests in and to the necessary real and personal property in the name of the City of Mesa for said public purposes.

Section 4: That City staff is directed to negotiate, even after the filing of an eminent domain action, to attempt to reach a negotiated value for the real and personal

property rights with the property owners of the property described in this Resolution, with the goal of reaching a mutual agreement as to the just compensation for those real and personal property rights necessary for the Project.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 7<sup>th</sup> day of November, 2022.

APPROVED:

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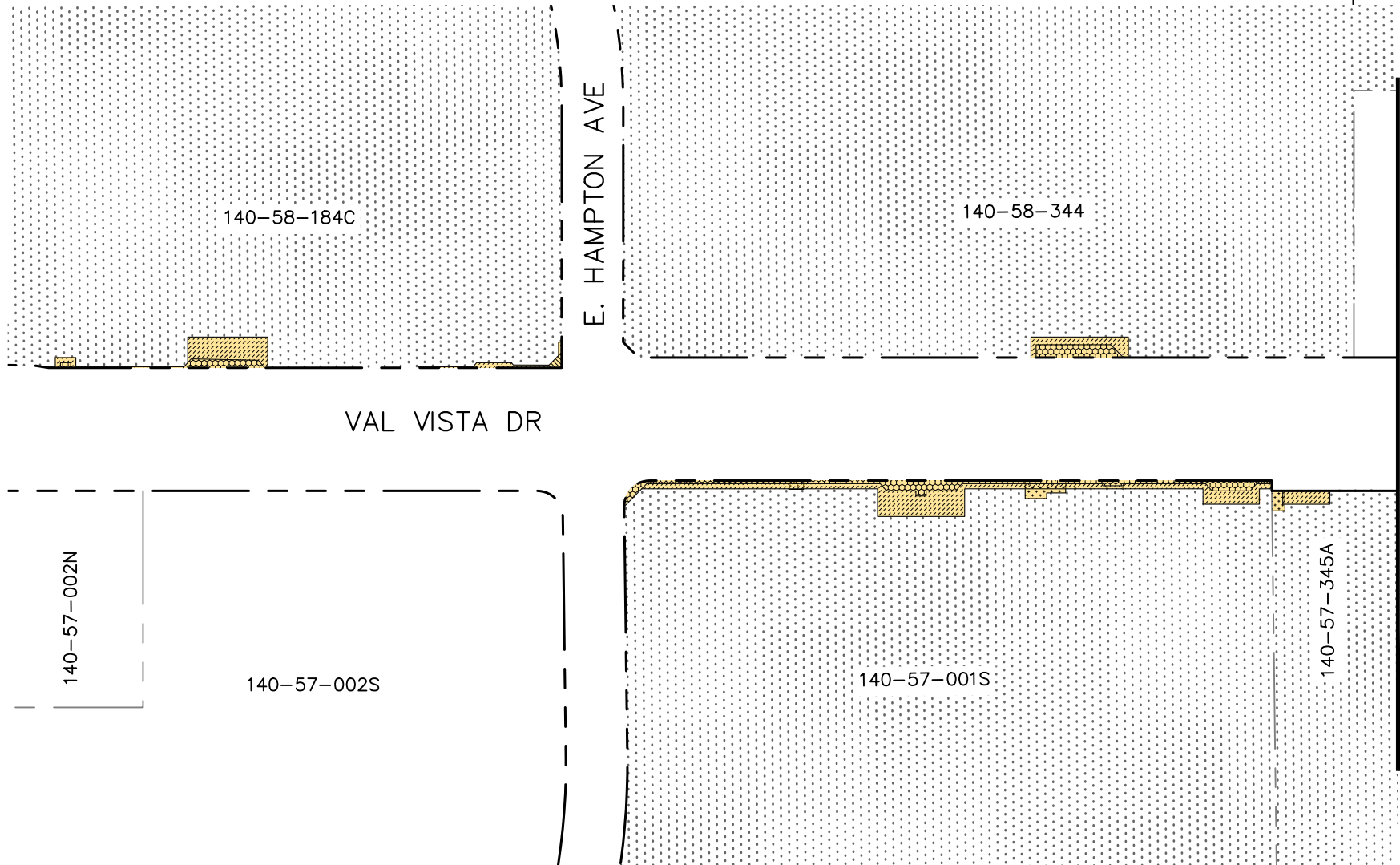
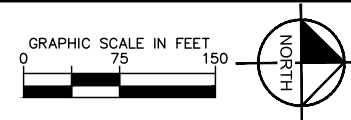
MAYOR

