



City Council Report

Date: February 22, 2021
To: City Council
Through: Marc Heirshberg, Acting Deputy City Manager
From: Beth Huning, City Engineer
Rob Kidder, Assistant City Engineer
Subject: Extinguishment of Three (3) Temporary Drainage Easements located at 10529 East Hampton Avenue.
Council District 6

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation for extinguishing three (3) temporary drainage easements, dedicated on the Replat of Mountain Vista Marketplace in Book 1555 of Maps, Page 33 records of Maricopa County, Arizona, and a temporary drainage easement, dedicated in document No. 2007-1251250 records of Maricopa County, Arizona, located at 10529 East Hampton Avenue.

Background

Arizona Revised Statutes Title 28 §§ 7201-7215 and Mesa City Code Title 9, Chapter 10, provide the City Council with authority to abandon, vacate or extinguish (collectively, hereafter, "abandon") unnecessary roadways, rights-of-way, or easements to which the City holds right or title to; the type of right or title the City owns (roadway, right-of-way, or easement) determines the law under which the City Council has its right to abandon. The term "abandon" is used in this Council Report to cover all three types of termination of the City's rights or title.

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 owner is requesting the temporary drainage easements dedicated on the Replat of Mountain Vista Marketplace in Book 1555 of Maps, Page 33, records of Maricopa

County, Arizona, and the temporary drainage easement dedicated in document no. 2007-1251250, MCR, be extinguished to accommodate the new development of an age-restricted, active adult development called Mera Mesa. New easements will be dedicated on the property as part of development. Staff has determined the temporary drainage easements are no longer needed by the City.

Alternatives

An alternative is to not abandon the requested easements. Choosing this alternative would result in the existing easements conflicting with the proposed construction of an age-restricted active adult development.

Fiscal Impact

The fiscal impact of this request is the \$750.00 processing fee collected from the applicant.

Coordinated With

The Engineering Department, Planning Division, and Development Services Department concur with this request.