

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, AND EXPEDITE THE CONSTRUCTION OF THE SIGNAL BUTTE ROAD 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 SIGNAL BUTTE ROAD IMPROVEMENT PROJECT.

WHEREAS, the certain real property hereinafter described in this Resolution is necessary to construct improvements for the Signal Butte Road Improvement Project No. CP0729 & CP0885 (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 as generally described in 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 Section Two of this Resolution.

WHEREAS, there are approximately 18 properties from which real and/or personal property, rights-of-way and easements are needed for this Project that Real Estate Services began appraising in October 2020.

WHEREAS, to ensure that all the remaining 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 portion of the real property generally depicted on the attached Exhibit A, 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 2: That it is necessary for the City of Mesa to obtain water line easements, drainage easements, temporary drainage easements, temporary construction easements, and other easements that may be deemed necessary in, over, under and across portions of the real property generally depicted on the attached Exhibit A for the completion of the Project.

Section 3: That the City Attorney of the City of Mesa or his designated legal counsel is hereby authorized and directed to acquire certain title in fee simple and any necessary easements to portions of the property generally depicted in Exhibit A in the name of the City of Mesa under the power of eminent domain, and is further authorized and directed to 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 22nd day of February, 2021.

APPROVED:

MAYOR

ATTEST:

City Clerk