ATTEST:

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City Clerk

# EXHIBIT A



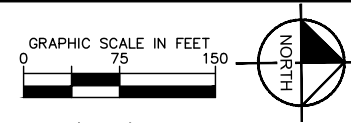
MATCHLINE SEE SHEET 2



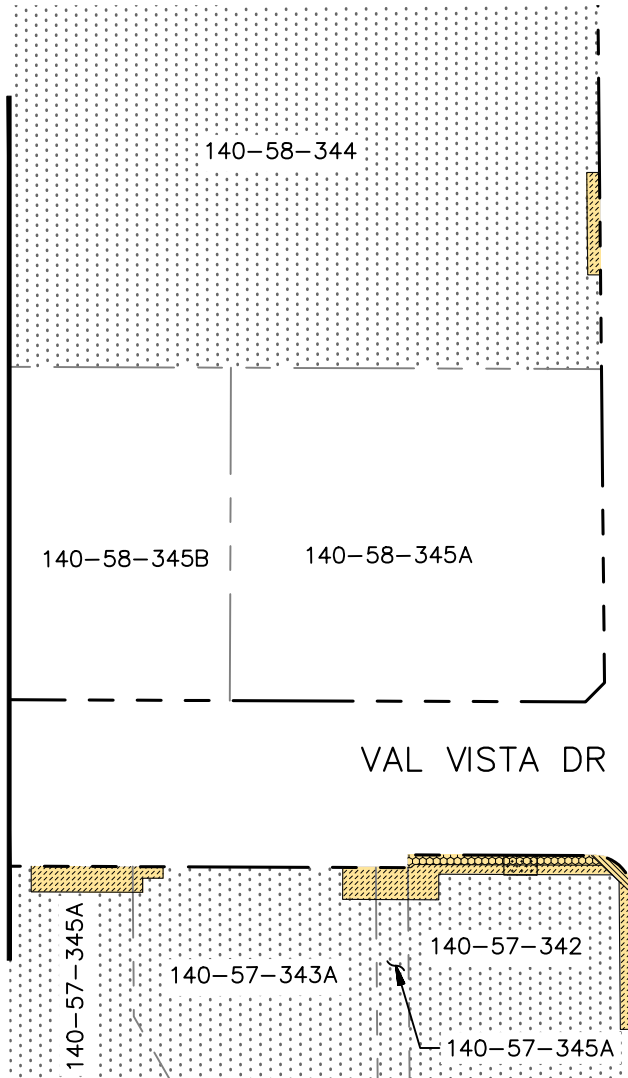
LEGEND	
	REQUESTING AUTHORIZATION ON THESE PROPERTIES
	TEMPORARY CONSTRUCTION EASEMENT
	NEW RIGHT-OF-WAY
	NEW PUBLIC UTILITY AND FACILITY EASEMENT
	NEW PUBLIC UTILITY EASEMENT

