



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 two (2) Drainage Easements located East of South Ellsworth Road and South of East Point Twenty-Two Boulevard.
Council District 6

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish two (2) drainage easements dedicated on the Map of Dedication, recorded in Book 1376 of Maps, Page 8, records of Maricopa County, Arizona, and shown on the Final Plat of Eastmark Commercial Core, recorded in Book 1552 of Maps, Page 46, records of Maricopa County, Arizona, located east of South Ellsworth Road and south of East Point Twenty-Two Boulevard.

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 drainage easements requested to be abandoned were dedicated on the Map of Dedication, recorded in Book 1376 of Maps, Page 8, records of Maricopa County, Arizona, and shown on the Final Plat of Eastmark Commercial Core, recorded in Book 1552 of Maps, Page 46, records of Maricopa County, Arizona. The development plan has since changed, and the owner is requesting the extinguishment of the drainage easements to accommodate the development of Eastmark Commercial Core. Staff has determined the drainage easements are no longer needed by the City. New drainage easements will be granted with the new development.

Alternatives

An alternative is to not extinguish the requested easements. Choosing this alternative would result in the existing drainage easements conflicting with the development plan for Eastmark Commercial Core.

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 Water Resources Departments concur with this request.