



City Council Report

Date: May 3, 2021
To: City Council
Through: Marc Heirshberg, Deputy City Manager
From: Beth Huning, City Engineer
Rob Kidder, Assistant City Engineer
Subject: Extinguish a Temporary Retention Easement on Lot 9, Mesa Automotive Center II, located at 565 East Auto Center Drive
Council District 3

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a temporary retention easement on Lot 9 of the plat for Mesa Automotive Center II, recorded in Book 329 of Maps, Page 9, records of Maricopa County, Arizona, located at 565 East Auto Center Drive.

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.

Temporary retention 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 temporary retention easement was dedicated on Lot 9 of the plat for Mesa Automotive Center II, recorded in Book 329 of Maps, Page 9, records of Maricopa County, Arizona. The owner is requesting the temporary retention easement be

extinguished to accommodate a commercial development called Metro Mesa. Staff has determined the temporary retention easement is no longer needed by the City. A new drainage easement will be granted with the new development.

Alternatives

An alternative is to not extinguish the temporary retention easement. Choosing this alternative would result in the existing temporary retention easement conflicting with the development for Metro Mesa.

Fiscal Impact

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

Coordinated With

The Engineering and Planning and Development Services Departments concur with this request.