



City Council Report

Date: June 7, 2021
To: City Council
Through: Marc Heirshberg, Deputy City Manager
From: Beth Huning, City Engineer
Rob Kidder, Assistant City Engineer
Subject: Vacating a portion of Right-of-Way, extinguishing two (2) City Utilities and Facilities Easements, and extinguishing an Easement Authorizing Municipal and Commercial Vehicles to Operate on Private Property located at 950 East Main Street.
Council District 4

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to vacate a portion of alley right-of-way, extinguish two (2) City Utilities and Facilities Easements, and an easement authorizing municipal and commercial vehicles to operate on private property located at 950 East Main Street.

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 right-of-way for a public street or alley, also known as 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.

City Utilities and Facilities Easements (CUFE) are dedicated to the City of Mesa to allow for the installation and maintenance of public utilities and other facilities on 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.

Easements authorizing municipal and commercial vehicles to operate on private property are dedicated to the City of Mesa to allow for the ingress, egress, and operation of municipal vehicles, including municipal sanitation vehicles, and private commercial vehicles. 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 portion of ROW was dedicated on Fraser Fields Subdivision Plat for an alley, recorded on May 23, 1946 in Book 34 of Maps, Page 35, records of Maricopa County, Arizona.

The size of the ROW that has been requested to be vacated is 412 square feet. It is an odd shape and considered a remnant parcel. In December 2020, an appraisal was prepared for a remnant parcel for the Signal Butte Project. The sales that were used ranged from \$0.38 per square foot to \$2.10 per square foot. The ROW requested for abandonment is being valued at \$2.10 per square foot x 412 s.f.= \$865.20 and rounded to \$1,000 due to the location of the property. An appraisal was not prepared as the cost of the appraisal would exceed the value of the ROW.

The two (2) CUFEs were recorded in document numbers 2016-0742993 and 2016-0742991, records of Maricopa County, Arizona. These easements were for the electrical service to a building that has been demolished and a streetlight that will be relocated with the proposed development.

The easement authorizing municipal and commercial vehicles to operate on private property was recorded in document number 1987-0719399, records of Maricopa County, Arizona. This easement was for when the Mattas restaurant building was there to allow ingress and egress for the municipal and commercial vehicles that used the alley for solid waste pickup. This building has been demolished, so the easement is no longer needed.

The owner is requesting the ROW be vacated and the easements be extinguished to accommodate the development for Valleywise Community Health Center, a primary care clinic.

Outside utility companies have no conflicts with the request to vacate the portion of ROW or extinguish the easements. New easements will be dedicated as needed for the new primary care clinic development. Staff has determined that the requested portion of ROW to be abandoned and easements to be extinguished are no longer needed by the City.

Alternatives

An alternative is not to abandon the requested ROW and easements. Choosing this alternative would result in the existing ROWs and easements conflicting with the proposed development.

Fiscal Impact

The fiscal impact of this request is the \$750.00 processing fee collected from the applicant, plus the \$1,000.00 determined as the value of the ROW.

Coordinated With

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