



# 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:** Vacating Two (2) Rights-of-Way, and extinguishing Three (3) Public Utility Easements, a Drainage Easement, Two (2) Temporary Drainage Easements, and a Temporary Drainage and Retention Easement located at 5960 E. Thomas Road.  
Council District 5

## Purpose and Recommendation

The purpose of this report is to consider staff's recommendation for vacating, two (2) rights-of-way, and extinguishing two (2) public utility easements, a drainage easement, two (2) temporary drainage easements, and a temporary drainage and retention easement located at 5960 E. Thomas Road.

## 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.

The City Council may dispose of unnecessary City of Mesa public roadways. For a public street roadway, also known as a right-of-way (ROW), to be taken out of the City's street system and the land returned to private use, the City Council may approve a resolution that vacates (abandons) the excess right-of-way pursuant to A.R.S. § 28-7205.

Public utility easements are dedicated to the City of Mesa to allow for the installation and maintenance of public utilities on private property. When an easement is no longer needed, or conflicts with new development, the City Council may extinguish easements 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.

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 ROW for East Star Valley Street and East Redmont Drive were dedicated on the Map of Dedication of Red Mountain Ranch on December 23, 1985, in Book 292 of Maps, Page 20, records of Maricopa County, Arizona.

The three (3) PUE's were dedicated on the Map of Dedication of Red Mountain Ranch, on December 23, 1985, in Book 292 of Maps, Page 20, records of Maricopa County, Arizona.

The temporary drainage and retention easement were recorded on July 20, 1993, in document no. 1993-471795. A portion of the easement for drainage was recorded on June 3, 1987, in document no. 1987-349675. The two temporary drainage easements were recorded in document no. 1986-0317767.

The owner is requesting the ROW's be vacated and easements be extinguished to accommodate the development of a 294-lot residential subdivision for The Reserve at Red Rock, located at 5960 East Thomas Road. Staff has determined the ROWs, PUEs, drainage easements, and drainage and retention easements are no longer needed by the City. New easements will be dedicated on the subdivision plat for this proposed development.

## **Alternatives**

An alternative is to not abandon the requested ROWs and easements. Choosing this alternative would result in the existing ROWs and easements conflicting with the proposed 294-lot residential subdivision plat.

## **Fiscal Impact**

This abandonment request was part of the sale of City-owned property.

## **Coordinated With**

The Engineering, Development Services, Water Resources and Transportation Departments, along with outside utility companies, concur with this request.