



City Council Report

Date: May 17, 2021
To: City Council
Through: Marc Heirshberg, Deputy City Manager
From: Beth Huning, City Engineer
Rob Kidder, Assistant City Engineer
Subject: Extinguish a Drainage Easement located at 9321 East Warner Road
Council District 6

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a drainage easement dedicated on the Map of Dedication South Ellsworth Road, recorded in Book 1528 of Maps, Page 25, records of Maricopa County, Arizona, located at 9321 East Warner 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.

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 easement was dedicated on the Map of Dedication South Ellsworth Road, recorded in Book 1528 of Maps, Page 25, records of Maricopa County, Arizona. The owner is requesting the drainage easement be extinguished to accommodate a multi-family development called The Springs at Eastmark. Staff has determined the drainage

easement is no longer needed by the City. New drainage easements will be granted with the development.

Alternatives

An alternative is to not extinguish the drainage easement. Choosing this alternative would result in the existing drainage easement conflicting with the development for The Springs at Eastmark.

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.