



City Council Report

Date: March 20, 2023
To: City Council
Through: Marc Heirshberg, Deputy City Manager
From: Beth Huning, City Engineer
Marc Ahlstrom, Assistant City Engineer
Subject: Extinguish two Public Utilities and Facilities Easements (PUFEs), and a portion of easements for ingress/egress for refuse and emergency vehicles, PUFE and drainage dedicated on Tract B of the Final Plat of Mariposa Estates, Unit 2, all located within the 3800 block of East McLellan Road.
(Council District 2)

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish two Public Utilities and Facilities Easements (PUFEs) and a portion of easements dedicated on Tract B of the Final Plat of Mariposa Estates, Unit 2 all located within the 3800 block of East McLellan Road.

Background

Public utilities and facilities easements, ingress/egress for refuse and emergency vehicles, and drainage easements are dedicated to the City of Mesa to allow for the installation of public utilities and/or public facilities on private property, emergency and refuse vehicles to access private streets, and the retention of storm water drainage from the public rights-of-way on private property, respectively. 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 easements requested for extinguishment were dedicated in two separate documents. One PUFE requested for extinguishment was granted in document number 1999-1024875, records of Maricopa County, Arizona. The 1999 PUFE should have been extinguished before the 2022 recording of the Mariposa Estates, Unit 2 subdivision plat. However, the extinguishment was never processed in 1999. This extinguishment is now being processed with this council action.

The second PUFЕ requested for extinguishment is an 8-foot PUFЕ dedicated on Lots 5, 6, and Tracts B & C of the Final Plat of Mariposa Estates, Unit 2 in Book 1647, Page 44, records of Maricopa County, Arizona. The 8-foot PUFЕ extinguishment will accommodate the design and development of a new 7-lot residential subdivision. Needed easements will be dedicated on the new subdivision plat.

The final extinguishment request is a portion of easements dedicated on Tract B recorded in the Final Plat of Mariposa Estates, Unit 2 in Book 1647, Page 44, records of Maricopa County, Arizona. Tract B includes a public ingress/egress for refuse and emergency vehicles, PUFЕ, and drainage easement. The east 15 feet of Tract B will remain to continue to provide private street, utilities, and other easements to the existing lots of Mariposa Estates subdivision on North 38th Circle.

Therefore, staff has determined the two PUFЕs and the portions of easements in Tract B requested for extinguishment are no longer needed.

Alternatives

An alternative is not extinguishing the PUFЕs, and portion of easements identified in this report. Choosing this alternative will eliminate the property owner's ability to develop the property 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, Development Services, Water Resources, and Solid Waste Departments, along with outside utility companies, concur with this request.