



City Council Report

Date: November 2, 2020
To: City Council
Through: Kari Kent, Assistant City Manager
From: Beth Huning, City Engineer
Rob Kidder, Assistant City Engineer
Subject: Extinguish a Public Utilities and Facilities Easement and Vacate Right-of-Way located at 4901 South Ellsworth Road
Council District No. 6

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a public utilities and facilities easement and vacate right-of-way recorded on the Map of Dedication for South Ellsworth Road, as recorded in Book 1528, Page 25, records of Maricopa County, Arizona, located at 4901 South Ellsworth Road.

Background

Public Utilities and Facilities Easements (PUFE) are granted to the City of Mesa to allow for the installation and maintenance of 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 the easement in accordance with provisions in the Mesa City Code.

In Mesa City Code, Chapter 10, Section 9-10-1 Disposition of Roadways, the City Council may dispose of unnecessary public roadways, upon application being made to the Real Estate Services office. For a public street right-of-way (ROW) to be taken out of the City's street system and the land returned to private use, the City Council must authorize a Resolution that "vacates" the excess right-of-way. The term "vacate" is used in our Council Reports to match the wording used in the Arizona Revised Statute (A.R.S.) § 28-7205.

Discussion

The ROW and PUFE were dedicated on the Map of Dedication for South Ellsworth Road, recorded, June 1, 2020, in Book 1528 of Maps, Page 25, records of Maricopa County,

Arizona, for a driveway and an ADA sidewalk at the back of the driveway. The current owner has requested that the ROW and PUF be abandoned due to a change in the site plan for a new multi-family development. Therefore, the ROW and PUF is no longer needed. All utilities were contacted and there are no existing utilities located in the ROW and PUF requested to be abandoned.

Alternatives

An alternative is to not abandon the ROW and PUF. Choosing this alternative will result in the ROW and PUF conflicting with the planned development by the property owner.

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, along with outside utility companies, concur with this request.