VAL VISTA DRIVE:  
US60 TO PUEBLO AVE  
CITY PROJECT NO. CP0062  
ALCP PROJECT NO. ACI-VAL-10-03-C  
SHEET 1 OF 3

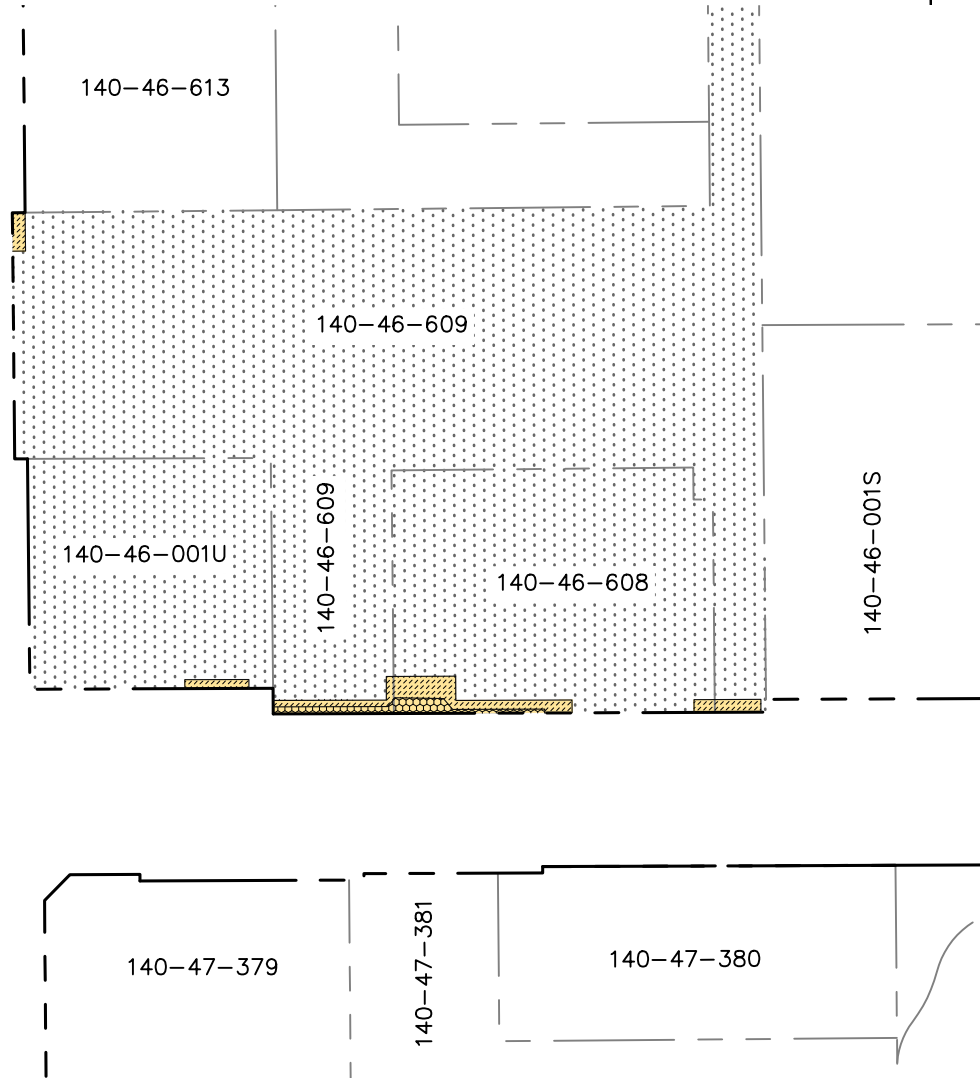




MATCHLINE SEE SHEET 1








E. SOUTHERN AVE



MATCHLINE SEE SHEET 3



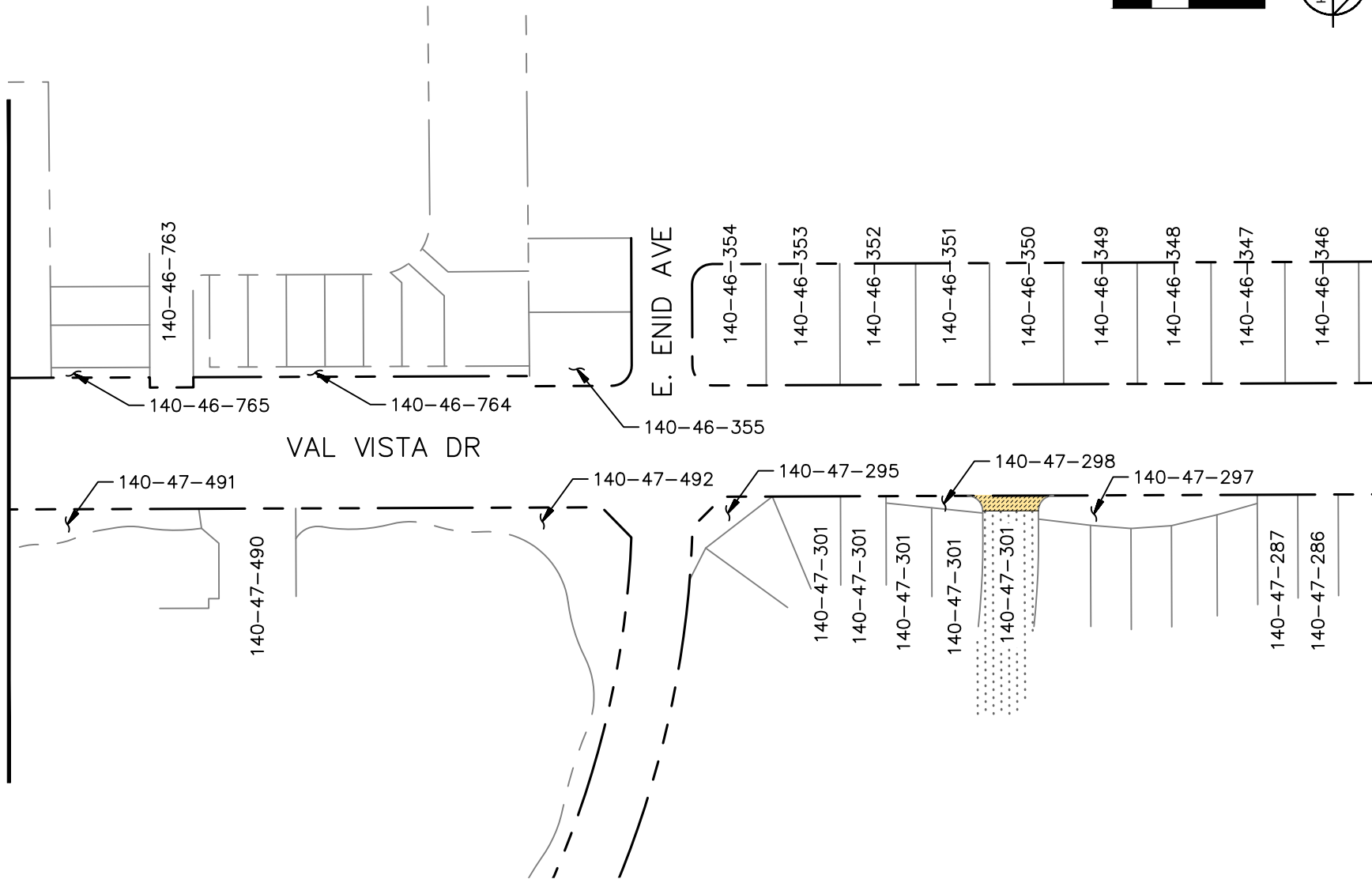
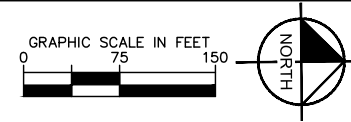
**LEGEND**

-  REQUESTING AUTHORIZATION ON THESE PROPERTIES
-  TEMPORARY CONSTRUCTION EASEMENT
-  NEW RIGHT-OF-WAY
-  NEW PUBLIC UTILITY AND FACILITY EASEMENT
-  NEW PUBLIC UTILITY EASEMENT

VAL VISTA DRIVE:  
 US60 TO PUEBLO AVE  
 CITY PROJECT NO. CP0062  
 ALCP PROJECT NO. ACI-VAL-10-03-C  
 SHEET 2 OF 3



MATCHLINE SEE SHEET 2



**LEGEND**  
REQUESTING AUTHORIZATION ON THESE PROPERTIES  
TEMPORARY CONSTRUCTION EASEMENT

VAL VISTA DRIVE:  
US60 TO PUEBLO AVE  
CITY PROJECT NO. CP0062  
ALCP PROJECT NO. ACI-VAL-10-03-C  
SHEET 3 OF 3

**Kimley»Horn**